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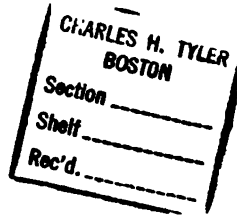


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ANNALS

OF

THE CONGRESS OF THE UNITED STATES.

TENTH CONGRESS.—SECOND SESSION.

THE
DEBATES AND PROCEEDINGS
IN THE
CONGRESS OF THE UNITED STATES;
WITH
AN APPENDIX,
CONTAINING
IMPORTANT STATE PAPERS AND PUBLIC DOCUMENTS,
AND ALL
THE LAWS OF A PUBLIC NATURE;
WITH A COPIOUS INDEX.

TENTH CONGRESS—SECOND SESSION.
COMPRISING THE PERIOD FROM NOVEMBER 7, 1808, TO MARCH 3, 1809,
INCLUSIVE.

COMPILED FROM AUTHENTIC MATERIALS.

WASHINGTON:
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1853.

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PROCEEDINGS AND DEBATES

OF

THE SENATE OF THE UNITED STATES,

AT THE SECOND SESSION OF THE TENTH CONGRESS, BEGUN AT THE CITY OF WASHINGTON, MONDAY, NOVEMBER 7, 1808.

MONDAY, November 7, 1808.

Conformably to the act, passed the last session, entitled "An act to alter the time for the next meeting of Congress," the second session of the tenth Congress commenced this day; and the Senate assembled at the City of Washington.

PRESENT:

GEORGE CLINTON, Vice President of the United States and President of the Senate.

NICHOLAS GILMAN and NAHUM PARKER, from New Hampshire.

TIMOTHY PICKERING, from Massachusetts.

JAMES HILLHOUSE and CHAUNCEY GOODRICH, from Connecticut.

BENJAMIN HOWLAND and ELISHA MATHEWSON, from Rhode Island.

STEPHEN R. BRADLEY and JONATHAN ROBINSON, from Vermont.

SAMUEL L. MITCHILL and JOHN SMITH, from New York.

JOHN CONDIT and AARON KITCHEL, from New Jersey.

SAMUEL MACLAY, from Pennsylvania.

SAMUEL WHITE, from Delaware.

WILLIAM B. GILES, from Virginia.

JAMES TURNER, from North Carolina.

THOMAS SUMTER and JOHN GAILLARD, from South Carolina.

WILLIAM H. CRAWFORD, from Georgia.

BUCKNER THRUSTON and JOHN POPE, from Kentucky.

DANIEL SMITH, from Tennessee.

EDWARD TIFFIN, from Ohio.

JAMES LLOYD, Jun., appointed a Senator by the Legislature of the State of Massachusetts, to supply the place of JOHN QUINCY ADAMS, resigned, took his seat in the Senate, and produced his credentials, which were read, and the oath prescribed by law was administered to him.

Ordered, That the Secretary acquaint the House of Representatives that a quorum of the Senate is assembled and ready to proceed to business; and that Messrs. BRADLEY and POPE be a committee on the part of the Senate, together with such committee as may be appointed by the House of Representatives on their part, to wait

on the President of the United States and notify him that a quorum of the two Houses is assembled.

A message from the House of Representatives informed the Senate that a quorum of the House is assembled and ready to proceed to business; and that the House had appointed a committee on their part, jointly, with the committee appointed on the part of the Senate, to wait on the President of United States and notify him that a quorum of the two Houses is assembled.

Resolved, That each Senator be supplied, during the present session, with three such newspapers, printed in any of the States, as he may choose, provided that the same be furnished at the usual rate for the annual charge of such papers; and, provided, also, that if any Senator shall choose to take any newspapers other than daily papers, he shall be supplied with as many such papers as shall not exceed the price of three daily papers.

The PRESIDENT communicated a resolution and memorial of the House of Representatives of the Mississippi Territory, signed by the Speaker, praying an extension of the time for payment of the first instalment for the purchase of lands, due January, 1809; also, praying that a bill under consideration in the House of Representatives at their last session, for establishing a Federal court in that district, should not pass into a law, for reasons mentioned in the memorial; which was read and ordered to lie for consideration.

Resolved, That JAMES MATHERS, Sergeant-at-Arms and Doorkeeper to the Senate, be, and he is hereby, authorized to employ one assistant and two horses, for the purpose of performing such services as are usually required by the Doorkeeper to the Senate; and that the sum of twenty-eight dollars be allowed him weekly for that purpose, to commence with, and remain during the session, and for twenty days after.

On motion, by Mr. BRADLEY,

Resolved, That two Chaplains, of different denominations, be appointed to Congress during the present session, one by each House, who shall interchange weekly.

Mr. BRADLEY reported, from the joint commit-

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tee, that they had waited on the President of the United States, agreeably to order, and that the President of the United States informed the committee that he would make a communication to the two Houses at 12 o'clock to-morrow.

TUESDAY, November 8.

SAMUEL SMITH and PHILIP REED, from the State of Maryland, attended.

The following Message was received from the PRESIDENT OF THE UNITED STATES:

To the Senate and House of Representatives of the United States:

It would have been a source, fellow-citizens, of much gratification, if our last communications from Europe had enabled me to inform you that the belligerent nations, whose disregard of neutral rights has been so destructive to our commerce, had become awakened to the duty and true policy of revoking their unrighteous edicts. That no means might be omitted to produce this salutary effect, I lost no time in availing myself of the act authorizing a suspension, in whole, or in part, of the several embargo laws. Our Ministers at London and Paris were instructed to explain to the respective Governments there, our disposition to exercise the authority in such manner as would withdraw the pretext on which aggressions were originally founded, and open the way for a renewal of that commercial intercourse which it was alleged, on all sides, had been reluctantly obstructed. As each of those Governments had pledged its readiness to concur in renouncing a measure which reached its adversary through the incontestable rights of neutrals only, and as the measure had been assumed by each as a retaliation for an asserted acquiescence in the aggressions of the other, it was reasonably expected that the occasion would have been seized by both for evincing the sincerity of their professions, and for restoring to the commerce of the United States its legitimate freedom. The instructions of our Ministers, with respect to the different belligerents, were necessarily modified with a reference to their different circumstances, and to the condition annexed by law to the Executive power of suspension requiring a degree of security to our commerce which would not result from a repeal of the decrees of France. Instead of a pledge therefore of a suspension of the embargo as to her, in case of such a repeal, it was presumed that a sufficient inducement might be found in other considerations, and particularly in the change produced by a compliance with our just demands by one belligerent, and a refusal by the other, in the relations between the other and the United States. To Great Britain, whose power on the ocean is so ascendant, it was deemed not inconsistent with that condition to state, explicitly, on her rescinding her orders in relation to the United States, their trade would be opened with her, and remain shut to her enemy, in case of his failure to rescind his decrees also. From France no answer has been received, nor any indication that the requisite change in her decrees is contemplated. The favorable reception of the proposition to Great Britain was the less to be doubted, as her Orders of Council had not only been referred for their vindication to an acquiescence on the part of the United States no longer to be pretended, but as the arrangement proposed, whilst it resisted the illegal decrees of France, involved, moreover, substantially, the precise advantages professedly aimed at by the British

Orders. The arrangement has, nevertheless, been rejected.

This candid and liberal experiment having thus failed, and no other event having occurred on which a suspension of the embargo by the Executive was authorized, it necessarily remains in the extent originally given to it. We have the satisfaction, however, to reflect, that, in return for the privations imposed by the measure, and which our fellow-citizens in general have borne with patriotism, it has had the important effects of saving our mariners, and our vast mercantile property, as well as of affording time for prosecuting the defensive and provisional measures called for by the occasion. It has demonstrated to foreign nations the moderation and firmness which govern our councils, and to our citizens the necessity of uniting in support of the laws and the rights of their country, and has thus long frustrated those usurpations and spoliations which, if resisted, involved war, if submitted to, sacrificed a vital principle of our national independence.

Under a continuance of the belligerent measures, which, in defiance of laws which consecrate the rights of neutrals, overspread the ocean with danger, it will rest with the wisdom of Congress to decide on the course best adapted to such a state of things; and bringing with them, as they do, from every part of the Union, the sentiments of our constituents, my confidence is strengthened that, in forming this decision, they will, with an unerring regard to the essential rights and interests of the nation, weigh and compare the painful alternatives out of which a choice is to be made. Nor should I do justice to the virtues which, on other occasions, have marked the character of our fellow-citizens, if I did not cherish an equal confidence that the alternative chosen, whatever it may be, will be maintained with all the fortitude and patriotism which the crisis ought to inspire.

The documents containing the correspondences on the subject of foreign edicts against our commerce, with the instructions given to our Ministers at London and Paris, are now laid before you.

The communications made to Congress at their last session explained the posture in which the close of the discussions relating to the attack by a British ship of war on the frigate *Chesapeake*, left a subject on which the nation had manifested so honorable a sensibility. Every view of what had passed authorized a belief that immediate steps would be taken by the British Government for redressing a wrong, which, the more it was investigated, appeared the more clearly to require what had not been provided for in the special mission. It is found that no steps have been taken for the purpose. On the contrary, it will be seen, in the documents laid before you, that the inadmissible preliminary, which obstructed the adjustment, is still adhered to; and, moreover, that it is now brought into connexion with the distinct and irrelative case of the Orders in Council. The instructions which had been given to our Minister at London, with a view to facilitate, if necessary, the reparation claimed by the United States, are included in the documents communicated.

Our relations with the other Powers of Europe have undergone no material changes since our last session. The important negotiations with Spain, which had been alternately suspended and resumed, necessarily experience a pause under the extraordinary and interesting crisis which distinguishes her internal situation.

With the Barbary Powers we continue in harmony, with the exception of an unjustifiable proceeding of the Dey of Algiers towards our Consul to that Regency,

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its character and circumstances are now laid before you, and will enable you to decide how far it may, either now or hereafter, call for any measures not within the limits of the Executive authority.

With our Indian neighbors the public peace has been steadily maintained. Some instances of individual wrong have, as at other times, taken place, but in no wise implicating the will of the nation. Beyond the Mississippi, the Iowas, the Sacs, and the Alabamas, have delivered up for trial and punishment individuals from among themselves, accused of murdering citizens of the United States. On this side of the Mississippi, the Creeks are exerting themselves to arrest offenders of the same kind; and the Choctaws have manifested their readiness and desire for amicable and just arrangements respecting depredations committed by disorderly persons of their tribe. And, generally, from a conviction that we consider them as a part of ourselves, and cherish with sincerity their rights and interests, the attachment of the Indian tribes is gaining strength daily, is extending from the nearer to the more remote, and will amply requite us for the justice and friendship practised towards them. Husbandry and household manufactures are advancing among them, more rapidly with the southern than northern tribes, from circumstances of soil and climate; and one of the two great divisions of the Cherokee nation have now under consideration to solicit the citizenship of the United States, and to be identified with us in laws and government, in such progressive manner as we shall think best.

In consequence of the appropriations of the last session of Congress for the security of our seaport towns and harbors, such works of defence have been erected as seemed to be called for by the situation of the several places, their relative importance, and the scale of expense indicated by the amount of the appropriation. These works will chiefly be finished in the course of the present season, except at New York and New Orleans, where most was to be done; and although a great proportion of the last appropriation has been expended on the former place, yet some further views will be submitted to Congress for rendering its security entirely adequate against naval enterprise. A view of what has been done at the several places, and of what is proposed to be done, shall be communicated as soon as the several reports are received.

Of the gun-boats authorized by the act of December last, it has been thought necessary to build only one hundred and three in the present year. These, with those before possessed, are sufficient for the harbors and waters most exposed, and the residue will require little time for their construction when it shall be deemed necessary.

Under the act of the last session for raising an additional military force, so many officers were immediately appointed as were necessary for carrying on the business of recruiting, and in proportion as it advanced, others have been added. We have reason to believe their success has been satisfactory, although such returns have not yet been received as enable me to present you a statement of the number engaged.

I have not thought it necessary, in the course of the last season, to call for any general detachments of militia or of volunteers, under the laws passed for that purpose. For the ensuing season, however, they will be required to be in readiness should their service be wanted. Some small and special detachments have been necessary to maintain the laws of embargo on that portion of our northern frontier which offered peculiar facilities for evasion, but these were replaced

as soon as it could be done by bodies of new recruits. By the aid of these, and of the armed vessels called into service in other quarters, the spirit of disobedience and abuse, which manifested itself early, and with sensible effect while we were unprepared to meet it, has been considerably repressed.

Considering the extraordinary character of the times in which we live, our attention should unremittingly be fixed on the safety of our country. For a people who are free, and who mean to remain so, a well organized and armed militia is their best security. It is therefore incumbent on us, at every meeting, to revise the condition of the militia, and to ask ourselves if it is prepared to repel a powerful enemy at every point of our territories exposed to invasion? Some of the States have paid a laudable attention to this object; but every degree of neglect is to be found among others. Congress alone having the power to produce an uniform state of preparation in this great organ of defence, the interests which they so deeply feel in their own and their country's security will present this as among the most important objects of their deliberation.

Under the acts of March 11 and April 23, respecting arms, the difficulty of procuring them from abroad, during the present situation and dispositions of Europe, induced us to direct our whole efforts to the means of internal supply. The public factories have therefore been enlarged, additional machineries erected, and, in proportion as artificers can be found or formed, their effect, already more than doubled, may be increased so as to keep pace with the yearly increase of the militia. The annual sums appropriated by the latter act have been directed to the encouragement of private factories of arms, and contracts have been entered into with individual undertakers to nearly the amount of the first year's appropriation.

The suspension of our foreign commerce, produced by the injustice of the belligerent Powers, and the consequent losses and sacrifices of our citizens, are subjects of just concern. The situation into which we have thus been forced has impelled us to apply a portion of our industry and capital to internal manufactures and improvements. The extent of this conversion is daily increasing, and little doubt remains that the establishments formed and forming will, under the auspices of cheaper materials and subsistence, the freedom of labor from taxation with us, and of protecting duties and prohibitions, become permanent. The commerce with the Indians too, within our own boundaries, is likely to receive abundant aliment from the same internal source, and will secure to them peace and the progress of civilization, undisturbed by practices hostile to both.

The accounts of the receipts and expenditures during the year ending on the thirtieth day of September last, being not yet made up, a correct statement will hereafter be transmitted from the Treasury. In the meantime, it is ascertained that the receipts have amounted to near eighteen millions of dollars, which, with the eight millions and a half in the Treasury at the beginning of the year, have enabled us, after meeting the current demands, and interest incurred, to pay two millions three hundred thousand dollars of the principal of our funded debt, and left us in the Treasury, on that day, near fourteen millions of dollars. Of these, five millions three hundred and fifty thousand dollars will be necessary to pay what will be due on the first day of January next, which will complete the reimbursement of the eight per cent. stock. These payments, with those made in the six years and a half preceding, will have extinguished thirty-three millions five hun-

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dred and eighty thousand dollars of the principal of the funded debt, being the whole which could be paid or purchased within the limits of the law and our contracts; and the amount of principal thus discharged will have liberated the revenue from about two millions of dollars of interest, and added that sum annually to the disposable surplus. The probable accumulation of the surplusses of revenue beyond what can be applied to the payment of the public debt, whenever the freedom and safety of our commerce shall be restored, merits the consideration of Congress. Shall it lie unproductive in the public vaults? Shall the revenue be reduced? Or, shall it not rather be appropriated to the improvements of roads, canals, rivers, education, and other great foundations of prosperity and union, under the powers which Congress may already possess, or such amendment of the Constitution as may be approved by the States? While uncertain of the course of things, the time may be advantageously employed in obtaining the powers necessary for a system of improvement, should that be thought best.

Availing myself of this, the last occasion which will occur, of addressing the two Houses of the Legislature at their meeting, I cannot omit the expression of my sincere gratitude for the repeated proofs of confidence manifested to me by themselves and their predecessors since my call to the administration, and the many indulgences experienced at their hands. The same grateful acknowledgments are due to my fellow-citizens generally, whose support has been my great encouragement under all embarrassments. In the transaction of their business I cannot have escaped error. It is incident to our imperfect nature. But I may say with truth my errors have been of the understanding, not of intention, and that the advancement of their rights and interests has been the constant motive for every measure. On these considerations I solicit their indulgence. Looking forward with anxiety to their future destinies, I trust, that, in their steady character, unshaken by difficulties, in their love of liberty, obedience to law, and support of the public authorities, I see a sure guarantee of the permanence of our Republic; and retiring from the charge of their affairs, I carry with me the consolation of a firm persuasion that Heaven has in store for our beloved country long ages to come of prosperity and happiness. TH. JEFFERSON.

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The Message and papers were in part read, and one thousand copies ordered to be printed for the use of the Senate.

A confidential Message was also received, with sundry documents therein referred to, which were read for consideration.

WEDNESDAY, November 9.

JESSE FRANKLIN, from the State of North Carolina, attended.

The Senate proceeded in reading the documents referred to in the Message of the President of the United States of yesterday.

On motion by Mr. REED,

Resolved, That a committee be appointed to inquire into the state and condition of the Chamber prepared for the Senate to convene in during the present session, and to report whether it is safe and expedient to continue therein, or to remove to some other apartment.

Ordered, That Messrs. REED, WHITE, and BRADLEY, be the committee.

THURSDAY, November 10.

Mr. SMITH of Maryland, submitted the following motion:

Resolved, That a committee be appointed to inquire whether any, and, if any, what, amendments are necessary to the militia laws of the United States.

The following motion was submitted by Mr. GILES:

Resolved, That so much of the Message of the President of the United States as relates to the several embargo laws, be referred to a select committee, with instructions to examine and report whether any further measures are now necessary to enforce a due observance thereof during their continuance; and, also, whether any further modification thereof be expedient at this time, and that such committee have leave to report by bill or otherwise.

On making this motion, Mr. GILES observed, that, as the resolution he had the honor of moving respecting the embargo laws, was intended only as an inquiry into that subject, which was deemed important to all, and if to be further acted upon, requiring immediate attention; and, as it did not commit the Senate upon any point in relation to those laws, he hoped that the committee might be now appointed.

Mr. GOODRICH requested that the motion might not be acted upon until to-morrow, to which Mr. GILES agreed.

The Senate proceeded to the election of a Chaplain on their part, in pursuance of the resolution of the two Houses, and the whole number of votes collected was 20, of which the Reverend Mr. ELLIOTT had 11, and was accordingly elected.

FRIDAY, November 11.

Mr. WHITE submitted the following motion:

Resolved, That the President of the United States cause to be laid before the Senate copies of all the orders and decrees of the belligerent Powers of Europe, passed since one thousand seven hundred and ninety-two, affecting the commercial rights of the United States.

Mr. HILLHOUSE submitted the following motion:

Resolved, That it is expedient that the act, entitled "An act laying an embargo on all ships and vessels in the ports and harbors of the United States," and the several acts supplementary thereto, be repealed; and that a committee be appointed to prepare and report a bill for that purpose.

Mr. LLOYD submitted the following motion:

Resolved, That the President of the United States be requested to cause to be laid before the Senate a statement showing the number of vessels which have departed from the United States, with permission, between the 22d of December, 1807, and the 30th September, 1808; specifying the names of the vessels and their owners; the size of the vessels; the date of their clearances; the ports or places for which they were destined; and the amount authorized to be brought back to the United States in each of such vessels.

The Senate proceeded to consider the motion made yesterday, that a committee be appointed to inquire whether any, and, if any, what, amend-

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ments are necessary to the militia laws of the United States; and having agreed thereto,

Ordered, That Messrs. SMITH of Maryland, SUMNER, and BRADLEY, be the committee.

Mr. MACLAY presented the memorial of Charles Pleasants, and other merchants, of the city of Philadelphia, stating that, since the 10th of March, 1808, they have imported sundry goods, wares, and merchandise, consisting of articles enumerated in the act of Congress, passed on that day, entitled "An act for extending the terms of credit on revenue bonds in certain cases, and for other purposes;" but that, by the construction of the Treasury officers, no advantage of its provisions can be had in favor of goods imported subsequent to its date. The memorialists, therefore, pray that the Legislature will provide for an extension of the relief afforded by the said act to their cases, for reasons stated in the memorial; which was read and ordered to lie for consideration.

The following motion was submitted by Mr. REED:

Resolved, That, in future, the Secretary provide, for the use of the Senate, stationery of the manufacture of the United States, or of some Territory thereof.

The Senate resumed the motion made yesterday, that so much of the Message of the President of the United States as relates to the several embargo laws, be referred to a select committee, with instructions to examine and report whether any further measures are now necessary to enforce due observance thereof during their continuance; and, also, whether any further modification thereof be expedient at this time; and that such committee have leave to report by bill or otherwise.

Mr. MITCHILL moved an amendment, to insert after the word "modification," the words "or a repeal." Mr. M. said his object was to refer the whole subject, and authorize the committee to inquire as well into the expediency of a removal of these laws, as into further provisions for enforcing them, if it should be judged most safe and proper to preserve them in operation. He thought this the most expeditious way of obtaining the opinion of the Senate on that great question, which was the subject of the most anxious solicitude, and on which he wished there might not be a day's nor even an hour's delay.

The amendment was not seconded. Mr. GILES's motion was then agreed to, and Messrs. GILES, SMITH of Maryland, HILLHOUSE, BRADLEY, and POPE, were appointed the committee.

A message from the House of Representatives informed the Senate that the House have appointed the Rev. Mr. BROWN a Chaplain to Congress, on their part, during the present session.

MONDAY, November 14.

JOSEPH ANDERSON, from the State of Tennessee, and ANDREW MOORE, from the State of Virginia, attended.

The Senate resumed the consideration of the motion made on the 11th instant, requesting the President of the United States to lay before the

Senate the orders and decrees of the belligerent Powers of Europe since 1792; and the motion having been amended, was agreed to as follows:

Resolved, That the President of the United States be requested to cause to be laid before the Senate copies of all the orders and decrees of the belligerent Powers of Europe, passed since one thousand seven hundred and ninety-one, affecting the commercial rights of the United States.

Ordered, That the Secretary lay this resolution before the President of the United States.

The Senate resumed the consideration of the motion made on the 11th instant, requesting the President of the United States to lay before the Senate a statement showing the number of vessels which have departed from the United States since December 22, 1807; and

Resolved, That the President of the United States be requested to cause to be laid before the Senate a statement showing the number of vessels which have departed from the United States, with permission, between the 22d of December, 1807, and the 30th of September, 1808, specifying the names of vessels and their owners, the size of the vessels, the date of their clearances, the ports or places for which they were destined, and the amount authorized to be brought back to the United States in each of such vessels.

Ordered, That the Secretary lay this resolution before the President of the United States.

The Senate resumed the consideration of the motion made on the 11th instant, directing the use of American stationery, and, having amended the motion, it was agreed to, as follows:

Resolved, That, in future, the Secretary provide for the use of the Senate stationery of the manufacture of the United States, or of some Territory thereof, as far as the same can be conveniently procured.

TUESDAY, November 15.

The PRESIDENT communicated the resolutions passed by the House of Representatives of the Indiana Territory, on the 11th of October last, stating the discontents prevailing among the people west of the Wabash, in consequence of their connexion with the people eastward of the said river, and requesting a separation, as the only means of restoring harmony, and terminating those discontents, so essential to their general prosperity; and the resolutions were read.

Ordered, That they be referred to Messrs. POPE, TIFFIN, and BRADLEY, to consider and report thereon.

Mr. REED, from the committee appointed on the 9th instant, to inquire into the state and condition of the Chamber prepared for the Senate during the present session, and whether it is safe and expedient to continue therein, made a report, which was read, and ordered to lie for consideration.

WEDNESDAY, November 16.

ANDREW GREGO, from the State of Pennsylvania, attended.

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The Embargo.

NOVEMBER, 1808.

Mr. BRADLEY laid the following motion on the table :

Resolved, That so much of the Message of the President of the United States as relates to the Barbary Powers, and the unjustifiable proceeding of the Dey of Algiers towards our Consul at that Regency, with the documents accompanying the same, be referred to a select committee, to consider and report thereon.

On motion, it was agreed that the motion of Mr. HILLHOUSE, for repealing the embargo laws, be the order of the day for Monday next.

THURSDAY, November 17.

A message from the House of Representatives informed the Senate that the House have passed a bill, entitled "An act to authorize the transportation of a certain Message of the President of the United States, and documents accompanying the same;" in which they request the concurrence of the Senate.

The bill was read three several times by unanimous consent, and passed.

The Senate resumed the consideration of the motion made yesterday, to refer so much of the Message of the President of the United States as relates to the Barbary Powers, and the unjustifiable proceeding of the Dey of Algiers towards our Consul at that Regency, with the documents accompanying the same, to a select committee, to consider and report thereon; and, having agreed thereto, Messrs. BRADLEY, GILES, and SMITH of Maryland, were appointed the committee.

Mr. ANDERSON submitted the following motion:

Resolved, That — copies of the memorials of the merchants of Boston, Salem, New York, Philadelphia, Baltimore, and Norfolk, which were presented to the Senate during the first session of the ninth Congress, relative to the infringements of our neutral trade, together with the resolutions of the Senate predicated thereupon, be printed for the use of the Senate.

Mr. WHITE laid on the table the following motion:

Resolved, That the President of the United States be requested to cause to be laid before the Senate, so far as he may deem consistent with the public safety, the reasons that have induced the late call upon the Governors of the respective States, to have their quotas of an hundred thousand militia draughted, equipped, and ready to march at a moment's warning, and the services on which it is apprehended there may be a necessity of employing them.

Mr. THRUSTON gave notice that he should to-morrow ask leave to bring in a bill to reward Andrew Joseph Villard for an invention of public utility.

FRIDAY, November 18.

Mr. THRUSTON, agreeably to notice, asked and obtained leave to bring in a bill to reward Andrew Joseph Villard for an invention of public utility; and the bill was read, and passed to the second reading.

The Senate resumed the consideration of the

motion made yesterday for printing the memorials of certain merchants, presented during the first session of the ninth Congress; and the motion was amended, as follows:

Resolved, That two hundred copies of the memorials of the merchants of Boston, Salem, New York, Philadelphia, Baltimore, New Haven, and Newburyport, which were presented to the Senate during the first session of the ninth Congress, relative to the infringements of our neutral trade, together with the resolutions of the Senate predicated thereupon, be printed for the use of the Senate.

On motion of Mr. LLOYD, further to amend the motion by adding the following, after the word "thereupon:" "and also of the memorials presented to Congress in the year 1798, by sundry citizens of the United States, in opposition to permission being granted to the merchants of the United States to arm their vessels:" it was determined in the negative. And the original motion, as amended, was agreed to.

On motion, it was agreed, that the motion submitted yesterday, to request the President of the United States to lay before the Senate the reasons for calling on the Governors of the several States for their quotas of one hundred thousand men, be postponed.

MONDAY, November 21.

A message from the House of Representatives informed the Senate that the House have passed a bill, entitled "An act to authorize the conveyance of certain papers and documents by the mail free of postage," in which they request the concurrence of the Senate.

The bill last mentioned was read, and passed to the second reading.

The PRESIDENT communicated the resolutions of the Legislative Council of the Indiana Territory, passed October 26, 1808, respecting the mode of electing the Legislative Council, and the time of their continuance in office; which were read, and ordered to lie for consideration.

The bill to reward Andrew Joseph Villard, for an invention of public utility, was read the second time.

THE EMBARGO.

This being the day fixed for the discussion of the following resolution, offered by Mr. HILLHOUSE:

Resolved, That it is expedient that the act, entitled "An act laying an embargo on all ships and vessels in the ports and harbors of the United States," and the several acts supplementary thereto, be repealed; and that a committee be appointed to prepare and report a bill for that purpose.

Mr. HILLHOUSE opened the debate. When the reporter entered the Senate chamber, Mr. H. had been speaking for a few minutes, and was then discussing the effect which the embargo had had upon France, and the light in which it was viewed by her rulers. He alluded to the declaration of satisfaction at the measure, contained in a late French exposé, and made many observations

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tending to show that it was not a measure of hostility or coercion, as applied to France.

On England it had little or no effect. Her resources were immense. If deprived of a supply of grain here, she could obtain it elsewhere. The Barbary Powers were at war with France and at peace with England, who might thence obtain wheat in any quantity she pleased. Great Britain, he said, was a nation with the whole world before her; her commerce spread over every sea, and she had access to almost every port and clime. Could America expect to starve this nation? It was a farce, an idle farce. As to her West India islands, they raised Indian corn; all their sugar plantations could be converted into corn-fields, and would any man say that they would starve because they could not get superfine flour? Was this a necessary of life without which they could not subsist? On the contrary, a great proportion of the American people subsisted on it, and enjoyed as good health as if they ate nothing but the finest of wheat flour. The moment people understood that they could not get their necessary supplies from a customary source, they would look out for it in another quarter, and ample time had been given to them to make arrangements for this purpose. A man of the first respectability in the town in which Mr. H. lived, had been there during this embargo, under the President's permission. What accounts did he bring? Why, that the trade in corn meal and live cattle, articles of great export from Connecticut, and comprising not only the product of that State, but of parts of the neighboring States, would be entirely defeated; that, where they had formerly sent a hundred hogsheds of meal, they would not now find vent for *ten*; and that, from South America, where cattle had, in times past, been killed merely for their hides and tallow, cattle in abundance could be procured. Were these people to be starved out, when they could actually purchase cheaper now from other places than they had formerly done from us? No; the only consequence would be, and that too severely felt, that we should lose our markets; the embargo thus producing, not only present privation and injury, but permanent mischief. The United States would have lost the chance of obtaining future supplies, they would have lost their market, and ten or twenty years would place them on the same footing as before. Mr. H. said, the West Indians would have learnt that they can do without us; that they can raise provisions cheaper on their own plantations than we can sell them; and knowing this, they would never resort to us. Though we might retain a part of this commerce, the best part would be lost forever. The trade would not be worth pursuing; though this might answer one purpose intended by the embargo, and which was not expressed.

Having considered the article of provisions as important to various parts of the Union, Mr. H. said he would now turn to another article, cotton. It had been very triumphantly said, that the want of this article would distress the manufacturers of Great Britain, produce a clamor amongst them, and consequently accelerate the repeal of the Or-

ders in Council. Mr. H. said he would examine this a little, and see if all the evil consequences which opened on him at the time of the passage of the embargo law were not likely to be realized. He had hinted at some of them at that time, but the bill had gone through the Senate like a flash of lightning, giving no time for examination; once, twice, and a third time in one day, affording no time for the development of all its consequences. This article of cotton was used not only by Britain but by France and other nations on the Continent. Cotton, not being grown in Europe, must be transported by water carriage. This being the case, who would now be most likely to be supplied with it? Not the Continental Powers who have so little commerce afloat nor any neutrals to convey it to them; for the United States were the only neutral which, of late, traded with France, and now the embargo was laid, she had no chance of getting it, except by the precarious captures made by her privateers. To Great Britain, then, was left the whole commerce of the world, and her merchants were the only carriers. Would not these carriers supply their own manufacturers? Would they suffer cotton to go elsewhere, until they themselves were supplied? America was not the only country where cotton was raised; for he had seen an account of a whole cargo brought into Salem from the East Indies, and thence exported to Holland, with a good profit. Cotton was also raised in Africa, as well as elsewhere; and this wary nation, Great Britain, conceiving that the United States might be so impolitic as to keep on the embargo, had carried whole cargoes of the best cotton seed there for the purpose of raising cotton for her use. Great Britain had possessions in every climate on the globe, and cotton did not, like the sturdy oak, require forty or fifty years to arrive at maturity; but, if planted, would produce a plentiful supply in a year. Thus, then, when this powerful nation found America resorting to such means to coerce her, she had taken care to look out for supplies in other quarters; and, with the command of all the cotton on the globe which went to market, could we expect to coerce her by withholding ours? Mr. H. said no; all the inconvenience which she could feel from our measure had already been borne; and Great Britain was turning her attention to every part of the globe to obtain those supplies which she was wont to get from us, that she might not be reduced to the humiliating condition of making concession to induce us to repeal our own law, and purchase an accommodation by telling us that we had a weapon which we could wield to her annoyance. Mr. H. wished to know of gentlemen if we had not experience enough to know that Great Britain was not to be threatened into compliance by a rod of coercion? Let us examine ourselves, said he, for if we trace our genealogy we shall find that we descend from them; were they to use us in this manner, is there an American that would stoop to them? I hope not; and neither will that nation, from which we are descended, be driven from their position, however erroneous, by threats.

This embargo, therefore, instead of operating on those nations which had been violating our rights, was fraught with evils and privations to the people of the United States. They were the sufferers. And have we adopted the monkish plan of scourging ourselves for the sins of others? He hoped not; and that, having made the experiment and found that it had not produced its expected effect, they would abandon it as a measure wholly inefficient as to the objects intended by it, and as having weakened the great hold which we had on Great Britain, from her supposed dependence on us for raw materials.

Some gentlemen appeared to build up expectations of the efficiency of this system by an addition to it of a non-intercourse law. Mr. H. treated this as a futile idea. They should, however examine it seriously, and not like children shut their eyes to danger. Great Britain was not the only manufacturing nation in Europe. Germany, Holland, France, Spain, Portugal, and Italy, manufactured more or less, and most of them had colonies, the exclusive supply of whose manufactures they had heretofore reserved to themselves. While we had enjoyed the carrying trade, we had supplied the deficiency in navigation of those nations; and all the inconvenience felt for the want of it ceased because we stepped in and aided them. This trade had been cut up, and perhaps it was not a trade which the energies of the nation should be embarked in defending. Who was there now to supply all these various colonies that used to be supplied by us? None but England, the sole mistress of the ocean. Whose products, then, would Great Britain carry? Would she carry products of other nations and let her own manufacturers starve? No; and this exclusion from the colonies of other manufactures, and leaving her merchants the sole carriers of the world, produced a greater vent for her manufactures than the whole quantity consumed in the United States.

This, however, was arguing upon the ground that the United States would consume none of her manufactures in case of a non-intercourse. Mr. H. said he was young when the old non-intercourse took place, but he remembered it well, and had then his ideas on the subject. The British army was then at their door, burning their towns and ravaging the country, and at least as much patriotism existed then as now; but British fabrics were received and consumed to almost as great an extent as before the prohibition. The armies could not get fresh provisions from Europe, but they got them here by paying higher prices in guineas for them than was paid by our Government in ragged continental paper money. When the country was in want of clothing, and could get it for one-fourth price from the British, what was the consequence? Why, all the zealous patriots—for this work of tarring and feathering, and meeting in mobs to destroy their neighbor's property, because he could not think quite as fast as they did, which seemed to be coming in fashion now, had been carried on then with great zeal—these patriots, although all intercourse was penal,

carried on commerce notwithstanding. Supplies went hence, and manufactures were received from Europe. Now, what reliance could be placed on this patriotism? A gentleman from Vermont had told the Senate at the last session that the patriotism of Vermont would stop all exportation by land, without the assistance of the law. How had it turned out? Why, patriotism, cannon, militia, and all had not stopped it; and although the field pieces might have stopped it on the Lakes, they were absolutely cutting new roads to carry it on by land. And yet the gentleman had supposed that their patriotism would effectually stop it! Now Mr. H. wanted to know how a non-intercourse law was to be executed by us with a coast of fifteen hundred miles open to Great Britain by sea, and joining her by land? Her goods would come through our Courts of Admiralty by the means of friendly captors; they would be brought in, condemned, and then naturalized, as Irishmen are now naturalized, before they have been a month in the country.

Mr. H. went on at some length to show the impracticability of enforcing a non-intercourse law on our citizens.

It had been said that the embargo should not be raised, because there was no commerce that could now be safely pursued. He was astonished that gentlemen should introduce this argument, as it went upon the ground that France and England could mutually arrest our commerce with each other. If this were really the fact, merchants, who were so nice in their calculations, would not risk their property. The insurance offices were perfect thermometers by which to calculate the degree of risk in any commerce. They always made their calculations on the safe side, and it would be found that no property was more sought after than insurance stock, and this was because the institutions were usually conducted by cautious merchants. A few harum-scarum individual merchants might engage in hazardous enterprises and lose all. Such men would never be controlled by law or prudent considerations. But the great body of merchants would always regulate the course of trade, and there was no need of an embargo to save them from running too great a risk.

How had they done in times past? Laws had been in force making it unlawful to trade with the Spanish possessions in South America; but we had nevertheless carried on a profitable trade there, and not all the vigilance of Spain could prevent it. Now and then a few of our citizens had been caught and imprisoned, but that had not stopped our trade; nor was it in the power of France and England combined to do it. On this subject, Mr. H. said, gentlemen took for granted what was not true. France had issued her decree, saying that no vessel should navigate to England or her dependencies. What had been the consequence of this decree? It had not raised insurance five per centum. Had there been no good reason for this? Yes; it was well known that the whole combined navy of France was not able to meet a British fleet on the ocean. The

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French ships of war, therefore, could never go out but by stealth, and could not spread over the ocean so as to endanger our commerce. Insurance had therefore been very little affected; and was it worth while to abandon trade with England altogether because France said we must not carry it on? This was revenging ourselves upon them with a witness! After the embargo had been laid—for, at that time, he affirmed they had no knowledge of the British orders—some newspaper speculations on the subject had appeared, but the orders were not officially communicated by the President till the 4th of February ensuing—what said England? You shall not trade to France, said she. England had it in her power to enforce her decree, and the insurance rising proportionably, the merchant had it in his power to say whether his probable profits would justify his sending a cargo to France under so great an insurance. But he asked a question now as to our interest simply, excluding other forcible considerations—when it was not in the power of France to enforce her decrees, and it was in the power of England to enforce her orders in a very great extent, would it have been good policy to involve ourselves in a maritime war with England, who had overcome all the combined fleets of Europe, for the sake of defending our trade with France? If any trade cost more than it was worth, Mr. H. said it was our interest to abandon it. But there was another danger attendant on our trade to France, and which had ever attended it—sequestration. American property was very apt to be sequestered; and, in enforcing their Berlin decree, the French had thought proper to burn our vessels; and though it had been said that the Berlin decree had never been applied to us before the case of the *Horizon*, yet vessels had been sequestered in February, 1807, sold, and the money retained, and would probably never be restored. This sequestration had been practised in the French ports more or less since the commencement of the Revolution, and we had never got one dollar as compensation. To be sure, in the Treaty of Louisiana, we had been allowed to pay money to our own citizens, but it had never come out of French coffers. Was it worth our while to engage in a maritime war with England to support a trade with France? Mr. H. said no; our interest would not have warranted it. For, notwithstanding all that France could do, at a risk of five per cent. we might have had a trade with the British islands, Sweden, Portugal, the East Indies, the British West India islands, and other countries—a profitable trade, too. But gentlemen said, would they submit to pay tribute to Great Britain? No. This tribute was but a mere name. They must pay tribute for going from England to France, where they would be captured as a matter of course, because they had touched English ground. It was a tribute to be paid in a case which would never happen—a mere nullity. But, said gentlemen, there are American vessels which have gone to England, the embargo notwithstanding, and thence to various ports of the Continent, by the aid of false papers.

Were they to embark in a conflict to prevent their citizens from doing this? All this smuggling work, where it was not under the sanction of laws of the United States, reflected no disgrace on the honor of the nation, which was not responsible for it.

If there were nothing that would commit the honor of the nation in the way of it, Mr. H. said it would be the interest of this nation to abandon its commerce with France, not only on account of the risk in carrying it on, but on account of the risk after it gets into port. Mr. Armstrong said—but he would not allude to him, for fear he might tread on confidential ground; however, accounts had been received from our Consuls and merchants, that whenever it suited the convenience of the French nation to lay their hands on American property, they had done it; and, therefore, our trade to that country was on a very insecure footing indeed.

But, said gentlemen, if they allowed our vessels to trade to England and not to France, it was a submission to her orders, and a resignation of our independence; therefore, the embargo must be maintained to keep on equal ground. I could never see, observed Mr. H., how the embargo was the means of preserving the honor of the nation. These nations say we shall not trade; and, therefore, by an embargo, we destroy our commerce. This is magnanimous, indeed. It is a new way of preserving commerce; because foreign nations say we shall not follow it, we say we will abandon it. Do we not comply with the requisition of these nations completely; more than comply, for we surrender *all* commerce. It is the most tame surrender of our rights.

But, said gentlemen, we must have embargo or war. This, Mr. H. said, had been urged in public debate, in the newspapers, and almost all communications they had received. For his part he could not see how a repeal of the embargo was to involve us in war, except it were, as was said last winter, that Bonaparte would have no neutrals; and, therefore, if we did not continue the embargo, he would declare war against us. Was this a ground on which to surrender commerce, and subject all our citizens to inconvenience because he would otherwise declare war? What more could he do than he had done? What more than burn our ships and sequester our property? He could do no more. Why, then, should they be terrified thus? If war came thus, let it come. Mr. H. said he was not for declaring war against any nation, but he was for authorizing the arming our commerce, for authorizing our merchants to defend those maritime rights which were clear and indisputable; and this would not be war, for no nation, not predetermined to make war, would make war upon us for defending our maritime rights. I should not, said he, be willing to go to war for doubtful rights, as that of the carrying trade between the mother country and her colonies; but our indisputable neutral rights I am for defending, not abandoning.

Mr. H. said he thought when the embargo was laid, though, perhaps, he had been singular in the

opinion, that it was intended as a permanent measure; that the real object was not what had been expressed in the Message, but to put down commerce and set up manufactures; to convert all our commercial capital into manufactures, and all our commercial men into manufacturers; and many honest politicians had thought it would be a practicable, and useful, and beneficial plan, though the contrary had ever been his opinion. In confirmation of his opinion, Mr. H. said, when they looked over official and other publications which bore the stamp of authority, or were considered as being approved by the constituted authorities of the country, they were told that the agriculturist and manufacturer should be planted side by side, and that they should sit at their own doors, clothed in their own manufactures of those articles which they had before received from others. These ideas could never be realized but by abandoning commerce.

Mr. H. here went at some length into a discussion on the subject of manufactures, using arguments tending to demonstrate that large manufacturing are as unsuitable to the genius of a free people as to the peculiar habits of the people of the United States.

Mr. H. said no man was more desirous to obey the laws of his country than he was; but in a free country laws could not be forced down. Either by force, or in some other way, the people would get rid of a disagreeable law. They always had and always would do it. Therefore, attempting this system was prostrating the dignity of the Government and teaching the people to trample on the constituted authorities. He wished to see the magistracy of a free country omnipotent in its laws; but if, by projects of this kind, the people were driven to opposition, they would not confine themselves to the Constitutional remedy, but feeling their power, would exercise it with violence. Therefore, when a measure was found not to operate right, they should retreat, and they might do it too with a good grace, for it would be for the honor of the nation that they should retrace their steps.

Mr. H. said he imagined some ulterior steps might be proper if the embargo were raised; but, on conversing with members, he had found so many different opinions to prevail, that he had not coupled anything with this. When the embargo should have been done away, no doubt the councils of the nation would come to some result and adopt some measure which would take its place. For all these reasons, Mr. H. concluded by saying that he was clearly of opinion that his resolution should be adopted, and the embargo repealed.

Mr. BRADLEY moved the postponement of the further consideration of the subject till to-morrow. A committee had been appointed by the House on this subject, and the present agitation of the subject must paralyze the proceedings of the committee, if not operate against its total dissolution.

Mr. HILLHOUSE said he had no objection that the subject should be postponed till to-morrow,

but the reason the gentleman had given for it was a very extraordinary one, for when an objection had been made to the appointment of this committee it had been answered that its appointment would not at all interfere with his (Mr. H.'s) resolution; upon which ground no opposition had been made to the appointment of the committee.

Mr. POPE said it had been his opinion this morning that this resolution should have been referred to that committee, but after what had been said, it was his wish that some commercial gentleman, whose knowledge of commercial subjects would enable him to explore the wide field taken by the gentleman from Connecticut, would have answered him. He had hoped, at this session, after the Presidential election was decided, that all would have dismounted from their political hobbies, that they would have been all Federalists, all Republicans, all Americans. When they saw the ocean swarming with pirates, and commerce almost annihilated, he had hoped that the demon of party spirit would not have reared its head within these walls, but that they would all have mingled opinions and consulted the common good. He had heretofore been often charmed with the matter-of-fact arguments of the gentleman from Connecticut; but on this day the gentleman had resorted to arguments from newspapers, and revived all the old story of French influence, in the same breath in which he begged them to discard all party feelings and discuss with candor. The gentleman had gone into a wide field, which Mr. H. said he would not now explore, but begged time till to-morrow, when he would endeavor to show to the nation and to the world that the arguments used by the gentleman in favor of his resolution were most weighty against it. If patriotism had departed the land, if the streams of foreign corruption had flowed so far that the people were ready to rise in opposition to their Government, it was indeed time that foreign intercourse should cease. If the spirit of 1776 were no more—if the spirit of commercial speculation had surmounted all patriotism—if this was the melancholy situation of the United States, it was time to redeem the people from this degeneracy, to regenerate them, to cause them to be born again of the spirit of 1776. But he believed he should be able to show that the proposition of the gentleman from Connecticut hardly merited the respect or serious consideration of this honorable body. Mr. P. said he had expected that in advocating his resolution the gentleman would have told the Senate that we should go to war with Great Britain and France; that he would have risen with patriotic indignation and have called for a more efficient measure. But to his surprise, the gentleman had risen, and with the utmost *sang froid* told them, let your ships go out, all's well, and nothing is to be apprehended. Mr. P. said he would not go into the subject at this moment; he had but risen to express his feelings on the occasion. He wished the subject postponed, the more because he wished to consult a document just laid on their table, to see how the memorials presented a short time ago

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from those whose cause the gentleman from Connecticut undertook to advocate, accorded with the sentiments he had this day expressed for them.

Mr. HILLHOUSE said he should have been much gratified if the gentleman from Kentucky had confined his remarks to argument, without making a personal attack on him. Mr. H. said he had arraigned no party, charged none with party views or corruption. He could not see where the gentleman found ground for personality; for Mr. H. said he never did use it himself, nor ever would.

Mr. LLOYD said as it was an exceedingly interesting subject, and had been ten days before the House, and put off with as much civility as possible to accommodate gentlemen, he wished that the subject might progress in regular discussion, not expecting, however, that it would be decided to-day or to-morrow.

Mr. S. SMITH said that if the honorable gentleman last up had a design to give a view of the subject such as it deserved, he should be glad to hear him. The gentleman was capable of giving a correct view of the subject, and perhaps had prepared his mind on it. Mr. S. confessed his own negligence in not being prepared; but if the gentleman from Massachusetts would give a commercial view of the subject, he hoped the gentleman from Vermont would withdraw his motion.

Mr. LLOYD said this was so interesting a subject that he could not be silent on it. Whether he should give that chaste view of the subject of which the gentleman from Maryland was capable, he could not say. If the Senate would indulge him, however, he would express those ideas which immediately occurred to him on the subject.

Mr. BRADLEY withdrew his motion for postponement.

Mr. LLOYD said he considered the question now under discussion as one of the most important that has occurred since the adoption of the Federal Constitution. It is a subject, said Mr. L., deeply implicating, and perhaps determining, the fate of the commerce and navigation of our country; a commerce which has afforded employment for nearly a million and a half of tons of navigation; which has found occupation for hundreds of thousands of our citizens; which has spread wealth and prosperity in every region of our country, and which has upheld the Government by furnishing the revenue for its support.

A commerce which has yielded an annual amount of exports exceeding one hundred millions of dollars; an amount of exports three times as great as was possessed by the first maritime and commercial nation of the world at the commencement of the last century, when her population was double that of the United States at this time; an amount of exports equal to what Great Britain, with her navy of a thousand ships, and with all her boasted manufactures, possessed even at so recent a period as within about fifteen years from this date: surely this is a commerce not to be trifled with; a commerce not lightly to be offered up as the victim of fruitless experiment.

Our commerce has unquestionably been subject

to great embarrassment, vexation, and plunder, from the belligerents of Europe. There is no doubt but both France and Great Britain have violated the laws of nations, and immolated the rights of neutrals; but there is, in my opinion, a striking difference in the circumstances of the two nations; the one, instigated by a lawless thirst of universal domination, is seeking to extend an iron-handed, merciless despotism over every region of the globe; while the other is fighting for her *natale solum*, for the preservation of her liberties, and probably for her very existence.

The one professes to reluct at the inconvenience she occasions you by the adoption of measures, which are declared to be intended merely as measures of retaliation on her enemies, and which she avows she will retract, as soon as the causes which occasion them are withdrawn. The other, in addition to depredation and conflagration, treats you with the utmost contumely and disdain; she admits not that you possess the rights of sovereignty and independence, but undertakes to legislate for you, and declares that, whether you are willing or unwilling, she considers you as at war with her enemy; that she had arrested your property, and would hold it as bail for your obedience, until she knew whether you would servilely echo submission to her mandates.

There is no doubt that the conduct of these belligerents gave rise to the embargo; but if this measure has been proved by experience to be inoperative as it regards them, and destructive only as it respects ourselves, then every dictate of magnanimity, of wisdom, and of prudence, should urge the immediate repeal of it.

The propriety of doing this is now under discussion. The proposition is a naked one; it is unconnected with ulterior measures; and gentlemen who vote for its repeal ought not to be considered as averse from, and they are not opposed to, the subsequent adoption of such other measures as the honor and the interest of the country may require.

In considering this subject, it naturally presents itself under three distinct heads:

1st. As it respects the security which it gave to our navigation, and the protection it offered our seamen, which were the ostensible objects of its adoption.

2dly. In reference to its effect on other nations, meaning France and Great Britain, in coercing them to adopt a more just and honorable course of policy towards us; and,

3dly. As it regards the effects which it has produced and will produce among ourselves.

In thus considering it, sir, I shall only make a few remarks on the first head. I have no desire to indulge in retrospections; the measure was adopted by the Government; if evil has flowed from it, that evil cannot now be recalled. If events have proved it to be a wise and beneficial measure, I am willing that those to whom it owes its parentage should receive all the honors that are due to them; but if security to our navigation, and protection to our seamen, were the real objects of the embargo, then it has already answer-

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ed all the effects that can be expected from it. In fact, its longer continuance will effectually counteract the objects of its adoption; for it is notorious, that each day lessens the number of our seamen, by their emigration to foreign countries, in quest of that employment and subsistence which they have been accustomed to find, but can no longer procure, at home; and as it regards our navigation, considered as part of the national property, it is not perhaps very material whether it is sunk in the ocean, or whether it is destined to become worthless from lying and rotting at our wharves. In either case, destruction is equally certain, it is death; and the only difference seems to be, between death by a *coup de grace*, or death after having sustained the long protracted torments of torture.

What effect has this measure produced on foreign nations? What effect has it produced on France?

The honorable gentleman from Connecticut has told you, and told you truly, in an exposé presented by the French Minister of Foreign Affairs to the Emperor, that this measure is much applauded: it is called a magnanimous measure of the Americans! And in a conversation which is stated to have passed recently at Bayonne, between the Emperor of France and an American gentleman, it is said, and I believe correctly, that the Emperor expressed his approbation of the embargo. I have no doubt that this is the fact; the measure is too consentaneous with his system of policy, not to be approbated by him. So long as the extreme maritime preponderancy of Great Britain shall continue, with or without the existence of an American embargo, or with, or without the British Orders in Council, France can enjoy but very little foreign commerce, and that little, the Emperor of France would undoubtedly be willing to sacrifice, provided that, by so doing, he could insure the destruction of a much larger, and more valuable amount of British and American commerce.

It is therefore apparent, that this measure, considered as a coercive measure against France, is nugatory in the extreme.

What, sir, are, or have been its effects on Great Britain?

When the embargo was first laid the nation were alarmed. Engaged in a very extended and important commerce with this country, prosecuted upon the most liberal and confidential terms, this measure, whether considered as an act of hostility, or as a mere municipal restrictive regulation, could not but excite apprehension; for most of her writers, in relation to her colonies, had impressed the belief of the dependence of the West India settlements on the United States for the means of subsistence. Accordingly, for several months after the imposition of the embargo, we find it remained an object of solicitude with them, nor have I any doubt that the Ministry, at that time, partook of the national feeling; for it appears, so late as June, that such a disposition existed with the British Ministry, as induced our Minister at the Court of London to entertain the

belief, and to make known to his Government the expectation he entertained, that an adjustment would take place of the differences between this country and Great Britain.

But, sir, the apprehensions of the British nation and Ministry gradually became weaker; the embargo had been submitted to the never erring test of experience, and information of its real effects flowed in from every quarter.

It was found that, instead of reducing the West Indies by famine, the planters in the West Indies, by varying their process of agriculture, and appropriating a small part of their plantations for the raising of ground provisions, were enabled, without materially diminishing their usual crops of produce, in a great measure, to depend upon themselves for their own means of subsistence.

The British Ministry also became acquainted about this time (June) with the unexpected and unexampled prosperity of their colonies of Canada and Nova Scotia. It was perceived that one year of an American embargo was worth to them twenty years of peace or war under any other circumstances; that the usual order of things was reversed; that in lieu of American merchants making estates from the use of British merchandise and British capital, the Canadian merchants were making fortunes, of from ten to thirty or forty thousand pounds in a year, from the use of American merchandise and American capital: for it is notorious, that great supplies of lumber, and pot and pearl ashes, have been transported from the American to the British side of the Lakes; this merchandise, for want of competition, the Canadian merchant bought at a very reasonable rate, sent it to his correspondents in England, and drew exchange against the shipments; the bills for which exchange he sold to the merchants of the United States for specie, transported by wagon loads at noon-day, from the banks in the United States, over the borders into Canada. And thus was the Canadian merchant enabled, with the assistance only of a good credit, to carry on an immensely extended and beneficial commerce, without the necessary employment, on his part, of a single cent of his own capital.

About this time, also, the revolution in Spain developed itself. The British Ministry foresaw the advantage this would be of to them, and immediately formed a coalition with the patriots: by doing this, they secured to themselves, in despite of their enemies, an accessible channel of communication with the Continent. They must also have been convinced, that if the Spaniards did not succeed in Europe, the Colonies would declare themselves independent of the mother country, and rely on the maritime force of Great Britain for their protection, and thus would they have opened to them an incalculably advantageous mart for their commerce and manufactures; for, having joined the Spaniards without stipulation, they undoubtedly expected to reap their reward in the exclusive commercial privileges that would be accorded to them; nor were they desirous to seek competitors for the favor of the Spaniards: if they could keep the navigation, the enterprise,

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and the capital of the United States from an interference with them, it was their interest to do it, and they would, from this circumstance, probably, consider a one, two, or three years' continuance of the embargo as a boon to them.

It is, therefore, sir, undoubted, in my mind, that the embargo, as it respects England as well as France, is inefficacious.

But, sir, are there yet other channels through which we can operate upon Great Britain, by means of this measure? It may possibly be said that disturbances among the manufacturers in England yet exist, and that they are only quieted for the moment. Sir, as long as I remember to have heard of the British nation, I have heard of tumults among her manufacturers, although I have never known any serious result from them; but every petty squabble between a manufacturer and his workmen, is, by the magic of some gentlemen's imagination, converted into an alarming insurrection, menacing the prostration of her Government. Suppose, sir, by abstaining from the receipt of British manufactures, you make bankrupts of one hundred of her wealthiest manufacturers; what is produced by this? Within twelve months you have witnessed nearly as many bankruptcies in one of your own cities, and yet that city retains its usual credit and reputation for wealth. But, to extend this argument further, suppose, from the causes before mentioned, you make bankrupts of five hundred of the wealthiest of her manufacturers, and that in consequence you deprive of employment fifty thousand of their workmen; what is the effect produced by this? What has become of the manufacturers of France? These men will not starve; they will not become nonentities; in time of war they have a certain asylum; they will be absorbed in her army or navy; and thus you take fifty thousand of the most turbulent of her citizens, who are in constant opposition to the Government, from under the control of a lax civil authority, and by placing them under the coercion of an efficient military discipline, you add in reality to the strength of the nation, and give to her the means of extending and retaining her maritime dominion: this surely is not desirable.

Some gentlemen may say, that the fear of famine is to effect what an insurrection among her manufacturers will not accomplish. Of all idle expectations, this is the most idle. It is well known that the harvest in England is got in during the month of August, and the early part of September: I have before me, sir, a price current of the 20th of September, from which it appears that American flour, subject to the payment of freight, insurance, commission, and other charges, was selling in Liverpool at forty-seven shillings sterling the barrel.

Another fact will, perhaps, give gentlemen some information on this subject. Owing to the interdiction of the trade to the Continent of Europe, sugars, during the last Winter, from the West Indies, had so greatly accumulated in England, as to render them unsaleable in any considerable quantity: this greatly incommoded the

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West India interest; they petitioned Parliament for a prohibition of the use of grain in the distilleries, and the substitution of sugar and molasses in lieu of it: the reasons assigned in support of the petition were, that it would give a double advantage to the nation, by affording relief to the West India planters, and also greatly reduce the price of food to the poor. The bill was, however, opposed to the landed interest, and at that time rejected on the single ground, that by bringing into the market so large a surplus quantity of grain, as six millions of bushels, being the amount annually consumed in the distilleries, the price would be so greatly reduced as not to pay the farmer for the labor and expense of raising it.

Thus it is evident that we have no chance of operating on the fears of Great Britain on account of her harvest; for it is shown that she has it at any time in her power, and even with an encouragement to her colonies, to throw into her corn market a quantity of grain nearly equal to the whole quantity of wheat exported from this country in the year ending in September, 1807; for, by the returns of the Secretary of the Treasury, it appeared that all the flour and wheat exported during that year, amounted only to what would be equal to about seven millions three hundred thousand bushels of wheat.

But, sir, if we cannot trade with France and England, why should we be deprived of all intercourse with Spain and Portugal? These are nations struggling for their liberties. Will it be told you, sir, that the trade to these countries is an inconsiderable one; that it will yield little or no profit; and that it will be unequally and unjustly divided between the different parts of the United States? Spain, Portugal, and their dependencies, have taken of our exports about twenty millions of dollars in a year. Can this be called an inconsiderable trade?

The exports of Spain and Portugal consist principally in wines, brandies, and fruits. They are not grain countries, but depend principally for their supplies of grain upon other countries. They have formerly received them from the Mediterranean, from the coast of Barbary, and from the Baltic. Under the present circumstances of the European world, these supplies could probably be best obtained from the United States, and would require large quantities of wheat and flour from the Southern States. The Spaniards and Portuguese professing the Roman Catholic religion, and being obliged by its ordinances to abstain for part of the year from the use of meat, and being accustomed to live during that time principally on fish, have rendered Spain and Portugal the best market in Europe for that staple of the Northern States. The lumber for their packages, their casks, and boxes, they obtain chiefly from New York and Norfolk; the lumber of the Eastern States not being so well adapted for their purpose. Thus, then, it appears, that this trade, instead of being an unequal one, is more equally divided among the different portions of the Union, than any other trade which is prosecuted from the United States to any part of Europe.

It remains now, sir, to consider the effects of the embargo on ourselves. Every gentleman must be the best judge of its effects within the immediate circle of his own observation. From the observation I have been enabled to make, it appears to me to be fraught with destruction. It appears to be wasting our resources instead of preserving them; breaking down the spirit of the people, and dividing instead of uniting them. It is inviting foreign insult and aggression, by the imbecility which it opposes to them; and it appears to me to bear extremely hard upon the commercial and navigating States.

The human mind is composed of nearly the same materials in all countries. Extend over an enlightened community, possessing the means of easy communication, a great and severe degree of privation and suffering, without accompanying that suffering with an absolute conviction on the public mind of some great, some urgent public necessity requiring it, and some eventual good to emanate from it, and there is reason to fear you may create great discontent and uneasiness. Wherever this exists in a great degree, it will be manifested in memorials to the constituted authorities of the country. Legislative resolutions will next follow; remonstrances succeed; and if these are unattended to, resistance embodies itself, and the spark of discontent, which might easily have been smothered in its origin, is fanned into a flame of rebellion, spreading ruin and desolation around it, and in its progress perhaps overturning the liberties and Government of the country.

Happily, we have not reached this stage: I trust in God we never shall. It should be the duty of every man, both in and out of office, to adopt every measure, and make every exertion to prevent it. The removal of the embargo will, as I believe, be one means to check an incipient state of discontent. I am therefore for this, as well as for many other reasons, most earnestly and zealously in favor of its repeal, and the passing the resolution for that purpose.

A motion was now made for adjournment, and negatived.

Mr. SMITH, of Maryland, said he was not prepared to go as largely into this subject as it merited, having neither documents nor papers before him. He would therefore only take a short view of it in his way, and endeavor to rebut a part of the argument of the gentleman from Massachusetts, and perhaps to notice some of the observations of the gentleman from Connecticut. He perfectly agreed with the latter gentleman that this subject ought to be taken up with coolness, and with temper, and he could have wished that the gentleman from Connecticut would have been candid enough to pursue that course which he had laid down for others. Had he done it? No. In the course of the discussion, the gentleman had charged it upon some one, he knew not whom, that there was a disposition to break down commerce for the purpose of erecting manufactures on its ruins. If this was the disposition of those who had advocated the embargo, Mr. S. said, he was not one to go with them, and perfectly cor-

responded with the gentleman in saying that such a plan would be extremely injurious; that possibly it could not be enforced in the United States; and that, if it could, merchants would conceive themselves highly aggrieved by it. But the gentleman's ideas had no foundation. Mr. S. said he had before seen it in newspapers, but had considered it a mere electioneering trick; that nothing like common sense or reason was meant by it, and nobody believed it. The gentleman surely did not throw out this suggestion by way of harmonizing; for nothing could be more calculated to create heat.

The gentleman last up, throughout his argument, had gone upon the ground that it is the embargo which has prevented all our commerce; that, if the embargo were removed, we might pursue it in the same manner as if the commerce of the whole world was open to us. If the gentleman could have shown this, he would have gone with him heart and hand; but it did not appear to him that, were the embargo taken off to-morrow, any commerce of moment could be pursued. Mr. S. said he was not certain that it might not be a wise measure to take off the embargo; but he was certain that some other measure should be taken before they thought of taking that. And he had hoped that gentlemen would have told them what measure should have been taken before they removed the embargo. Not so, however. A naked proposition was before them to take off the embargo; and were that agreed to, and the property of America subject to depredations by both the belligerents, they would be foreclosed from taking any measure at all for its defence. For this reason this resolution should properly have gone originally to the committee on the resolution of the gentleman from Virginia (Mr. GILES.)

Mr. S. said he was not prepared for a long discussion, he should take but a short view. He would not go back to see which nation had been the first offender. He was not the apologist of any nation, but, he trusted, a fervent defender of the rights, honor, and interest of his own country. By the decrees of France every vessel bound to or from Great Britain, was declared good prize. And still further; if spoken alone by any British vessel, they were condemned in the French prize courts. When a vessel arrived in the ports of France, Mr. S. said, bribery and corruption were made use of in order to effect her condemnation. Every sailor on board was separately examined as to what had happened in the course of the voyage; they were told, you will have one-third of the vessel and cargo as your portion of the prize-money, if you will say that your vessel has touched at a British port or has been visited by a British cruiser. Of course then, by the decrees of France, all American property that floats is subject to condemnation by the French, if it had come in contact with British hands. Were gentlemen willing to submit to this; to raise the embargo, and subject our trade to this depredation? Yes, said the gentleman from Connecticut, who was willing, however, that our ships should arm and defend themselves. Mr. S. said that he had

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hoped the honorable gentleman would have gone further, and said not only that he would in this case permit our vessels to defend themselves, but to make good prize of any vessel which should impede the trade admitted by the laws of nations. But the gentleman had stopped short of this.

By the Orders in Council, now made law (said Mr. S.) all neutrals—all *neutrals*, this is a mere word *ad captandum*, as it is well known, there is no neutral commerce but American—all American vessels, then, bound to France, or countries in alliance with her, are made good prize in the British courts. When bound to any part of the continent of Europe, or any possessions in Turkey or Asia, they are a good prize, Sweden alone excepted. We are then permitted to trade—for it is a permission to trade, since we must acknowledge ourselves indebted to her for any she permits—we are graciously permitted to go to Sweden, to which country our whole exports amount to \$56,157! This petty trade is generously permitted us as a boon, and this boon will be struck off the list of permission, the moment any difference arises between Great Britain and Sweden. I am aware, sir, that gentlemen will say this may require explanation. I will give it to them. Great Britain says you shall not trade to any of the countries I have interdicted till you have my leave; pay me a duty, and then you may go to any port; pay me a tribute, and then you shall have my license to trade to any ports you choose. What is this tribute? Not having the documents before me, I may make an error of a fraction, but in the principle I am correct. On the article of flour, they tell us, you may bring flour to Great Britain from America, land it, and, if you re-export it, pay into our treasury two dollars on every barrel. For every barrel of flour which we send to Spain, Portugal, or Italy, where the gentleman from Massachusetts has correctly told us much of it is consumed, little of it being used in Great Britain or France, you must pay two dollars besides your freight and insurance. And this tribute is to be paid for a permission to trade. Are gentlemen willing to submit to this?

On the article of wheat, exported, you must pay in Great Britain a duty of, I believe, two shillings sterling a bushel, before it can be re-exported. On the important article of cotton they have charged a duty on its exportation of nine pence sterling per lb., equal to the whole value of the article itself in Georgia or South Carolina. This is in addition to the usual import duty of two pence in the pound. Thus, if we wish to go to the Continent, we may go on condition of paying a tribute equal to the value of the cotton, in addition to risk or insurance. It is generally understood that two-thirds of the cotton exported by us, may be consumed in England, when all her manufactures are in good work. On the remaining third the people of the Southern country are subject to a tribute—on twenty millions of pounds, at the rate of 17 cents per pound. Let this be calculated, and it will be seen what tax we must pay for leave to sell that article.

But, says the gentleman from Massachusetts,

we may now trade to Spain and Portugal—because Great Britain permits us. [Mr. LLOYD observed that he had not said we could trade there because Great Britain permitted it.] I know the gentleman did not say that (said Mr. S.) but it is my inference. He said we might trade there. I deny it. I beg the gentleman to recollect what passed some time ago, between Lord Hawkesbury and Mr. King, and see what reliance can be placed on the promises of British Ministers. On a representation made by Mr. King on the subject of the colonial trade, Lord Hawkesbury agreed, provided the vessel carrying produce from the colonies should go to the United States and reload her cargo, that she should not be liable to capture. What was the consequence? One year afterwards private instructions were given to the British cruisers to take such vessels, and every atom of this produce was swept from the ocean. If this is the manner in which Ministerial promises have heretofore been fulfilled, what reliance can be placed on them now? By letters from my correspondents, I learn that three merchants engaged in the American trade had waited on Mr. Canning to see whether American vessels might trade to Spain and Portugal. Yes, Mr. Canning answered, they might trade in the produce of their own country. But the King is authorized to vary these laws, and give permission to trade with any country when he pleases. Has he given any such permission to trade with Spain? No. Is then the mere conversation of Mr. Canning a sufficient security? No. Is it anything like as binding as that formerly officially given to Mr. King, and which was violated? Certainly not. Can this then be a safe trade? No, sir; my informant, who was one of the merchants who waited upon Mr. Canning, says that should France, now warring with Spain, overrun any part of the country, and our vessels afterwards attempt to enter, not having heard of it, they would be good prize. I am not learned in the law, but I will ask this question of those who are: Would not a British judge in this case be obliged to abide by the law, instead of the conversation of Mr. Canning? He certainly would; and would give our Minister in this case precisely the answer which the French Council of Prizes gave General Armstrong, that the opinion of an individual could not contravene the express stipulation of a positive law.

The gentleman last up told us that American flour was selling at forty-seven shillings a barrel in England. The gentleman knows that flour carried there, and not entered for re-exportation, cannot be removed. Flour in that situation has been lying ten or twelve months in London, could not be exported, and is somewhat injured by age, having been locked up in the stores of England, without a possibility of exporting it; and it is this that sells at that price.

The honorable gentleman last up has said that the exports of the United States to Spain and Portugal were twenty millions of dollars. The gentleman's arguments were applied to Spain and Portugal. The exports to Spain and Portugal, and all their possessions, including the immense

exports to La Vera Cruz, amounted to something near this sum. But let us take the gentleman on his own ground, and see what we could carry on of this trade, in our domestic product, if the embargo were removed. The whole exports of the United States, in the produce of the land, the year ending in October, 1807, were \$48,509,502; of which, the proportion to Spain was \$1,131,281; to Portugal, \$829,313. I agree with the gentleman, that, if the embargo was off, we might carry on a very lucrative trade with the Spanish colonies and the Brazils, if we had the materials to carry it on. They do not want our flour, but articles which can now no longer be got—goods imported from Germany, and nankeens and cotton goods from India. But these are not the produce of our country, to which the gentleman alluded; and I say that the exports of our domestic produce to the colonies and islands of Spain (Cuba alone excepted) are very small. Great Britain will not let us go to Germany to get German goods, and therefore we cannot carry them as we were accustomed to do. But perhaps we shall be told we may carry British goods. What does the gentleman say, as a merchant, to paying double freight, duty, and insurance, and then competing with England in the sale of her own manufactures? We have done it heretofore, because Great Britain was excluded from that trade. Confine the trade then to Spain and Portugal, supposing it to be free, and it will not amount to two and a half millions altogether. We are to say to Great Britain, If you will give us the boon of going to Spain and Portugal, (and perhaps this is but an *ignis fatuus* to lead us to her prize courts,) we will submit to your tribute elsewhere.

The English Orders had told us we might trade as usual with the West India islands; but now, believing no doubt that this Government has not strength or energy in itself to maintain any system long, what has she done? Proclaimed a blockade on the remaining islands of France, so that we are now confined to British islands alone! We are restricted from trading there by blockade, and what security have we, that if the embargo be taken off—for I wish it were off: no man suffers more from it, in proportion to his capital, than I do; but I stand here the Representative of the people, and must endeavor to act in such a manner as will best secure their interests; and I pledge myself to join heart and hand with gentlemen to take it off, whenever we can have a safe and honorable trade—that, from our submitting to these interdictions, as a right of Great Britain, she may not choose to interdict all trade, she being omnipotent, and sole mistress of the ocean, as we were told by the gentleman from Connecticut. I have seen a late English pamphlet, called "Hints to both Parties," said to be by a ministerial writer, to this effect: that Great Britain, having command over all the seas, could and ought to exclude and monopolize the trade of the world to herself. This pamphlet goes critically into an examination of the subject; says that by a stroke of policy she can cut us off from our extensive trade; that she has the power, and, having the power, she ought to do it.

Mr. S. concluded by saying that he had not meant to take up so much time of the House—he had meant merely to state his ideas of the situation in which we were placed by the edicts of the two belligerents. He wished to place it in such a point of view that gentlemen might be led to adopt such measures as might best secure the interests of the country. Mr. S. said his own private interests pressed so heavily on his mind, that he could scarcely trust himself to decide. He had therefore submitted these ideas to gentlemen whose feelings were not thus affected, that if they might think proper, with the honorable gentleman, to take off the embargo, he might join with them; if not, that some other might be adopted which would lead to the security of our peace and honor.

Mr. POPE said, that in the observations which he had made a short time ago, he had no intention to violate the decorum of debate; and if he had discovered warmth on the general subject, he hoped no gentleman would consider his remarks as personally applied to him.

Mr. LLOYD said he rose for the purpose of making a single observation. He had stated, when up before, that the trade to Spain, Portugal, and her colonies, took off about twenty millions of dollars. He found, by the report of the Secretary of the Treasury, that the exports to these countries amounted to upwards of seventy millions, excluding a large portion of the trade.

Mr. SMITH said he understood the gentleman to apply his arguments to our domestic exports to Spain and Portugal only, and not their dependencies, which the gentleman might, however, have meant to have included.

The Senate adjourned about half past 2 o'clock.

TUESDAY, November 22.

The bill, entitled "An act to authorize the conveyance of certain papers and documents by the mail, free of postage," was read the second time, and referred to Messrs. ANDERSON, MOORE, and FRANKLIN, to consider and report thereon.

The Senate resumed the second reading of the bill to reward Andrew Joseph Villard, for an invention of public utility.

Ordered, That it be referred to Messrs. THURSTON, TIFFIN, and BRADLEY, to consider and report thereon.

THE EMBARGO.

The Senate resumed the consideration of the motion made on the 11th instant for repealing the "Act laying an embargo on all ships and vessels in the ports and harbors of the United States, and the several acts supplementary thereto."

Mr. POPE.—Mr. President: I rise with more than ordinary diffidence to address you on the interesting question under consideration. When I consider the present state of our country—embarrassed with difficulties; menaced with dangers by foreign nations; our ships captured and burnt by one Power, captured, condemned, and confiscated by the other; a storm gathering in the East, which threatens to burst upon us with rebellion and dis-

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union; the honor, independence and best interest of the American people deeply involved in the course to be pursued—I am seriously impressed with the immense responsibility which devolves upon me, as one of their Representatives, at this awful crisis. The want of some documents, which I had expected would before this have been furnished us, and of a more intimate acquaintance with the commercial world, renders me unable to do justice to all the topics which gentlemen have introduced in the wide range they have taken; although I shall not attempt to explore the whole ground, I will endeavor, with the best lights I possess, to notice such of the arguments of the gentlemen in opposition as seem to demand attention.

On the 4th of July, 1776, the people of these States declared themselves free and independent, and this declaration they sealed with their blood. Their independence was soon after recognised by different Powers of Europe, and finally by Great Britain herself. By this memorable and glorious event, which released them from the shackles of the British Government, and gave them independence, they became entitled to all the rights and privileges on the high seas which could be rightfully claimed by any other nation; and these rights, I presume, it will not be pretended they have either abandoned or forfeited. The high seas have been hitherto considered the common highway of nations, designed by the God of Nature for the common use of mankind, and over which no Power could rightfully claim exclusive dominion. I shall not waste the time of the Senate to inquire whether France or Great Britain has been the first aggressor on our neutral rights, or from which we have received the most injuries and indignities, because such an inquiry appears to me at this time unimportant. I am willing to view both nations with an equal eye as common enemies. Nor do I deem it necessary to retrospect injuries and insults of an ancient date, but shall confine myself to a period and circumstances more intimately connected with the present crisis. In 1805, the British Government asserted that this country was not entitled to carry on trade with her enemy in time of war, not permitted in time of peace. Under color of this new principle, a number of American vessels were captured by British cruisers and condemned in British Courts of Admiralty. This conduct of the British Government alarmed the whole commercial interest of this country, and memorials were sent to the President from the different commercial towns in the United States, protesting in strong and spirited language against this novel principle, and calling upon our Government to resist by negotiation it, as well as the impressment of our seamen. I beg leave to read a part of the memorial from New Haven, in the State of Connecticut. Mr. POPE read as follows:

“That your memorialists have observed with no common degree of surprise and solicitude, the numerous embarrassments which the commerce of the United States has suffered, during the present war with Europe and the Indies, arising from the adoption of new principles by the Admiralty Courts of Great Britain, as

well as from the depredations committed on our unprotected trade by lawless freebooters, and the unwarrantable impressment of our seamen. Your memorialists will not attempt to discuss at large the principle, which, they understand, has been adopted by the Admiralty Courts of Great Britain, in recent decisions respecting the rights of neutral nations; it is sufficient for them to observe, that in their opinion, the principle assumed by Great Britain, of considering all the trade of a neutral nation as unlawful, which the same cannot carry on in time of peace, to be new and unwarrantable; a principle not authorized by the maxims of sound justice, which have long been received and respected by nations, as laws by which their mutual intercourse ought to be regulated.

The people of Boston, in their memorial, after reasoning with great ability and perspicuity to prove that this new principle assumed by the British Courts of Admiralty was an alarming infraction of neutral rights, solicit the Government on account of the importance of the subject, to send a special mission to London. Here Mr. POPE read from the Boston memorial as follows:

“But whatever may have been the motives for the proceedings on the part of Great Britain, the effect is notorious. From her recent conduct great losses have been sustained; our commerce has been checked and embarrassed, and large quantities of produce are now remaining locked up in this country, which were purchased for foreign markets; because our merchants cannot send it abroad, without taking risks on themselves which prudence would not justify, or without paying such rates for insurance as the trade of the country cannot afford.

“Thus circumstanced, the merchants of Boston have thought it their duty respectfully to make known their complaints to their Government. Believing the citizens of the United States desirous of cultivating relations of amity with the whole human race; and particularly connected as they are with Great Britain, by habits of constant intercourse and by mutual wants, they cannot but hope, that like dispositions are entertained by the British nation towards this country, and if measures were speedily taken for the amicable discussion, by negotiation, of our complaints, that a sense of her own interest, and a respect for the rights of others, would induce her to depart from her present measures, and to conduct towards us with justice and liberality.

“Under this persuasion, and without meaning in the smallest degree to derogate from the talents or attention of the American Minister at the Court of London, the subscribers, with deference and humility, beg leave to suggest, whether, when so important national interests are at stake, a special mission would not carry with it great influence, and be very instrumental in the accomplishment of our reasonable wishes.”

This earnest and fervent call on the Government by the commercial interest was promptly obeyed by the Administration. The course pointed out by the memorialists was pursued; a special mission was immediately sent; this new principle, as well as other violations of our maritime rights, were resisted with energy and ability, and every effort made to obtain a redress of injuries, and to place our commerce upon a just and honorable basis, as must be evident to every man who has read the documents communicated to

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Congress during the last and present session. I shall pass over the different decrees and orders of the two belligerents from 1805, until the Fall of 1807. I will pass over the affair of the Chesapeake, which called forth such a burst of indignation throughout this country. In December 1807, during the last session of Congress, the President was officially informed, that Bonaparte had determined to extend his decree of Berlin to American commerce, and although not officially notified, had every reason to believe that the French decree had been or would be retaliated by the British Orders of Council. The President thus warned of the dangers which threatened our commerce on the high seas, communicated the subject to Congress by a confidential message, recommending an embargo, to secure our vessels and seamen from capture. His advice was attended to; the measure was adopted. I expected, or at least hoped at that time, that this measure, besides securing our property, by its pressure on the belligerents, aided by a conciliatory course on the part of our Government, would have induced an amicable adjustment of differences with both or one of the belligerents, and thereby averted the calamities of war; that if it failed to produce this effect, it would at least afford us time to prepare to meet war, if inevitable. That our Administration has used every honorable means during the existence of this measure to settle our differences amicably with the belligerents, cannot be doubted by any one who has read the documents accompanying his recent message. After the Administration had pursued the course marked out by the commercial people, whose organs the gentlemen in the opposition appear to be on this occasion—after resisting the unjust pretensions of France and Great Britain—after the Government had laid an embargo and brought the nation to the eve of a war for the maintenance of our maritime rights—what do we hear? We are told by a part of these same people, to the astonishment of all America, by solemn resolutions, which are already before the public, called the Essex resolutions, that we have no cause of war against Great Britain, and all her aggressions, if not justified, are excused; and our Government is gravely told to disgrace itself by receding from the ground it has taken. The gentleman from Connecticut, whose object seems to be rather to prove this measure wrong at first than what ought now to be done, tells us that the French decree of Berlin was not sufficient to justify this measure at the time it was adopted, because France had no naval force to give it effect on the high seas. If the Berlin decree was not sufficient to justify our embargo, upon what principle can it be pretended that it justified or even palliated the British Orders of Council? Although at the time the embargo was laid we had every reason to believe that the orders had issued, and which turned out to be the fact, yet I will admit, for the sake of argument, that the Berlin decree was not a sufficient ground for the embargo. Will gentlemen contend that the Berlin decree, British Orders of Council, and the French decree of Milan, all which were in

force at that time, if then officially known to our Government, would not have been a sufficient cause for the embargo? And if they admit that the whole, combined, would have justified the measure, at the same time that they deny it to have been wise, they are constrained to acknowledge that it was at least fortunate. If the dangers to which our commerce was then exposed rendered the measure proper, how can gentlemen seriously contend that while those dangers continue, it ought to be removed, without proposing some more efficient measure as a substitute?

We are told, however, that the avowed object of this measure was to secure our property and seamen from capture, and that it was represented to the two belligerents as a measure of precaution, not as a measure of coercion or hostility. It is in its nature a precautionary measure, and it was the duty of the President to represent it in that light to foreign Governments; and whatever inconveniences may result from it, they cannot, by the law of nations, consider it as a measure of hostility. Yet the gentleman from Connecticut tells us triumphantly that it has not only failed to produce any effect upon foreign nations, but that it never will operate as a measure of coercion. If the gentleman does not think this measure the best that can be devised, and that some other would better suit the present state of things, it is certainly his duty to propose it, and not to press a negative proposition calculated merely to censure, to find fault. I sincerely lament that this measure has not been productive of all the good effects anticipated. But, sir, although it has not, owing to numerous evasions and violations, together with other causes, induced foreign Powers to discontinue their depredations and restrictions upon our commerce, it does not necessarily follow that, if persevered in and properly executed, it would not produce this effect. It is some consolation to the friends of this measure that it has been productive of some good. It has prevented a large portion of our property from falling into the hands of the belligerents, it has preserved peace and afforded us time to prepare for war, if this sad alternative must be resorted to. The gentleman from Connecticut and the gentleman from Massachusetts do not appear to agree as to the effects of this measure. The gentleman from Connecticut contends that it had no effect, while the gentleman from Massachusetts informs us that it had a very considerable effect on Great Britain in May or June last. If it has at any time had an effect upon either of the belligerents, it proves at least that its advocates did not miscalculate as much as the gentleman from Connecticut would induce the world to believe. The gentlemen have cited a French *exposé*, to prove that the embargo is approved by that Government; this document I have never seen, and cannot, therefore, comment on it; and the gentleman might have proved by Mr. Canning's letter, that Great Britain is not dissatisfied with it, if the sincerity of such declarations is to be confided in.

The gentlemen have not explained their object in referring to this document; was it to prove

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that it did not operate on France, but did upon Great Britain, or that it had no effect upon either? If it was their design to prove by this document that France is reconciled to bear the inconveniences of this measure herself, on account of its more severe pressure upon her enemy, which may be the fact, it establishes the very reverse of what the gentlemen contend for. They have endeavored to prove that it has had no effect, nor will have any upon either. We have been told that we have been commanded by one Power to make war upon the other; that it has been the policy of both belligerents to draw us into the contest, is evident; and if our embargo has enabled us to resist their dictatorial mandates or insidious policy, it is fortunate for this country. It has been said that we had as well give up our ships to the enemy as let them rot in our harbors. I think very differently. I would rather have them sunk in the ocean than give them up to enrich our enemies. There is something of principle concerned in this. [Mr. LLOYD said he had not expressed this idea; he had said that it affected the national wealth no more than the vessels should be lost at sea, than that they should rot at the wharves.] Mr. P. said he considered the present contest, between us and the belligerents, not merely as a question of profit and loss; there was something of principle, honor, and independence at stake, and he was not disposed to calculate how much money would be gained by succumbing to a foreign Power. This is not the question with Congress or the nation. After the manner of the gentleman from Connecticut, who was fond of illustrating his ideas by very familiar examples, I will suppose that gentleman was in the habit of dealing largely with two merchants, A and B; that the intercourse between them was mutually advantageous; these merchants suddenly quarrel: A tells him he shall not trade with B, and that if he attempts it he will stop by force, and rob him of what he may be found carrying to B. B tells him he shall not trade with A, under similar pains and penalties, unless he will first go to B and purchase of him a license to deal with A; what would the gentleman do? I presume he would either chastise both for their insolence and injustice, or, if that was not convenient, he would tell them I will have no intercourse with either of you. He would certainly resist their insolence and injustice by force, discontinue all intercourse with them, or submit to their terms. Would the gentleman in such a case calculate whether it would be his interest to submit to the disgraceful conditions of B, who happened to be the stronger of the two, than bear the inconveniences resulting from a non-intercourse? Would the gentleman submit to disgraceful conditions for the pounds, shillings, and pence he would make by a renewal of intercourse with them? I presume he would not. Great Britain and France, in defiance of all law, justice, and right, have, by their decrees and orders, interdicted our trade to a very great extent. Great Britain, however, will permit us to trade, provided we will agree to pay her for the privi-

lege. Now, sir, it appears to me that we must resist their decrees and orders by war, non-intercourse, or we must submit. Are we to be told that honor and independence are out of the question, and that we ought to submit to disgraceful conditions for the sake of trade, because we shall make money by it? Surely not.

However the gentleman from Connecticut and myself may differ in other respects, I concur with him in opinion that we have nothing to hope from the friendship or justice of the belligerents, and that the most efficient means of coercing them is by operating on their interest. If, then, his position be correct, that our only means of bringing Great Britain to terms is to affect her interest, and if it is true, as is generally believed, that our commerce is very advantageous to Great Britain, shall we not, by suspending that commerce, operate on her interest, and will not her interest induce her to do us justice, in order to renew it? The gentleman from Connecticut has told us that our embargo, with the aid of a non-importation act, would produce no effect, because the West India planters can convert their sugar plantations into cornfields, and that therefore they could not be starved. Does the gentleman suppose any man of common sense ever believed that this system of starving, as it has been called, would destroy the belligerents? No, sir; it was expected to operate upon their interest—the only way in which the gentleman tells us they can be coerced. If, as the gentleman supposes, the West India planters will be compelled by our embargo to employ their capital and land in the culture of corn in order to subsist, will they not be materially injured by it? Will not the shipping interest engaged in carrying West India produce to Europe be injured, and will not the consumers in the mother country be injured by a rise in the prices of West India produce, independent of the injury to the Government on the score of revenue? If it had been the interest of the sugar planters to employ any portion of their capital in raising corn, it is wonderful they have never before made the discovery. The gentleman from Connecticut has also informed us that these islands can be supplied from other countries. If other countries can supply the West Indies with those articles which they have heretofore received from the United States, I would thank the gentleman to inform us why those other countries have not rivalled us in this market; for it is not a new one; it has been known a great length of time. Those countries from which these islands can be supplied must have been, I presume, employed heretofore in more lucrative pursuits; and, according to a position advanced by the gentleman himself on the subject of manufactures, those other countries could not be induced to abandon suddenly their present pursuits, in order to supply the West India market. If Great Britain can procure these supplies elsewhere, it cannot be her interest to do so, because it is not presumable that she can procure them on as good terms as from the United States. The gentleman has informed us that Great

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Britain can be supplied with cotton from the East Indies and other countries. I will ask the gentleman if Great Britain can procure this article from the East Indies and other countries in sufficient quantity, and on as good terms as from the United States? If she cannot, which I suppose to be the case, she must feel our embargo in her manufactures—one of the vital sources of her strength and prosperity. We are told that a non-importation act would have no effect, because it could not be enforced; smuggling would be carried on to a very great extent. That a non-importation act would, like all other laws, be partially violated, was to be expected. Every law is violated, but with due vigilance such a measure could be enforced to a very great extent. This measure would not be efficient, says the gentleman, because Great Britain will find a market for her manufactures in New Spain and South America. I will ask the gentlemen, whether South America has not been supplied heretofore with British manufactures to a considerable extent, and does the gentleman seriously believe that she would find a market in that country for the immense quantity of her manufactures hitherto consumed in the United States?

Although the gentleman has not, in his resolution to repeal the embargo, proposed a substitute, he intimated in his argument that we ought to arm our commerce against all nations. I am not prepared to say that I will adhere to this embargo system if a better can be devised; but before I embrace a substitute, I must be informed how it is to operate; the gentleman must therefore excuse me for propounding a few questions to him in relation to this measure. I wish to be informed, would not such a measure be war with France and Great Britain, or should we not by such a measure put it in the power of the commercial interest to embroil us with which nation they pleased? Is it probable that our merchants would run the risk of fighting their way to the Continent of Europe, with loaded vessels, in defiance of the British navy? Is it not more probable that Great Britain would have agents in this country to sell licenses to our merchants to trade to the Continent, and would not our merchants for their own security secretly purchase and trade under those licenses? If the object of Great Britain be a commercial monopoly, and we remove our embargo, would it not be in the power of the British merchants, by a secret understanding with, and the connivance of their Government, by agents and secret partners in the United States, to carry on the very trade to the Continent which Great Britain interdicts to us? I have been led to make these inquiries by reading the memorial of the merchants of Baltimore, presented to the Government in 1806, respecting neutral trade, and which was signed by men of all parties, in which it was positively charged that the object of Great Britain in harassing our trade, was to cripple American commerce and promote her own, and that she granted licenses to neutrals to carry on the trade which she interdicted. I will read it:

"It has been said that, by embarking in the colony trade of either of the belligerents, neutral nations, in some sort, interpose in the war, since they assist and serve the belligerent, in whose trade they so embark. It is a sufficient answer to this observation, that the same course of reasoning would prove that neutrals ought to discontinue all trade whatsoever with the parties at war. A continuance of their accustomed peace trade assists and serves the belligerent with whom it is continued; and if this effect were sufficient to make a trade unneutral and illegal, the best established and most useful traffic would, of course, become so. But Great Britain supplies us with another answer to this notion, that our interference in the trade of the colonies of her enemies is unlawful, because they are benefited by it. It is known that the same trade is, and long has been, carried on by British subjects, and your memorialists feel themselves bound to state that, according to authentic information lately received, the Government of Great Britain does, at this moment, grant licenses to neutral vessels, taking in a proportion of their cargoes there, to proceed on trading voyages to the colonies of Spain, from which she would exclude us, upon the condition, that the return cargoes shall be carried to Great Britain to swell the gains of her merchants, and to give her a monopoly of the commerce of the world. This great belligerent right, then, upon which so much has been supposed to depend, sinks into an article of barter. It is used, not as a hostile instrument, wielded by a warlike State, by which her enemies are to be wounded, or their colonies subdued, but as the selfish means of commercial aggrandizement, to the impoverishment and ruin of her friends; as an engine by which Great Britain is to be lifted up to a vast height of prosperity, and the trade of neutrals crippled, and crushed, and destroyed."

According to the course of reasoning adopted by the gentleman from Connecticut, the object of Great Britain in blockading the Continent is not to starve it; it must therefore be to secure to herself the benefit of all the commerce carried on with the Continental Powers. In such a state of things, while those who were trading under the licenses of foreign Governments were making their fortunes, the honest Americans, who would not consent to degrade their country by navigating the ocean under the protection of any Government but their own, would be plundered by both belligerents. If we are to consider the belligerent nations as pirates, no longer bound by those principles of public law to which civilized nations have hitherto subscribed, and are prepared to purchase our rights on the seas, let us do it as a nation, by paying them a sum in gross, and thereby place our citizens on equal ground. We are told that we can carry on a considerable commerce with countries not within the scope of the decrees or orders of the belligerents. This argument is specious and captivating, let us examine it, for I feel as much solicitude as the gentlemen in the opposition to remove this embargo whenever it can be done with propriety; on this, as well as on the subject of an armed commerce, the gentleman will pardon me for requesting information. If we remove our embargo as to Portugal and other places to which our trade is not interdicted, and by a law declare that our cit-

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izens shall trade only to those countries permitted by the belligerents, would not that be submission to their orders and decrees; and if we open our ports, and restrict our commerce to those countries, could we ever afterwards hope for a relaxation of the British Orders of Council? Would not Great Britain have every inducement to perpetuate such a state of things, which would afford to her the benefits of our commerce without its inconveniences?

The gentleman from Connecticut has informed us that the object of the Administration, in adopting the present system, is to put down commerce and promote manufactures.

If the Administration has any concealed motive for this measure, I am a stranger to it. It is well known that it has been a favorite object with the present Administration to pay the public debt, and it would be strange indeed that it should pursue a system which cuts off our only source of revenue. This conjecture of the gentleman is too improbable to require a serious refutation. On the policy of promoting manufactures I shall make but a few remarks, as it will hereafter be a subject of distinct consideration. I have supposed that it would be sound policy in this Government to diminish, in some degree, the inducements now held out to our citizens to embark in foreign commerce, and induce them to invest their money in the interior; the increase of manufactures would lessen our dependence on foreign nations, and render us more dependent on each other. There would be more intercourse between the people of the different States, which would tend to nationalize us, and give more strength and permanency to the American Union. To what extent this policy should be carried, I am not now prepared to say. A distinction has been taken between native and foreign commerce, or what is more commonly called the carrying trade. The policy of encouraging our citizens to participate in the carrying trade is one thing, our maritime rights is another. The gentlemen in the opposition complain that this measure bears peculiarly hard on the commercial States. On the subject of commerce, as all others of national concern, I am disposed to consider the United States as an integer, and to forget the lines of partition by which we are separated into different States and districts, for the purpose of internal government; but as the gentleman has contrasted the commercial with the agricultural States, I am willing to meet them. I had thought that this measure, if its pressure was greater upon one part of the country than another, operated more severely upon the growers of cotton than any other part of the nation, and they ought, if influenced by pecuniary considerations, to be the first to complain. The people I represent are an agricultural people, and I ask the gentleman of what importance it is to them whether their produce is carried in foreign or American vessels? For what are the agricultural people now suffering, but to maintain our maritime rights. Sir, we are willing to discard all calculations of profit or loss, and make a common cause with

our brethren of other States in defence of our national rights and independence.

It appears to me, sir, that the commercial people ought to be the last to complain. Our Government has imposed discriminating tonnage duties, to give our own vessels an advantage in our own ports over foreigners. We have remitted the duties on foreign articles imported into the United States, intended for exportation. Our Government has evinced every disposition to foster commerce and maintain our maritime rights. We are told that the people are opposed to this measure. To the voice of a free people I shall always bow with reverence. But, sir, it ought to be remembered that in this country the will of the majority must prevail; it is a fundamental principle of our Government, and if we are to judge from recent events, a great majority of the nation are in favor of this measure. We are informed, and it has been intimated on this floor, that rebellion in the Eastern States will be the probable consequence of perseverance in this measure. Are we to be driven from the course dictated by the public interest by alarms of this sort? Are we to be told by a minority that we must recede from the ground we have taken; that we must admit the Government has not sufficient energy to enforce its authority, or that they will rebel? Will gentlemen inform us who they are that are prepared to erect the standard of rebellion against their own Government on the very graves of the brave Bostonians who first raised the standard of American independence? They must be some new people who have obtruded themselves upon our shores; they cannot be Americans; I will not think so unworthily of my countrymen. I believe the American people are generally attached to their Government; I trust it is but the clamor of the moment, which will cease the moment the will of the Government shall be decisively and constitutionally expressed. It has been frequently said that Great Britain is fighting for the liberties of the world; that she is the only barrier between France and universal dominion, and therefore that our weight ought to be thrown into the scale of England, to assist her in this mighty conflict. If our friendship is necessary to England, ought she not to entitle herself to it, at least to do us justice and respect our rights? Shall we submit to insults and indignities from Great Britain to induce her to save us from subjugation by France? Shall we admit for a moment that we cannot maintain our independence? The gentlemen in the opposition have protested against submission; they have not declared themselves for war; if they are for it, I hope they will avow it; they have proposed no substitute. I am not prepared to say how long good policy will justify a continuance of the present system; but, sir, I am ready to declare that I will adhere to it until a better can be substituted. If it be true, as the gentleman from Connecticut has informed us, that the most efficient means of coercing Great Britain, is to affect her interest, and if it be true that our embargo will compel the West India planters to con-

vert their sugar plantations into cornfields for subsistence; if it will produce a scarcity of cotton in Great Britain, or enhance the price; if by a non-importation act we can deprive her of a market for a large portion of her manufactures, the present system, with the addition of a non-importation act, if firmly adhered to, and well executed, may have the desired effect. When I cast my eyes over these States, and observe the freedom and happiness they enjoy, I feel constrained to pause, before I consent to take a step which will involve them in the calamities of war. When I consider the peculiar character of the contest between the two great belligerents of Europe, I feel very unwilling to be drawn into the vortex, lest the fate of this happy nation may become too closely connected with the destiny of one or the other of these contending Powers. At the same time that I consider it my duty to make war the last alternative, I know the American people would prefer to meet it, rather than submit to a sacrifice of their national independence. The conduct of the belligerents, and the state of our country, furnish strong reasons for believing that the period is not distant, when this alternative must be accepted, if the present system should prove inefficient. I hope I have not, in the warmth of debate, violated that decorum which the dignity of the Senate requires to be observed. I certainly have not intended it. I shall conclude with requesting gentlemen to reflect, that in this hour of difficulty and danger unanimity constitutes the basis of our national security.

Mr. WHITE.—I have listened with great pleasure to the gentleman from Kentucky, (Mr. POPE,) who has just sat down; but, although entertained with his eloquence, have not been convinced by his arguments. I shall not follow him through the New England memorials, nor discuss with him the policy of a non-intercourse law, as that is not the question before the Senate; neither shall I join issue with him as to the apparent expediency of laying an embargo at the last session of Congress; but I will endeavor to show that the operation of this measure upon the country, has been such as now calls most imperiously upon this body to pass the resolution before us. The importance of this subject is admitted on all sides, and the anxiety known to exist throughout every section, and almost in every individual of the community, in relation to the decision now about to be had upon it, is the fullest evidence of the deep and unusual degree of interest universally felt throughout the country, and attaches to the vote we are to give the highest responsibility. Such a responsibility I am not willing to meet without assigning some of the reasons that influence my opinion. And this I shall do the more cheerfully, as I know they will be in conformity with the sentiments of a vast portion of those I have the honor to represent. The embargo, when laid, was admitted to be a mere experiment, but one which we were admonished not to resist, as it was to do great things for the United States. It was, in a few months, to reduce the West Indies to a state of starvation, and to bring the two great

belligerent Powers of Europe to our feet. In the prophetic language of the President, it was to "keep in safety our merchandise, our vessels, and our seamen, those essential resources;" and we were told, on all sides, by the numerous advocates of the measure, that it would speedily bring the French and British Governments to a sense of justice. But has it, or is it likely to accomplish any of these desirable objects? I grant you, it has kept our merchandise in safety, if by that was intended to lock up in our barns and storehouses all the produce of our country to rot upon our hands. And as to our dismantled, ark-roofed vessels, they are indeed decaying in safety at our wharves; presenting daily to the merchant a melancholy memento of his present or approaching ruin, and forming a suitable monument to the memory of our departed commerce. But, where are your seamen? Gone, sir; driven into foreign exile in search of subsistence. The very measure that was to preserve them to their country has banished them from it, and many of them forever. Even the vigilance and terrors of our gunboat navy have not been sufficient to confine and starve them in our ports. But, sir, the most mortifying disappointment we have to sustain, is the total indifference with which this boasted measure of our Administration has been treated by both the belligerents. Instead of coercing them to do us justice, we now know officially that it is neither felt nor thought of in France; and the British, so far from offering us terms on the subject, will not even ask us to take it off. Here, I will beg leave to read a short passage from Mr. Canning's letter to Mr. Pinkney, of the 23d of September last, showing most distinctly the sense and determination of the British Government on this subject:

"His Majesty (says Mr. Canning) sees nothing in the embargo laid on by the President of the United States of America, which varies this original and simple state of the question. If considered as a measure of impartial hostility against both belligerents, the embargo appears to His Majesty to have been manifestly unjust, as, according to every principle of justice, that redress ought to have been first sought from the party originating the wrong; and His Majesty cannot consent to buy off that hostility which America ought not to have extended to him, at the expense of a concession made, not to America, but to France.

"If, as it has been more generally represented by the Government of the United States, the embargo is only to be considered as an innocent, municipal regulation, which affects none but the United States themselves, and with which no foreign State has any concern; viewed in this light, His Majesty does not conceive that he has the right, or the pretension, to make any complaint of it, and he has made none. But in this light there appears not only no reciprocity, but no assignable relation between the repeal by the United States of a measure of voluntary self-restriction, and the surrender by His Majesty of his right of retaliation against his enemies."

Here the embargo, as a measure of coercion or retaliation on our part, is officially treated by the British Minister even with ridicule; he tauntingly admits, indeed, what is unfortunately too

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true, that it is a regulation which affects none but the United States themselves, and tells us that His Majesty neither does nor means to complain of it. And although the gentleman from Kentucky informs us, he has not met with, yet I have seen a recent report made by a French Minister to the Emperor, in which the embargo is approved of and applauded as, what it really is, a measure favorable to them, and an act of great self-denial on our part. Under all these circumstances, and every gentleman here knows the facts I state to be correct, why, in the name of Heaven, continue it? What beneficial end can it produce? The country is, at this moment, bleeding at every pore under it, without the remotest prospect or probability of ultimately deriving the least possible advantage or security from the measure. And as it is not among the least discouraging of the circumstances belonging to the present state of things, that we are able to make no calculation as to the probable time when we shall see the end of the evil; for, upon the same principle that the embargo is continued now, it may be continued for twenty or for forty years, or at least during the war between the two great contending Powers of Europe, which, I presume, no gentleman here expects will be at an end in the life of the present Emperor of France, and as long as an Englishman exists with the means and courage to defend the independence of his country.

I am willing to believe, and do believe, what the honorable gentleman from Kentucky has just now in substance declared, that the gentlemen who supported the embargo laws at the last session upon this floor, supposed they would be speedily productive of great and beneficial results upon our foreign relations; that they would bring the two great belligerents, and especially England, to just and reasonable terms; and that there would be no occasion for continuing them longer than till they should be known on the other side of the Atlantic. But in all this they now see and know their mistake; they now know, from the most authentic sources, that these laws have produced no alteration in the conduct of either France or England in relation to us; that, in fact, they are applauded by the one, and treated with contempt and derision by the other, while we are ourselves the suffering and bleeding victims of the rack upon which we vainly expected to torture them.

It is the fate of humanity to err; the wisest and the best of men are liable to it. And all we ask of these honorable gentlemen now, is to come out openly and acknowledge, in the face of the nation, the egregious mistake into which they fell, and unite with us in redressing the injuries and healing the wounds they have so unnecessarily inflicted upon their devoted country. I make this appeal to them with the more confidence, because I know every gentleman here has too much character and patriotism to be influenced by the pride of opinion to consistency in political error. I will submit to you, Mr. President, whether we have not before us sufficient evidence to show that the Administration themselves are now convinc-

ed of the impolicy of this measure, and would willingly get rid of it, if they could do so, consistently with the character of infallibility they wish to preserve in the public opinion. I deduce this conclusion from the offer they say they have recently made to the British Government to take off the embargo as to them, and to continue it as to France, provided they would rescind their Orders of Council. An offer, which, if indeed made unencumbered with other terms, is a complete acknowledgment of a conviction of error on the part of the Administration; because, after they had subjected the country to all the deprivations, and ruinous effects of the embargo for more than six months, it was coming to the precise ground we were requested to take in relation to France, by the British Government, a year before the embargo was laid, in the famous note of Lords Holland and Auckland to Messrs. Monroe and Pinkney, accompanying the British Treaty formed by those gentlemen. All they then asked of us was, that we should "not acquiesce in the palpable violation of our rights directed by the Berlin decree if attempted to be enforced;" and surely they could not have contemplated more than that, if France did attempt to enforce that decree; we would interdict all intercourse with her, and continue our commerce with Great Britain; which would be the very effect of the stipulation recently proposed. This proposition from the British Government, however, in December, 1806, was spurned with disdain; and now, after the country is half ruined with the experiment of a perpetual embargo, such as I believe was never before practised upon any people, we condescend to beg those very terms, and they refuse to grant them. Sir, the truth is, the Administration must now be convinced that the embargo is injuring no one but ourselves, and us it must eventually ruin if persisted in. I regret, too, this proposition was made, because it has furnished to Mr. Canning an opportunity of offering a most sarcastic insult to the Government of this country. He tells Mr. Pinkney in reply to it, that "His Majesty would not hesitate to contribute in any manner in his power to restore to the commerce of the United States its wonted activity; and if it were possible to make any sacrifice for the repeal of the embargo, without appearing to deprecate it as a measure of hostility, he would gladly have facilitated its removal as a measure of inconvenient restriction upon the American people." His Majesty would not hesitate to contribute in any manner in his power to restore to the commerce of the United States its wonted activity, and if it were possible, without any sacrifice, for the repeal of the embargo, would gladly facilitate its removal as a measure of "inconvenient restriction upon the American people." I have no faith, Mr. President, in the sincerity of this profession; but I feel most sensibly the severity of the sarcasm, as applied to a measure of our Administration that we were confidently told was to bring England to our own terms.

I will now, sir, with the indulgence of the Senate, endeavor to examine, as concisely and as cor-

rectly as I am capable of, the operation of the embargo upon the commerce and general prosperity of the United States. According to the last report of the Secretary of the Treasury, it will be found, that the goods, wares, and merchandise, of foreign growth and manufacture, exported from the United States in the year prior to the first day of October, 1807, amounted to \$59,643,558. All the revenue, all the national and commercial wealth that would have arisen from this very extensive trade, is completely destroyed by the embargo; it is a total loss to the country, that can never be recovered. In the same report it appears that the goods, wares, and merchandise, of domestic growth and manufacture, the actual produce of our own country, exported from the United States, in the same year, amounted to \$48,699,592. The whole commercial profits and national wealth that would have arisen from the exportation and proceeds of this immensely valuable produce is for the present lost to the country, and a large portion of the merchandise, the produce itself, must be forever lost if the embargo be long continued. All, or nearly all, the product of the fisheries, amounting to \$2,804,000, as likewise the agricultural produce of the country, a few articles, such as tobacco, cotton, rice, &c., excepted, which I have not included in this estimate, amounting to \$18,521,000, making in the whole twenty-one millions four hundred and twenty-five thousand dollars, that must be forever lost to the fisherman, the farmer, or the merchant, because they are articles of a perishable kind, such as fish, wheat, flour, Indian meal, flaxseed, beef, pork, &c., that will not admit of being kept on hand for market. So that, if the embargo be now continued, the country in fact may be said already to have sustained a clear loss, in her native produce only, of more than twenty-one million of dollars by the measure, besides the duties that would have arisen from near a million and a half of tonnage now idle in our docks, and the immense expense of large detachments of militia, regular troops, and a fleet of gunboats to enforce the laws. And so obnoxious are those laws, that, although to enforce their execution, we have blockaded our own ports, and hung our own citizens, they are still openly resisted by force, and seriously endanger the domestic tranquillity of the country. But, sir, it is to be observed that the actual loss sustained during the embargo, is not the only evil arising from it; another more permanent is to be apprehended. It will have the effect of throwing the commerce of the world into other and different channels; of inducing foreign nations to seek in other countries what they have heretofore been in the habit of purchasing from us, and what we now deny them. In the single article of cotton, for instance, we now, or did, export more than fourteen million of dollars' worth annually, and principally supplied the British manufactures with this article; but it is well known that the soil and climate of the Brazils are equally congenial to the growth of this crop with our own, and with due attention to the cultivation of it, is capable of supplying abundantly all the manufac-

ries of England. Surely, then, I shall be correct in stating, that the embargo is a premium sufficient to stimulate them to this exertion, and to enable them ultimately to supplant us in the sale of this very valuable staple of some of our Southern States. And the intimate connexion known at present to exist between the British Government and the Regency of that country, will greatly aid in producing this result.

Now, sir, let me inquire, during the existence of the present state of things, whence we are to derive our revenue? A consideration certainly of no small importance to a Government depending entirely for her revenue upon commerce. Our commerce is entirely at an end, and of course our revenue; by the way, another loss to the nation of at least fifteen millions of dollars annually by the embargo. This, I know, cannot be felt during the present year, because our Treasury is overflowing with the proceeds of the last. But, from what sources are you to obtain money next year, for the support of Government, and the payment of the national debt? Are gentlemen ready to resort to a direct tax? No, sir; they love place and power too well. That was once done for the purpose of raising money, I believe, to defend commerce, and the people on that occasion taught their servants a lesson that, I presume, will not be shortly forgotten. The President, I know, in his late Message, has given a favorable account of the present state of the Treasury; and most kindly indeed expresses much concern as to the best use to be made of the surplus revenue of the next year. Sir, among all the cares and troubles of his successor, I venture to predict this will not be one of them; he will not be plagued with surplus revenue next year. Mr. Jefferson's overweening anxiety for the public good must have blinded him to the obvious fact, that, before he can be well warm in his seat at Monticello, the revenue now bonded for will be collected, and as, in consequence of the present abandonment of commerce, there will certainly be no other bonds to become due, it follows necessarily, in the course of your annual expenditures, that, by the next meeting of Congress, your Treasury must be empty; so that, instead of being troubled with surplus revenue, it will require all the fiscal talents of the next incumbent of the Palace, be him whom he may, to provide the sum essential for the support of Government.

The gentlemen who advocate this—I do not know what to call it—terrapi policy; I beg pardon, sir—when driven from every other hold, invariably launch into futurity, and tell us that, if we dare to put out our heads in any part of this wide world, we shall get them broke; or, in other words, if we take off the embargo, we shall have war. Laying out of view any comparison between the probable expense of war, and the actual loss annually sustained by the embargo, the former bearing no comparison with the latter, let us examine, for a moment, what foundation there is for this assertion, and whether we might not at this time, even admitting the British Orders of Council to have their full operation, carry on safely a most extensive and valuable commerce

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with at least three-fourths of the commercial world. I have before me those Orders in Council; the only restrictive clause is in the following words:

"His Majesty is therefore pleased, by and with the advice of his Privy Council, to order, and it is hereby ordered, that all the ports and places of France, and her allies, or of any other country at war with His Majesty, and all other ports or places, from which, although not at war with His Majesty, the British flag is excluded; and all ports or places in the colonies belonging to His Majesty's enemies, shall from henceforth be subject to the same restrictions in point of trade and navigation, with the exceptions hereafter mentioned, as if the same were actually blockaded by His Majesty's naval forces in the most strict and rigorous manner."

As much as I condemn and feel disposed to resist these arbitrary regulations, they certainly do not interfere with, or in any respect embarrass our trade to Hindostan, China, Java, Sweden, Gibraltar, England, Portugal, Sicily, the whole extent of the Mediterranean and Atlantic coast of Africa, Arabia, the Western Isles, and Madeira, Nova Scotia, Canada, the Spanish, Swedish, and British West Indies, the Floridas, Brazils, and all the rest of South America, except Cayenne, as likewise the Northwest coast of America. These countries, too, as will appear by the last report of the Secretary of the Treasury, receive annually nearly four-fifths of the whole native exports of the United States, and are certainly, none of them, notwithstanding what has been said by the gentleman from Maryland, (Mr. SMITH,) within the purview of the British Orders of Council. That gentleman, when on this part of the subject, I will do him the justice to acknowledge, told us he had risen in great haste, and was unprepared; and, indeed, sir, it would require great haste and great want of preparation to justify some of the statements made by the gentleman to the Senate. Among other things equally extravagant, he told us, in the face of the British Orders of Council, I have just read, that we were now interdicted by those orders from any trade with Spain or Portugal; and, after referring to Mr. Canning's reply to the committee of merchants, viz: "That neutrals were not now excluded from the ports of Portugal and Spain by those orders," triumphantly asked us to tell him, as lawyers, whether, if a vessel engaged in that trade was carried into a British Court of Admiralty, she would be tried by Mr. Canning's conversation with the merchants, or according to the law of the land? I answer the gentleman, not as a lawyer, but as a man of common sense, that she would be tried according to the law of the land. And I wonder it had not occurred to that gentleman, as a man of common sense, that, according to the law of the land, she must be acquitted. Sir, the express language of these orders is, "that all the ports and places of France and her allies, or of any other country at war with His Majesty, and all other ports or places in Europe, from which, although not at war with His Majesty, the British flag is excluded," &c. And will the gentleman undertake to say here, that Spain and Portugal

are now the allies of France, or that the British flag is now excluded from their ports? No, sir. The gentleman knows they are, at this moment, waging a most exterminating war with France, in defence of their very existence; and that they derive their principal support and subsistence under the British flag. There is no man who can read and understand plain English, and shall examine these orders, but will tell you in a moment that the ports of Spain and Portugal, so far from being within their spirit, are not now even within the letter of them. But, independent of this, there was a special proclamation of the King, dated on the 4th of July last, notifying to the world that the blockade no longer existed as to the ports of Spain. The advice the gentleman has been pleased to detail to us, as received in private letters from Europe, I shall take no notice of; they are entitled to none, unless he will first submit those letters to the Senate, and then we shall give to the information they contain, that weight to which the characters of his correspondents, and their means of acquiring correct information may entitle it.

Gentlemen, by turning to the last report of the Secretary, to which I have before referred, and I wish them to examine for themselves, will find, that of the \$48,699,592 worth of produce and other merchandise, the actual growth and manufacture of our country exported from the United States in 1807, we sent

To England and her dependencies in Europe, Asia, Africa, and America	\$27,917,077
To Spain and her dependencies in Europe and America	3,998,575
To Portugal and her dependencies in Europe and America	1,399,616
To Sweden and Swedish West Indies	472,666
To China, the East and West Indies, generally, (not included above,) Africa, and Northwest coast of America	1,939,908
Making in the whole	\$35,707,842

Almost four-fifths of the whole native exports of the United States for that year, which we might export nearly as safely now as then, but for the embargo; for it cannot, it certainly will not, be now contended, that any part of this commerce is embraced by the British Orders of Council; and the French decrees in relation to it, from a total inability to execute them, are a mere nullity. It is not, therefore, as has been said, the decrees and orders of foreign Powers that have reduced our country to its present distressed and embarrassed condition. It is our own folly, the embargo, that now palsies the labor, the energies, and enterprise of our citizens, and locks up more than thirty-five millions of dollars, the native produce of our country, to perish and sink upon our hands. I want to hear, sir, for I have not heard yet, how this enormous, this unnecessary, and ruinous sacrifice of individual and national wealth, can be justified to the public. There is

no man who holds more indignantly than I do, those French Decrees and British Orders; but, before my God, I do most religiously believe that the embargo is a thousand times more injurious to our country than they both could be rendered. Instead of availing ourselves of the immensely extensive and valuable commerce now open to us, with at least three-fourths of the commercial world, it has now become a great favor, if we can be permitted, by the President and his gunboats, to sneak along shore, from one of our ports to another, with as much flour and pork as we can eat on the passage.

Sir, this is the next commercial country in the world to England; we are, in fact, in this respect, their only competitors, and while, as at present, they have an opportunity of monopolizing all the commerce of the world, do you believe they will ever ask you to take off the embargo laws? No, sir. This would be an act of madness in them, equal almost to our continuing them. They do not wish to meet upon the ocean again their industrious and enterprising rivals. They are, no doubt, pleased to see us shackling and crippling ourselves.

Much has been said by the gentleman from Maryland (Mr. SMITH) on the subject of tribute, and in a manner I do not well understand, unless it be to retort upon the gentleman his own language, *ad captandum*. I wish it, however, to be distinctly understood, that no part of the commerce, I have undertaken to show the United States might now carry on, would be subject to any tribute. I wish it to be further understood, sir, that I would not only see this country clad in homespun, but covered in sackcloth and ashes, rather than that she should consent to pay tribute. I would see every commercial city upon our shores, and every rag of canvass we hold in flames. I would see our soil smoking with the best blood of its inhabitants, and the bones of our citizens mingled with the ashes of their dwellings, rather than see this people submit to pay tribute to any nation on earth. I trust there is not in either House a member who would not sooner risk his life, and spill his blood, than give a vote that should reduce his country to a condition so slavish and degrading. And I hope, Mr. President, that no insinuation has or will be made here calculated even to intimate an idea that the gentlemen of this body who may vote for the repeal of the embargo laws, would subject this nation to tribute. Such an insinuation would not only be unfounded, illiberal, and derogatory of this floor, but, in other respects, highly unjustifiable.

It has been asked by the gentleman from Kentucky, why do not those who oppose the embargo propose some substitute? Certainly it cannot be expected of us to offer ourselves as the pioneers of this Administration; but, in reply to the question, I will refer gentlemen to a confidential letter, submitted to the Senate a few days past: gentlemen need not be alarmed, I am not going to tell what that letter contains. If any substitute be necessary, in that is pointed out the one I would

adopt; there is marked a safe, a high, and an honorable course, that, if pursued, without, I believe, endangering our peace, would add alike to our national character and our national wealth.

It has been well observed by the gentleman from Virginia (Mr. GILES) that it was time we had become a nation, that we were nationalized. The sentiment was worthy of that gentleman, and one to which I entirely subscribed. But is the system of which this measure is apprehended by many to be but the commencement, calculated to nationalize? No, sir; much better calculated, I fear, to estrange the extremes of the Union from each other, and to familiarize our ideas to an event, that I deem it almost treason to think of, and that every honorable and patriotic American must view as the most calamitous curse that could be forced upon this country. I beseech gentlemen, therefore, to beware how they press this system too far. There is a section, a very respectable and powerful section of this country, that, with commerce, is rich and happy; deprived of that commerce a large portion of its population must starve. That population expect, and, as a portion of the community, have a right to expect, that their only means of subsistence will be fostered and defended, and not sacrificed to manufacturing whims or local prejudices. I do not mean to intimate that the embargo grew out of either of these causes; but the continuance of it at present, under existing circumstances, after the galling experience we have had, and when it can obviously produce nothing but distress and embarrassment to ourselves, may engender and nurture jealousies that, perhaps, time will not allay. I believe the people of this country will submit to any privations for the public good, but they must first be convinced that the public good requires the sacrifice. It must, it will astonish every unprejudiced and reflecting man in the community, if this ruinous measure be persisted in, after the experience we have received, and when we have before us the most conclusive and irresistible evidence to show that it is utterly inadequate to the accomplishment of any of the objects for which it was said to be intended. And conduct that cannot be accounted for on any reasonable ground, is apt, however unjustly, to be attributed to unworthy motives. I trust, therefore, that gentlemen, on their own accounts, will not reject this resolution; that they will, at least, first deliberate and look to consequences; that they will feel well the public pulse before, by this rash prescription, they stagnate the national blood.

Mr. MOORE said he was not a little surprised to hear insinuations of the disaffection of any portion of the people of the United States; but the Senate was now called upon to beware how they drove the people of the Eastern States to rebellion. The Councils of the United States were not to be inflamed by these suggestions; he could not believe them to be well founded; he could not believe that the citizens who, in our Revolution, exhibited such incontestable marks of patriotism, under the privations which the peculiar

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situation of our country rendered necessary, would now revolt against the Government which they themselves had constituted. He held no such opinion. On the contrary, he believed that they would unite with their fellow-citizens who were sufferers in the common cause with themselves, and unite every effort to maintain that independence they had assisted to gain.

The gentleman from Connecticut had asked, if the embargo had been productive of the consequences expected to result from it when passed? Had it not been more injurious to the United States than to foreign nations? It is certainly true (said Mr. M.) that it has not been productive of all the effects expected by those who were its advocates when it passed, but it has not had a fair experiment. The law has been violated, and an illicit commerce carried on, by which the belligerents have received such supplies as to have partially prevented its good effects.

The publications throughout the United States, and thence in England, that the embargo could not be maintained, have induced the belligerents to believe that we wanted energy, and that we are too fluctuating in our councils to persevere in a measure which requires privations from the people. Under these circumstances, it appears to me that the embargo has not had a fair trial. I have ever been of opinion that the only warfare which we could ever carry on to advantage, must be commercial; and, but for evasions and miscalculations on our weakness, we should before this have been suffered to pursue our accustomed trade.

It has been asked whether the embargo has not operated more on the United States than on the European Powers? In estimating this, it will be proper to take into consideration the evils prevented, as well as the injury done by the embargo. If the embargo had not passed, is it not certain that the whole produce of the United States would have invited attack and afforded a bait to the rapacity of the belligerent cruisers? If a few have accidentally escaped them, it is no evidence that, if the embargo had not been laid, the whole would not have been in the hands of the belligerents. That both belligerents have manifested hostilities by edicts which prostrated our commerce will not be denied by any gentleman.

Great Britain, on a former occasion, passed an order, sent it out secretly, and before our Minister was officially notified it was in full operation. Their late orders included all our commerce which was afloat. Was it not to be expected that such would have been the policy of Great Britain in this case, and such our proportionate loss, if the embargo had not been laid, and thus snatched this valuable commerce from their grasp?

Great inconveniences are apprehended from this measure, giving another direction to commerce, and from our losing that to which we have been accustomed. I have no such apprehensions. If, on the contrary, we tamely acquiesce, I will not say in paying tribute, for every one seems to disclaim it—Great Britain, however, having excluded us from the Continent, if

we tamely acquiesce, have we reason to expect that she will not, as long as she is a nation, exercise the same policy? Suppose it even to be policy, adopted in time of war, if we calculate the number of years she is in war in proportion to the number of years she is at peace, and suppose such a regulation to exist during all her wars, I conceive that we have lost our independence, if we submit for it. It appears to me that, for many years, Great Britain has adopted new regulations, and added new principles to the established law of nations, to the subversion of lawful neutral commerce. It cannot be doubted then, that if it be in her power she will totally destroy it.

I am not competent to enter into examination of the private evils or benefits resulting to commerce from the measure of the embargo. But I will state a point which, in my mind, is all important in this case: When the Revolutionary war commenced, it was not merely the paying a small duty on tea which was the subject of contest, for it was considered as unimportant; but it was the right of Great Britain to impose a tax without our consent. This is the question now in contest, affecting our independence, as in former times it affected our rights. It is a question affecting our very existence as a nation. If this embargo be removed, and that is the only question now under consideration, no gentleman in the opposition has stated what he would wish in its room. Therefore I shall take the question on the ground of acquiescence on the part of the United States in the Orders of Council. Then, I ask, will the United States so far abandon their independence as to subject themselves to the regulations of Great Britain and France, and be dictatorially told that they shall trade to such and such places only? Shall we admit the right of foreign Powers to restrict us? If we do, with what propriety can we at any future day contest the principle? In my mind this is the important point, and I still remain to form my opinion whether the embargo is the very best measure that could be adopted. Yet, to show to the world that I will not surrender my rights, that I will struggle for our independence, I shall certainly vote against this resolution till I see whether anything else can with propriety take its place.

Mr. S. SMITH said he did not rise to go into the discussion, for he had already taken his share in it, but to answer one observation of the gentleman from Delaware. It would be recollected that the gentleman had some days ago called for all the orders and decrees of the belligerents affecting neutral commerce; it would be recollected that the subject had been pressed upon the Senate yesterday, before these documents could have been received; that, at the request of a gentleman from Massachusetts, the gentleman from Vermont (Mr. BRADLEY) had withdrawn his motion for postponement; that the gentleman from Massachusetts had then spoken, and that he (Mr. SMITH) had replied to him. I stated facts as they occurred to me, without paper or document, and asked the opinion of legal gentlemen on the subject of the operation of the Orders of Council on

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Spain and Portugal. The gentleman from Delaware has undertaken to decide the question according to common sense. Common sense is my guide, sir; and permit me to say that, nine times out of ten, it is the best guide to follow; and though I have heard the opinion of the gentleman from Delaware, I have not changed my opinion on the subject. I believe that the British will now exclude our commerce from those ports, because the act of Parliament making permanent those orders, authorizes the King to modify them, as to His Majesty may appear proper. I asked yesterday whether a proclamation to this effect had been issued by the King of Great Britain? The gentleman says, common sense will give the orders the construction for which he contends. I take the answer of Mr. Canning to the committee of merchants, and bottom my assertion on it. Will the gentleman deny that, before the Orders in Council were issued, we could, under certain restrictions, trade to those countries? Yet, Mr. Canning answers, when asked by these three respectable merchants, who must have had doubts on the subject, or they would not have applied for information, "with *American produce* they may go." If they were, as the gentleman contends, as free to go now as prior to the Orders in Council, why did not Mr. Canning answer that they might go without restriction, instead of limiting the commerce to the carriage of *American produce*?

When Mr. S. SMITH had concluded, the Senate adjourned.

WEDNESDAY, November 23.

THE EMBARGO.

The Senate resumed the consideration of the motion of Mr. HILLHOUSE, made on the 11th instant, for repealing the "Act laying an embargo on all ships and vessels in the ports and harbors of the United States, and the several acts supplementary thereto."

Mr. CRAWFORD said that one of the objects of the gentleman from Connecticut was, no doubt, to obtain information of the effects of the embargo system from every part of the United States. This information was very desirable at the present time, to assist the Councils of the nation in an opinion of the course proper to be pursued in relation to it. A Government founded, like ours, on the principle of the will of the nation, which subsisted but by it, should be attentive as far as possible to the feelings and wishes of the people over whom they presided. He did not say that the Representatives of a free people ought to yield implicit obedience to any portion of the people who may believe them to act erroneously; but their will, when fairly expressed, ought to have great weight on a Government like ours. The Senate had received several descriptions of the effects produced by the embargo in the eastern section of the Union. As the Representative of another extreme of this nation, Mr. C. said he conceived it his duty to give a fair, faithful, and candid representation of the sentiments of the people whom he had the honor to

represent. It was always the duty of a Representative to examine whether the effects expected from any given measure, had or had not been produced. If this were a general duty, how much more imperiously was it their duty at this time! Every one admitted that considerable sufferings have been undergone, and much more was now to be borne.

Gentlemen have considered this subject, generally, in a two-fold view, (said Mr. C.) as to its effects on ourselves, and as to its effects on foreign nations. I think this a proper and correct division of the subject, because we are certainly more interested in the effects of this measure on ourselves than on other nations. I shall therefore thus pursue the subject.

It is in vain to deny that this is not a prosperous time in the United States; that our situation is neither promising nor flattering. It is impossible to say that we have suffered no privations in the year 1808, or that there is a general spirit of content throughout the United States; but I am very far from believing that there is a general spirit of discontent. Whenever the measures of the Government immediately affect the interest of any considerable portion of its citizens, discontents will arise, however great the benefits which are expected from such measures. One discontented man excites more attention than a thousand contented men, and hence the number of discontented is always overrated. In the country which I represent, I believe no measure is more applauded or more cheerfully submitted to than the embargo. It has been viewed there as the only alternative to avoid war. It is a measure which is enforced in that country at every sacrifice. At the same time that I make this declaration, I am justified in asserting that there is no section of the Union whose interests are more immediately affected by the measure than the Southern States—than the State of Georgia.

We have been told by an honorable gentleman, who has declaimed with great force and eloquence against this measure, that great part of the produce of the Eastern country has found its way into market; that new ways have been cut open, and produce has found its way out. Not so with us; we raise no provisions, except a small quantity of rice, for exportation. The production of our lands lies on our hands. We have suffered, and now suffer; yet we have not complained.

The fears of the Southern States particularly have been addressed by the gentleman from Connecticut, by a declaration that Great Britain, whose fleets cover the ocean, will certainly find a source from which to procure supplies of those raw materials which she has heretofore been in the habit of receiving from us; and that having thus found another market, when we have found the evil of our ways, she will turn a deaf ear to us. By way of exemplification, the gentlemen cited a familiar example of a man buying butter from his neighbors. It did not appear to me that this butter story received a very happy elucidation. In the country in which he lives there are so many buyers and so many sellers of butter,

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that no difficulty results from a change of purchasers or customers. Not so with our raw material. Admitting that Britain can find other markets with ease, there is still a great distinction between this and the gentleman's butter case. When a man sells butter he receives money or supplies in payment for it. His wants and wishes and those of his purchasers are so reciprocal, that no difficulty can ever arise. But Great Britain must always purchase raw materials of those who purchase her manufactures. It is not to oblige us that she takes our raw materials, but it is because we take her manufactures in exchange. So long as this state of things continues, so long they will continue to resort to our market. I have considered the gentleman's argument on this point as applied to the feelings of the Southern country. No article exported from the United States equals cotton in amount. If then we are willing to run the risk, I trust no other part of the United States will hesitate on this subject.

Another reason offered by the gentleman from Connecticut, and a substantial one if true, is, that this measure cannot be executed. If this be the case, it is certainly in vain to persevere in it, for the non-execution of any public law must have a bad tendency on the morals of the people. But the facility with which the gentleman represents these laws to have been evaded, proves that the morals of the evaders could not have been very sound when the measure was adopted; for a man trained to virtue will not, whatever facility exists, on that account, step into the paths of error and vice.

Although I believe myself that this measure has not been properly executed, nor in that way in which the situation of our country might reasonably have induced us to expect, yet it has been so far executed as to produce some good effect. So far as the orders and decrees remain in full force, so far it has failed of the effect hoped from it. But it has produced a considerable effect, as I shall attempt to show hereafter.

In commenting on this part of the gentleman's observations, it becomes proper to notice, not an insinuation, but a positive declaration that the secret intention of laying the embargo was to destroy commerce; and was in a state of hostility to the avowed intention. This certainly is a heavy charge. In a Government like this, we should act openly, honestly, and candidly; the people ought to know their situation, and the views of those who conduct their affairs. It is the worst of political dishonesty to adopt a measure, and offer that reason as a motive for it which is not the true and substantial one. The true and substantial reason for the embargo, the gentleman says he believes, was to destroy commerce, and on its ruins to raise up domestic manufactures. This idea, I think, though not expressly combatted by the observations of the gentleman from Delaware, (Mr. WHITE,) was substantially refuted by him. That gentleman, with great elegance and something of sarcasm, applied to the House to know how the Treasury would be filled in the next year; and observed that the "present incum-

bent of the Presidential palace" would not dare to resort to a direct tax, because a former Administration had done so and felt the effects of it, insinuating that the present Administration did not possess courage enough to attempt it. Now, I ask, if they dare not resort to a direct tax, excise laws, and stamp acts, where will they obtain money? In what way will the public coffers be filled? The gentleman must acknowledge that all our present revenue is derived from commerce, and must continue to be so, except resort be had to a direct tax, and the gentleman says, we have not courage enough for that. The gentleman from Connecticut must suppose, if the gentleman from Delaware be correct, that the Administration seeks its own destruction. We must have revenue, and yet are told that we wish to destroy the only way in which it can be had, except by a direct tax; a resort to which, it is asserted, would drive us from the public service.

But, we are told, with a grave face, that a disposition is manifested to make this measure permanent. The States who call themselves commercial States, when compared with the Southern States, may emphatically be called manufacturing States. The Southern States are not manufacturing States, while the great commercial States are absolutely the manufacturing States. If this embargo system were intended to be permanent, those commercial States would be benefitted by the exchange, to the injury of the Southern States. It is impossible for us to find a market for our produce but by foreign commerce; and whenever a change of the kind alluded to is made, that change will operate to the injury of the Southern States more than to the injury of the commercial States, so called.

But another secret motive with which the Government is charged to have been actuated is, that this measure was intended and is calculated to promote the interests of France. To be sure none of the gentlemen have expressly said that we are under French influence, but a resort is had to the exposé of the French Minister, and a deduction thence made that the embargo was laid at the wish of Bonaparte. The gentleman from Connecticut told us of this exposé for this purpose; and the gentleman from Massachusetts appeared to notice it with the same view.

Now we are told that there is no danger of war, excepting it be because we have understood that Bonaparte has said there shall be no neutrals; and that, if we repeal the embargo, we may expect that he will make war on us. And this is the only source from whence the gentleman could see any danger of war. If this declaration against neutrality which is attributed to the Gallic Emperor be true, and it may be so, his Gallic Majesty could not pursue a more direct course to effect his own wishes than to declare that our embargo had been adopted under his influence. And unless the British Minister had more political sagacity than the gentleman who offered the evidence of the exposé in proof of the charge, it would produce the very end which those gentlemen wished to avoid—a war with Great Britain; for she

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would commence the attack could she believe this country under the influence of France. I would just as much believe in the sincerity of that exposé, as Mr. Canning's sincerity, when he says that his Majesty would gladly make any sacrifice to restore to the commerce of the United States its wonted activity. No man in the nation is silly enough to be gulled by these declarations; but, from the use made of them, we should be led to think otherwise, were it not for the exercise of our whole stock of charity. Now I cannot believe that any man in this nation does believe in the sincerity of Mr. Canning's expressions, or that Bonaparte believes that the embargo was laid to promote his interest. I cannot believe that there is any man in this nation who does candidly and seriously entertain such an opinion.

When we advance to the second proposition, we are told in the most positive terms, by the gentlemen from Delaware and Connecticut, that this measure has produced no effect on foreign nations. The gentleman from Massachusetts barely admits that at first it had excited some small degree of alarm in Great Britain for a short time. I cannot believe that gentlemen wish to be understood literally when they tell us this. It can be nothing more than a figure of rhetoric. It cannot really be meant that the embargo has produced no effect. The gentleman from Massachusetts gets over it by saying that insurrections among her manufacturers were familiar to him; he had always heard of them. But, sir, I do not recollect to have heard of any insurrection, of the kind to which I allude, having taken place. They have at times heretofore been disorderly indeed, but in the late case it was a peaceable assemblage of laborers, not intending to overthrow the Government or to resist the laws, but to show the absolute state of starvation with which they were threatened. There has been nothing of this kind within my recollection before. We have heard of mobs and riotous tumults; but in the present case no movement was made by these unfortunate people to disturb the Government. With a degree of facility which excited my astonishment, the gentleman tells us that if 100 principal manufacturers should be reduced to bankruptcy, and 50,000 mechanics should be turned out of employ, this would but strengthen the army and navy of the British nation; that, when you affect Great Britain most seriously, you do her a benefit. Pursuing this argument a little farther, suppose 500,000 should be unemployed, the arm of the nation would be so much the more strengthened, and the more it would enable her to enforce her arbitrary maritime regulations. I see no conclusion to which this argument would lead us, but to this; that as you destroy her manufactures you make her powerful. If the effect of destroying her manufactures was to be simply that which the gentleman conceives, of arming her vessels and filling the ranks of her armies, it possibly might promote her strength. But these people must be clothed and fed, whether in the sea or land service, and must also have a little pay. If all her manufactures are destroyed, where is she to obtain the sum

of money necessary to pay, clothe, and feed these people. Sir, we affect them vitally by affecting their manufactures; for by the export duty on these, and imports on their returns, they obtain great part of their revenue. If they export nothing they can import nothing. This conclusion of the gentleman from Massachusetts cannot therefore be correct.

The gentleman from Massachusetts says, it is true that a considerable alarm was excited in England when the news of the embargo arrived there; that they had been led to believe, from their writers and speakers, that a discontinuance of their intercourse with this country would be productive of most injurious consequences; but that they were now convinced that all their writers and statesmen were mistaken, and that she can suffer a discontinuance of intercourse without being convulsed or suffering at all. To believe this requires a considerable portion of credulity, especially when the most intelligent men affirm to the contrary. In the last of March or the first of April last, we find, on an examination of merchants at the bar of the British House of Commons, that the most positive injury must result from a continuance of non-intercourse. It is not possible that our merchants on this side of the water, however intelligent they may be, can be as well acquainted with the interests of Great Britain as her most intelligent merchants. This alarm however, the gentleman has told us, continued through the Spring and dissipated in the Summer. It is very easy to discover the cause of the dissipation of this alarm. It was not because the loss of intercourse was not calculated to produce an effect, but it proceeded from an adventitious cause, which could not have been anticipated—the revolution in Spain; and there is no intelligent man who will not acknowledge its injurious effects on our concerns. No sooner did the British Ministers see a probability that the struggle between the Spanish patriots and France would be maintained, than they conceived hopes that they might find other supplies; and then they thought they might give to the people an impulse by interesting the nation in the affairs of Spain, which would render lighter the effects of our embargo. This is the cause of the change in Mr. Canning's language; for every gentleman in the House knows that a very material change took place in it in the latter part of the Summer. If then the embargo has not produced the effects calculated from it, we have every reason to believe that its failure to produce these effects has been connected with causes wholly adventitious, and which may give way if the nation adheres to the measure. If however there be any probability that these causes will be continued for a long time, we ought to abandon it. I am not in favor of continuing any measure of this kind, except there be a probability of its producing some effect on those who make it necessary for us to exercise this act of self-denial. When I first saw the account of the revolution in Spain, my fears were excited lest it should produce the effect which it has done. As soon as I saw the stand made by the Spanish patriots, I was

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apprehensive that it might buoy up the British nation under the sufferings arising from the effects of their iniquitous orders, which, compared with the sufferings which we ourselves have borne, have been as an hundred to one. If there be evidence that the effects of this measure will yet be counteracted by recent events in Spain, I will abandon it, but its substitute should be war, and no ordinary war—I say this notwithstanding the petitions in the other branch of the Legislature, and the resolutions of a State Legislature which have lately been published. When I read the resolutions, called emphatically the Essex resolutions, I blush for the disgrace they reflect on my country. We are told there that this nation has no just cause of complaint against Great Britain; and that all our complaints are a mere pretext for war. I blush that any man belonging to the great American family should be so debased, so degraded, so lost to every generous and national feeling, as to make a declaration of this kind. It is debasing to the national character.

We are told by the gentleman from Connecticut, not, to be sure, in language equally strong with that of the Essex resolutions, that the repeal of the embargo will not involve us in war, unless indeed Bonaparte makes war on us; that we are not driven to that alternative; that we have yet an honorable and lucrative trade left open to us. The same gentleman has said that he will not consent to go to war for rights not well established, but that he will never abandon a neutral right which is clearly established. From this it would appear that the gentleman thinks that the British Orders in Council are no infringement on the rights of neutral nations. [Mr. HILLHOUSE said he did not say so.] I did not say that the gentleman said so; but I drew the inference from the gentleman's position. [Mr. HILLHOUSE observed that he had said that he was doubtful whether the nation should go to war for doubtful rights; but for rights clearly indisputable he would permit the arming of our merchant vessels.] The gentleman's explanations, Mr. CRAWFORD said, did not change the inference he had before stated. He admits that he said that a repeal of the embargo would not involve the nation in war; and that in support of rights not clearly established, he is not prepared to say whether he would go to war or not. [Here understood the gentleman to allude to that portion of trade carried on by exporting the produce of enemies' colonies to foreign countries. I had thought that the right of an independent nation to trade with the whole world, except in ports absolutely blockaded, or in articles contraband of war, was a right which could not be denied, a right in which no nation had heretofore attempted to control another. The gentleman from Connecticut says he will not go to war for doubtful rights; and, that he will not go to war against the Orders in Council. I can draw no other inference from these observations, than that the gentleman conceives that the Orders in Council do not infringe our neutral rights; or, that all our rights are doubtful.]

How are these orders and decrees to be opposed

but by war, except we keep without their reach? If the embargo produces a repeal of these edicts, we effect it without going to war. Whenever we repeal the embargo we are at war, or we abandon our neutral rights. It is impossible to take the middle ground, and say that we do not abandon them by trading with Great Britain alone. You must submit, or oppose force to force. Can arming our merchant vessels, by resisting the whole navy of Great Britain, oppose force to force? It is impossible. The idea is absurd.

By way of ridiculing the embargo, the gentleman from Connecticut, in his familiar way, has attempted to expose this measure. He elucidated it by one of those familiar examples by which he generally exemplifies his precepts. He says your neighbor tells you that you shall not trade with another neighbor, and you say you will not trade at all. Now this, he says, is very magnanimous, but it is a kind of magnanimity with which he is not acquainted. Now let us see the magnanimity of that gentleman, and see if it savors more of true magnanimity than our course. Great Britain and France each say that we shall not trade with the other. We say we will not trade with either of them, because we believe our trade will be important to both of them. The gentleman says it is a poor way of defending the national rights. Suppose we pursue his course. Great Britain says we shall not trade to France; we say we will not, but will obey her. We will trade upon such terms as she may impose. "This will be magnanimity indeed; this will be defending commerce with a witness!" It will be bowing the neck to the yoke. The opposition to taxation against our consent, at the commencement of the Revolution, was not more meritorious than the opposition to tribute and imposition at the present day. I cannot, for my soul, see the difference between paying tribute and a tacit acquiescence in the British Orders in Council. True, every gentleman revolts at paying tribute. But where is the difference between that and suffering yourself to be controlled by the arbitrary act of another nation? If you raise the embargo you must carry your produce to Great Britain and pay an arbitrary sum before you can carry it elsewhere. If it remains there, the markets will be glutted and it will produce nothing. For it appears, from the very evidence to which I have before alluded, that at least four-fifths of our whole exports of tobacco must go to England and pay a tax before we could look for a market elsewhere, and that out of seventy-five thousand hogsheads raised in this country, not more than fifteen thousand are consumed in Great Britain. Where does the remainder usually go? Why, to the ports of the Continent. I ask, then, if the whole consumption of Great Britain be but fifteen thousand hogsheads, if an annual addition of sixty thousand hogsheads be thrown into that market, would it sell for the costs of freight? Certainly not. The same would be the situation of our other produce.

But the gentleman says that he is not prepared to go to war for doubtful rights! What are these doubtful rights? Has the law of nations ever in-

terdicted the trade with enemies' colonies, against the interruption of which the American merchants lately remonstrated with so much force and perspicuity? For the information of the Senate I will read a part of the memorial presented by the merchants of Boston. For my own part, I have never considered it a matter of much importance whether we have suffered more from France or Great Britain. I have long been convinced that both nations intended to do us all the evil they could; and where there is a difference in the *quantum*, it only results from an inability in the least mischievous to do more. But it is attempted to be shown by the gentleman from Massachusetts that there is a great difference between the injuries received from one Power, and those which we have received from another:

"While your memorialists have witnessed, with mingled feelings of indignation towards the perpetrators and of commiseration of their unfortunate countrymen, the insults and barbarities which the commerce of these States have sustained from the cruisers of France and Spain, it is their object, in the present memorial, to confine their animadversions to the more alarming, because more numerous and extensive detentions and condemnations of American vessels by Great Britain; and to advert to the principles recently avowed, and adopted by her courts, relative to neutral trade in articles of colonial produce. Principles which, if admitted or practised upon in all the latitude which may fairly be inferred to be intended, would be destructive of the navigation, and radically impair the most lucrative commerce of our country."

After going into a train of reasoning to show that the pretensions of Great Britain are a manifest violation of the neutral rights of this nation, they conclude by saying:

"But whatever may have been the motives for the proceedings on the part of Great Britain, the effect is notorious. From her recent conduct great losses have been sustained, our commerce has been checked and embarrassed, and large quantities of produce are now remaining locked up in this country which were purchased for foreign markets, because our merchants cannot send it abroad, without taking risks on themselves which prudence would not justify, or without paying such rates for insurance as the trade of the country cannot afford."

This memorial is in support of the very trade which the gentleman from Connecticut says he would not go to war for. Now a different language is held by the signers of this petition, under the increased injuries we have sustained; and I am only sorry for the character of the United States that this difference of language has taken place.

The gentleman from Delaware, (Mr. WHITE) has said, that, by repealing the embargo, we can now carry on a safe and secure trade to the extent of nearly four-fifths of the amount of our domestic productions. There is nothing more delusive, and better calculated to impose on those who do not investigate subjects, than these calculations in gross. If the gentleman will take the trouble to make the necessary inquiries, he will find that instead of Great Britain taking to the amount he supposes of our domestic productions, she takes nothing like it. It is true that a large proportion

of our domestic exports is shipped ostensibly for Great Britain; but it is equally true that a very large proportion of these very exports find their way into the continental ports. For the British merchants in their examination before the House of Commons, already alluded to, say that three-fourths of their receipts for exportation to the United States have been usually drawn from the Continent; and that even if the embargo was removed and the Orders in Council were continued, they must stop their exportation, because the continental ports would be closed against American vessels; because their coasts swarm with English cruisers, the French must know that the American vessels attempting to enter have come from an English port. That they had facilities of conveyance to the Continent prior to the Orders in Council, the merchants acknowledged; and when requested to explain the mode of conveyance, they begged to be excused. No doubt every gentleman has seen these depositions, or might have seen them, for they have been published in almost every paper on the Continent. They have opened to me and to my constituents a scene perfectly new. They tell you that the Berlin decree was nothing. Notwithstanding that decree, they had a facility of conveying produce into the continental ports; but the Orders of Council completely shut the ports of the Continent against the entrance of American vessels. On this point there was no contrariety of opinion; and several of these merchants declared that they had sent vessels to the Continent a very few days before the date of the Orders of Council. This clearly shows that any conclusion to be drawn from the gross amount of exports must be fallacious, and that probably three-fourths ought to be deducted from the gross amount. This statement of the gentleman from Delaware, which holds out to the public the prospect of a lucrative trade in four-fifths of their exports, will certainly have a tendency to render them uneasy under the privations which they are called upon to suffer by the iniquitous measures of foreign nations. Although the statement was extremely delusive, I do not say that the gentleman meant to delude by it. This, however, being the effect of the gentleman's assertion, I am certainly warranted in saying that the evidence of the British merchants who carry on this trade, is better authority than the gentleman's statements.

But admit, for the sake of argument, and on no other ground would I admit it, that these gross statements are correct; and that, at the time the embargo was adopted, these Orders in Council notwithstanding, the trade of the United States could have been carried on to this extent. What security have we, if the embargo had not been laid, after submitting and compromising the national dignity and independence, that the British aggressions and Orders in Council would have stopped at the point at which we find them? Have we not conclusive evidence to the contrary? Are we not officially notified that the French leeward islands are declared by proclamation in a state of blockade? And do we not know that this is but carrying into effect a report of the

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committee of the British House of Commons on the West India islands, in which this measure is recommended, and in which it is stated that His Britannic Majesty's West India subjects ought to receive further aid by placing these islands in a state of blockade? I can see in this measure nothing but a continuation of the system recommended last Winter in this report, and published for the information of the United States, I suppose.

If the embargo should be repealed, and our vessels suffered to go out in the face of the present Orders in Council and blockading decrees and proclamations, Mr. C. said, they would but expose us to new insults and aggressions. It was in vain to talk about the magnanimity of nations. It was not that magnanimity which induced nations as well as men to act honestly; and that was the best kind of magnanimity. The very magnanimity which had induced them to distress our commerce, would equally induce them to cut off the pitiful portion they had left to us. In a general point of view, there was now no lawful commerce. No vessel could sail from the United States without being liable to condemnation in Britain or France. If they sailed to France, Mr. C. said, they were carried into Britain; if they sailed to Britain, they were carried into France. Now, he asked, whether men who had any regard to national honor would consent to navigate the ocean on terms so disgraceful? We must be cool calculators, indeed, if we could submit to disgrace like this!

The last reason offered by the supporters of the present resolution, Mr. C. said, may properly be said to be an argument *in terrorem*. The gentleman from Massachusetts says, by way of abstract proposition, that a perseverance in a measure opposed to the feelings and interests of the people may lead to opposition and insurrection; but the gentleman from Connecticut uses the same expressions as applicable to the embargo. It may be a forcible argument with some gentlemen, and most likely may have had its effect on those who intended it to produce an effect on others. But I trust that this House and this nation are not to be addressed in this way. Our understandings may be convinced by reason, but an address to our fears ought to be treated with contempt. If I were capable of being actuated by motives of fear, I should be unworthy of the seat which I hold on this floor. If the nation be satisfied that any course is proper, it would be base and degrading to be driven from it by the discordant murmurs of a minority. We are cautioned to beware how we execute a measure with which the feelings of the people are at war. I should be the last to persist in a measure which injuriously affected the interest of the United States; but no man feels more imperiously the duty of persevering in a course which is right, notwithstanding the contrary opinion of a few; and though I may regret and respect the feelings of these few, I will persist in the course which I believe to be right, at the expense even of the Government itself.

Mr. MITCHELL said he was not prepared to vote

on the question of repealing the embargo laws, in the precise form in which it had been brought before the Senate. There was as yet a want of information; for certain additional documents, expected from the Executive, had not yet been communicated, and the select committee to which the part of the Message concerning the foreign relations of the country was lately referred, had not brought forward a report. He would have been better pleased if the proposition had been so framed as to have expressed indignation at the injuries our Government had received from foreign nations. Then he would cheerfully have given it his concurrence. But now, when those who are willing to do something, though not exactly what the motion proposes, are made to vote directly against a removal of the existing restrictions upon our commerce, their situation is rather unpleasant; indeed, it is unfair, inasmuch as they must either give their assent to a measure, to the time and manner of which they may be averse, or they must vote negatively in a case which, but for some incidental or formal matter, would have met their hearty approbation. He could, therefore, have wished that the question had been presented to the House in such terms as to afford an opportunity of expressing their sense of the wrongs our nation had endured from foreign Sovereigns, and of the restrictions laid upon American commerce by their unjust regulations, as well as on the further restrictions that, under the pressure of events, it had been thought necessary for our own Legislature to impose.

But, although this course had not been taken, he should avail himself of the present occasion to offer to the Senate such sentiments as had arisen in his mind on the subject. In doing this, he should endeavor to take a commercial view of our situation; and, although he felt no small discouragement, from inability to arrange, in a methodical way, the proper topics for a speech, yet he found it his duty to offer something like a survey, however partial or detached, of the mercantile condition of the United States. For this purpose, he should give a sketch of the progress of our trade and navigation from the recognition of our independence in 1783.

Immediately after the severing of their empire in America from the British Crown, difficulties arose on the mode of conducting commercial intercourse between this country and Great Britain. The Parliament immediately took the matter into consideration, and provided by law for a commercial intercourse with the new States. The details of this arrangement were vested in the King and Council, and to this first statute of the British, on the manner of conducting American trade, may be traced the origin of the delegated legislative power, with which that body of men have, in subsequent years, assailed neutral rights. Thus authorized by Parliament to regulate commerce, they have prescribed, enforced, relaxed, or rescinded their orders, according to their pleasure, or the ever-varying course of events, and thereby been enabled, in a summary way, to meet the exigencies of the times.

About this time may be traced the commencement of that wonderful spirit of adventure which so distinguishes our people. We find some of them doubling the Cape of Good Hope, and displaying, for the first time, the flag of their nation to the Chinese at Canton, while others found their way round Cape Horn, and opened a traffic with the nations of the Northwest coast of America. And the joy which was excited on this side of the Atlantic, by the success and the profits of these voyages, was attended by a jealousy on the other, that the monopoly of the East India Company would be invaded by these daring competitors. The exertions of this class of our countrymen have been such, that a small firm in partnership, or even the capital of an individual American merchant, has repeatedly provided the outfit, that, forty years ago, required the patronage of an European Government. Madagascar, the Sandwich, and the Fejee Islands, have been visited, and served but as resting places for our mariners in their circumnavigation of the globe.

Difficulties having been found to increase between the American States and the British Islands, in respect to their commerce, it was found expedient on our part to send them a Minister Plenipotentiary. And, accordingly, in 1785, Mr. Adams went to London in that capacity. As an evidence of the temper both of England and France, at that period of our history, ought to be mentioned the attempts then made to seduce the whalers from Nantucket. So successful for a while were these wily efforts, that the sandy but industrious island, whence its inhabitants migrated to Liverpool and to Dunkirk, suffered no inconsiderable shock by the migration of many of its most active citizens, and a removal of much of its shipping and stock. It was easy to discern that the desire of the two great commercial nations to increase their respective supplies of spermaceti, bone, and oil, was gratified by depriving our country of the most skilful and daring of its seamen.

While the precarious Orders in Council thus governed the trade of our people to Great Britain, there existed a source of difficulty within the American States themselves, which proceeded from their political condition. A cluster of independent governments, loosely adhering by the original articles of compact, framed during the Revolution, and under the specious appearance of political unity, assuming the character of thirteen distinct sovereignties, begat a variety of unprecedented occurrences. Attempts to strengthen this confederation, by granting the duties on imports to Congress for the purpose of paying the debts and supporting the credit of the nation, were ineffectual. And the refusal of New York, in 1787, to surrender its rich and increasing impost, may be considered as having left the Union to expire for want of support. Under the new Constitution, which was framed that very year, provision was expressly made for vesting in Congress the authority to regulate commerce. We were merely enabled to remedy many of the defects inherent in our former system: and particularly

to assume an entire and undivided character in relation to foreign Powers.

The navigating spirit of our countrymen having called the attention of the world to the Northwest coast of America, we find that, in 1790, Great Britain and Spain were preparing to engage in a war, concerning the possession of a region, which, in truth, belonged to neither, but which had been purchased of the natives some years before, and possessed in full right and property by citizens of Massachusetts. In 1793, France, having undergone its republican metamorphosis, declared in due form the same commercial privileges to this as to other nations.

This, if I am not mistaken, said Mr. M., is the point of time when the commercial enterprise of our countrymen was considered, by the belligerent Powers of Europe, as worthy of special attention. And here is the commencement of these efforts to drive a lucrative trade on the one side, and of those exertions to curtail it on the other, which have led us, step by step, to our present awful situation. Repeated disasters and defeats had weakened the naval armament of France. She was unable to maintain her dominion on the ocean, or to give adequate protection to her external commerce. The business which had heretofore been carried on by her own merchant ships was now transferred to neutrals. And of these, the Americans, as the most enterprising, and contiguous to her West India colonies, acquired the principal part of it. Great Britain saw with displeasure the relief thus afforded to her enemy. She endeavored to prevent this interference of a neutral. And, that very year, ordered her cruisers to stop vessels of neutrals going to France and her dominions. The vast diffusion of our commerce, already spread over the greater part of the maritime world, was now very ably portrayed, and presented to the inspection of a prosperous and thrifty people by the American Secretary of State. The intercourse with France, still alluring neutrals by the prospect of great profits, our people crowded their ports with vessels and cargoes. The British persisted in their interruptions of this trade, and proceeded to make seizures, on the allegation that those ships were freighted with French property.

With the British nation, possessing a commerce of the greatest extent and a navy capable of protecting her trade and settlements abroad, it was a matter of the most ardent desire that our Government should have a Treaty of Amity and Commerce. The uneasiness of the people and the discontents in the great cities were so serious, that it was judged necessary to send an Envoy Extraordinary to the Court of St. James. And, with the hope that the fermentation would be delayed by a suitable negotiation, Mr. Jay was despatched on a special mission. He succeeded in forming a treaty. When, however, the President submitted it to the Senate, and its contents were made known to the nation, the dissatisfaction seemed to have been rather aggravated than assuaged. It was contended on the part of a people who could but count, ten years since, the date of

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their existence as a nation, that the terms were unequal and disadvantageous; and that a total rejection was preferable to the ratification of an instrument by which we made such mighty concessions. It was always my opinion, sir, that the statesman employed to negotiate on this occasion, was treated by public clamor with unmerited severity. He obtained a treaty from Great Britain, at that juncture, which, on the whole, answered our purposes exceedingly well, and was in reality more favorable to us than it probably would have been, had not the pressure of her affairs on the Continent of Europe induced her Ministers to be rather more conciliatory than usual.

In the meantime the thirteen stripes were displayed with increasing frequency and numbers along the coasts of Europe. And such was the opinion of the three great maritime kingdoms, of their appearance, that, in 1794 and 1795, the cruisers of Spain, as well as of England and France, made captures of American vessels. They offered various pretexts for these acts. These chiefly referred to evasions of blockades, to the carrying of enemy's property, and to the concealing or covering it by fraudulent invoices and papers. On the part of France, however, our affairs soon wore a serious aspect. Uncivil dispositions were working up to hostility. The resident Minister of the United States was recalled, and another sent in his stead. At length, after successive and fruitless attempts to accommodate the differences, during which marked disrespect had been shown to our Government and its Commissioners, Congress formally dissolved the existing treaty between the two nations, and authorized American vessels to cruise against those of France. This brings me to the year 1798, during which, and the time we were then embroiled, the British Government granted, for a stipulated sum, the protection of convoy to the merchant vessels of the United States.

This period of our commercial history, of which I am tracing this faint and imperfect outline, was distinguished by two remarkable events; one emanating from an act of our own Legislature, and the other from the misconduct of a petty despot of Barbary. And they are worthy of notice as tending to display the course of our trade and navigation, and of the proceedings of the Government in relation to them. The voyages to Africa for slaves had long disgraced while it enriched several of the European nations. The profits of a traffic in which rum and baubles were bartered away for negroes, allured our countrymen to embark in it. But, for the purpose of stopping so disgraceful and unprincipled an employment, Congress enacted heavy penalties against it. And the commerce of a people, which, as far as its internal regulations extended had been universal, underwent a restriction which permanently prohibited the trade to Guinea in human beings. The rich cargoes conveyed under our flag through the Mediterranean sea had often tempted the cupidity of the Deys and Beys ruling the inhabitants of its southern shore. By annual stipends, the subsidies paid by the Government for the protection of our

foreign commerce in those distant regions, the persons, and the goods of our citizens were protected against those audacious pirates. One however, more unwise and unjust than the rest, by the exorbitancy of his demands, drew on himself the vengeance of our nation. He had captured American vessels and doomed their officers and crews to slavery. A war with Tripoli was the consequence, and, at the expense of a million of dollars from the Treasury, our naval heroes compelled those sons of rapine to respect the rights of our nation, and restore to its wonted freedom the commerce of its citizens.

In 1801, there was an occurrence which, though it happened in Denmark, was of evil augury in the eyes of neutral nations. And as forming a link in the chain of events it ought to be mentioned here. A project had been formed among the northern Powers of Europe to revive the Armed Neutrality, which had been originally conceived at St. Petersburg in 1780. A British fleet was sent to the Baltic Sound to dissolve it. A destructive cannonade of Copenhagen, was the consequence of Danish adherence to their principles. Awed by superior force, those brave asserters of their rights sunk into acquiescence. But the citizens of our own or of any neutral nation who consider this transaction in its true bearings and tendencies, will find it big with mischiefs to the weaker Powers that take no part in the neighboring wars. An armed neutrality, or an armed commerce, may be expected alike to impel the stronger belligerent to repress it as a measure of precaution, or to destroy it under a pretence of necessity.

The peace of Amiens subsisted but a short year; for, in 1803, the recommencement of hostilities between France and Great Britain implicated in additional difficulties the foreign commerce of America. Our citizens persisted in their right to visit the ports of friendly nations. Our dispute with France had been terminated amicably by a treaty with the First Consul. The British Council, acting under a conviction that this trade was conducted in a manner that succored the enemy while it greatly incommoded themselves, determined that interference was necessary. Their cruisers seized American vessels trading with some of the French ports that were not blockaded, and their courts passed decrees of condemnation against ships with innocent cargoes on a return from ports to which they had carried contraband articles.

Moralists have sometimes considered blindness to the future, a happy trait in the constitution of the human mind. They might with equal or with greater propriety have ascribed much of private and public felicity to a becoming degree of foresight. There was indeed little, very little of a prophetic spirit wanting to satisfy us that our halcyon days were passing rapidly away, and a season of privation and adversity would arise. The haughty nation that had terrified the Scandinavian thrones, next tormented the American coast. The Hudson, the Delaware, and the Chesapeake, had been annoyed by her squadrons of vigilance; ships both inward and outward bound had been captured and sent to Halifax. The trade

of New York, Philadelphia, Norfolk, Charleston, and Baltimore was sorely distressed at the very mouths of their harbors. Passengers and seamen were arbitrarily impressed, as the milder phrase is, but really kidnapped or made prisoners. Coasting vessels carrying the domestic produce of our country from one port to another, and in no respect concerned in foreign commerce, were fired upon, and one of their people killed. The national territory was violated, the service of writs to arrest some of these disorderly persons was resisted, the civil authority despised, and defied, and even the public vessels of the revenue assailed with shot. Conduct of this atrocious character was so imprudent and so reiterated, that the repeated appeals of the citizens to their Government, rendered it at length a case in which right blended with duty called upon Congress to act, and the result of these intolerable outrages was the statute for preserving peace in our own ports and harbors.

In the ordinary intercourse of nations, such conduct would have amounted to war. It was indeed war; it was legitimate cause of war; nothing was required after such a severe blow given by them, but for us to return it, and the American would have entered the bloody amphitheatre to contend with the gladiators of Europe. But a pacific policy prevailed. The feeling of our people, smarting still under the wounds of the Revolution, and maintaining the doctrine that every citizen possesses, as an indefeasible inheritance, a portion of his country's sovereignty, was averse to contention in arms. On the part of France no reparation had been made for the heavy spoliations made upon our commerce by her cruisers, save the sum provided to be paid out of our own Treasury in satisfaction of them, by one of the conventions appurtenant to the treaty by which Louisiana was ceded to us. For the losses sustained by our merchants and underwriters, reparation had years before been sought for from Congress; but it had there been decided that losses in consequence of capture by a belligerent as well as by danger from the sea were to be borne by the concerned, and not to be considered as guaranteed by the national Treasury.

I now come to the year 1806, an eventful year to the foreign commerce of our people. An extravagant and armed trade had for a considerable time been carried on by some of our citizens with the emancipated or revolted blacks of Hayti. The French Minister, conformably to the instructions of his Government, remonstrated against this traffic as ungracious and improper; and under an impression that our citizens ought to be restrained from intercourse with the negroes of Hispaniola, Congress passed an act forbidding that altogether. This was the second time that our Government circumscribed the commercial conduct of its citizens. It was also during this year that memorials were forwarded to the executive and legislative branches of our Government by the merchants of our principal seaports, the vexations of their foreign commerce intolerable, and calling in the most earnest relief or redress. These addresses were

mostly composed with great ability; it seemed as if the merchants were in danger of total ruin. Their situation was depicted as being deplorable in the extreme. The interposition of their Government was asked in the most strenuous and pressing terms; and your table, Mr. President, was literally loaded with petitions. The chief cause of this distress was briefly this. These citizens of the United States were engaged during the war in Europe, in a commerce with enemies colonies' not open in time of peace; by this means, the produce of the French West Indies was conveyed under the neutral flag to the mother country. Great Britain opposed the direct commerce from the colony to France through the neutral bottom. The neutral then evaded the attempt against him by landing the colonial produce in his own country, and after having thus neutralized or naturalized it, exported it under drawback for Bordeaux or Marseilles; this proceeding was also opposed by the British, and much property was captured and condemned in executing their orders against it. Their writers justified their conduct by charging fraud upon the neutral flag, and declaring that under cover of them a "war in disguise" was carried on, while on our side the rights of neutrals were defended with great learning and ability in a most profound investigation of the subject.

Connected with these events, progressing from bad to worse, are some proceedings of the Senate, which I deem it necessary here to state. This dignified body listened with peculiar attention to the complaints of the merchants. Their tale of sufferings excited a general sympathy. The most studious efforts were made for devising a plan of relief; at last it occurred that the peculiar organization of the Senate would enable it to pursue a course different from the ordinary routine of legislative business. In its executive capacity, the Senators were the Constitutional counsellors of the President as to treaties with foreign nations; and the Senate, influenced by a desire of removing the difficulties that were thickening around us, resolved to express their sense to the President upon that solemn occasion. After full consideration they framed two strong resolutions, which are recorded in your journal of that session; the one expressed indignant feelings at the aggressions made by the belligerents, and the other requested to demand restitution and reparation for the captures, condemnations, and impressments, they had committed. The members of the Senate were sent to communicate these resolutions to the President. It was my lot, sir, to be employed in that service, and I well remember the interview. What effect this conduct of the Senate produced in the mind of the President, it is impossible for me to say, but certain it is, that shortly after, he nominated Mr. Pinkney as Envoy Extraordinary to England, and the Senate gave their advice and consent; and this important step was taken to appease mercantile uneasiness, and to remove obstructions to the freedom of commerce.

This same year was ushered in by a proclama-

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tion of General Ferrand, the French commandant at St. Domingo, imposing vexations on the trade of our citizens; and a partial non-importation law was enacted against Great Britain by Congress about the middle of April. But these were not all the impediments which arose. Notices were given to the American Minister in London of several blockades. The chief of these was that of the coast, from the Elbe to Brest inclusive, in May. And here, as it occurs to me, may I mention, the spurious blockade of Curraçoa, under which numerous captures were made. And lastly, to complete the catalogue of disasters for 1806, and to close the woful climax, the French decree of Berlin came forth in November, and, as if sporting with the interests and feelings of Americans, proclaimed Great Britain and her progeny of isles to be in a state of blockade.

Hopes had been entertained that such a violent and convulsed condition of society, would not be of long duration. Experience, however, soon proved that the infuriate rage of man was as yet unsatisfied, and had much greater lengths to go. For, early in the succeeding year (1807,) an order of the British Council was issued, by which the trade of neutrals, and of course of American citizens, was interdicted from the port of one belligerent to the port of another. And in the ensuing May, the rivers Elbe, Weser, and Ems, with the interjacent coasts, were declared by them to be in a state of blockade, and a similar declaration was made on their part to neutrals in regard to the straits of the Dardenelles, and the city of Smyrna. But these were but subordinate incidents in this commercial drama; the catastrophe of the tragedy was soon to be developed. - On the 22d of June, by a formal order from a British admiral, our frigate Chesapeake, leaving her port for a distant service, was attacked by one of these vessels, which had been lying in our harbors under the indulgence of hospitality, was disabled from proceeding, had several of her crew killed, and four taken away." Immediately the President by proclamation interdicted our harbors and waters to all British armed vessels, and forbade intercourse with them. Under an uncertainty how far hostilities were intended, and the town of Norfolk being threatened with an immediate attack, a sufficient force was ordered for the protection of that place and such other preparations commenced and pursued as the prospect rendered proper.

In furtherance of these schemes, a proclamation was published, holding all their absent seamen to their allegiance, recalling them from foreign services, and denouncing heavy penalties for disobedience. The operation of this upon the American merchant service would have been very sensibly felt. Many British born subjects were in the employ of our merchants, and that very Government which claimed as a British subject every American citizen who had been but two years a seamen in their service, refused to be bound by their own rule in relation to British subjects who had served an equal term on board the ships of the United States. But this was not all. The

month of November was distinguished by an order retaliating on France a decree passed by her sometime before, declaring the sale of ships by belligerents to be illegal; and thus, by virtue of concurrent acts of these implacable enemies, the poor neutral found it impossible to purchase a ship either from a subject of Great Britain or of France. That season of gloom was famous, or rather infamous, for another act, prohibiting wholly the commerce of neutrals with the enemies of Great Britain, and for yet another, pregnant with the principles of lordly domination, on their part, and of colonial vassalage on our, by which the citizens of these independent and sovereign States are compelled to pay duties on their cargoes in British ports, and receive licenses under the authority of that Government, as a condition of being permitted to trade to any part of Europe in possession of her enemies.

This outrageous edict on the part of Britain was succeeded by another on the side of France, equalling, or if possible, surpassing it in injustice. In December came forth the decree of Milan, enforcing the decree of Berlin against American trade; dooming to confiscation every vessel of the United States that had been boarded or even spoken to by a Briton, and encouraging, by the most unjustifiable lures, passengers and sailors to turn informers. The abominable mandate was quickly echoed in Spain, and sanctioned by the approbation of His Most Catholic Majesty. It has been executed with shocking atrocity. In addition to other calamities, the property of neutrals has been sequestered in France, and their ships burned by her cruisers on the ocean.

Such, Mr. President, was the situation of the European world, when Congress deemed it necessary to declare an embargo on our own vessels. Denmark and Prussia, and Russia, and Portugal, had become associated or allied with France; and, with the exception of Sweden, the commerce of our citizens was prohibited, by the mutually vindictive and retaliating belligerents, from the White Sea to the Adriatic. American ships and cargoes were declared the prize and plunder of the contending Powers. The widely extended commerce of our people was to be crushed to atoms between the two mighty millstones, or prudently withdrawn from its dangerous exposure, and detained in safety at home. Policy and prudence dictated the latter measure. And as the ocean was become the scene of political storm and tempest, more dreadful than had ever agitated the physical elements, our citizens were admonished to partake of that security for their persons and property, in the peaceful havens of their country, which they sought in vain on the high seas and in European harbors. The regulations, so destructive to our commerce, were not enacted by us. They were imposed upon us by foreign tyrants. Congress had no volition, to vote upon the question. In the shipwreck of our trade, all that remained for us to do, was to save as much as we could from perishing, and as far as our efforts would go, to prevent a total loss.

I touch, with a delicate hand, the mission of

Mr. Rose. The arrival of this Envoy Extraordinary from Britain was nearly of the same date with an order of his Government, blockading Carthage, Cadiz, and St. Lucar, and the intermediate ports of Spain, and thereby vexing the commerce of American citizens. The unsuccessful termination of his negotiation has been but a few months since followed by a refusal on the part of his Government to rescind its orders, that work so much oppression to our commerce, on condition of having the embargo suspended in respect to theirs. And the French Ministry has treated a similar friendly and pacific overture, from our Executive, with total disregard. In addition to all which we learn, from the highest source of intelligence, that the British naval commander at Barbadoes did, about the middle of October, declare the French leeward Caribbean islands to be in a state of strict blockade, and cautioning neutrals to govern themselves accordingly, under pain of capture and condemnation.

If it should appear to you, sir, that I have dwelt with too much minuteness on the series of events that have progressed step by step to the present crisis, the only apology I have to offer is, that I consider it necessary for the purpose of ascertaining what the situation of the nation truly is. Unequal indeed is the contest between the weak and the strong. Where force is substituted for principle, it is vain and useless to talk of rights. Two foreign nations are contending with gigantic efforts for superiority. They have labored, with but too much success, to make the bystanders take sides in the contest. Our Government has hitherto magnanimously maintained its neutrality. Yielding to the solicitations of neither, it was desirous of doing impartial justice to the two. But this fair and equal demeanor would not satisfy them. The tempter not unfrequently practises upon innocence the arts of circumvention; and exalted virtue gives to its possessor no indemnity against malice. The uprightness of our public conduct was pleasing neither to Albion nor to Gaul. And as we had refused to become the ally of either, we have to a certain degree suffered the hostility of both. The ancient and venerable code prescribing law to civilized communities, is abrogated. New and capricious inventions, calculated to suit the clamor of a party, or the spite of a foe, are substituted in their stead. The freedom of the ocean is taken away. This highway of nations is infested with freebooters and pirates; and the more powerful legislates for the rest, in all cases whatever. Towards ourselves the old colonial principle is revived. Americans may navigate the seas indeed, but on condition of paying duties to Britain, or taking from her licenses to trade, and observing such further directions as it shall please her to prescribe.

Are the American people prepared to submit to this? Having examined in my cursory manner the modern and I may say the present state of our affairs, I shall next take a hasty retrospect of this American people, while yet related to Britain as colonists, and before the idea of a separation had entered into the boldest head. The Parliament

and Council maintained the right to tax and bind the colonies. The people of the plantations and colonies, since risen to the dignity of States, denied the pernicious doctrine. The mother country prepared to enforce it; and the colonies meditated resistance.

Duties were laid upon paper, glass, and painter's colors, to be collected at the ports of entry in the colonies. Public indignation was never more vehement. It was communicated with electrical speed, from one extremity of the Empire to the other. It was resolved to defeat the stamp act by a refusal to buy its paper. All business was at a stand; memorials and remonstrances were forwarded to the King and to the Parliament. The discontent was so well grounded and so deeply fixed, that Hillsborough, the Secretary of State for the colonies, trembled for the consequences. Resistance, in the form of insurrection or rebellion, seemed inevitable, and to prevent the horrors of a civil war, the odious statute was repealed. The freemen of New York were almost frantic with joy on this occasion, and they erected a superb statue to Chatham for his exertions against the continuance of the law. Their countrymen, from Kennebec to Savannah, sympathized with them in their honest exertions.

The duties on the other articles were also repealed; but the Parliament adhering to the right of taxation, and determining to test the principle, reserved a small impost on tea, to be collected in the colonies. All the resentment which the stamp act had excited, was revived on this occasion; murmurs increased to uproar. To enforce the execution of this law, the officers of the British navy were commissioned to act also as officers of the revenue. To manifest their opposition the people refused to consume the tea. They carried their aversion so far that the tickets of the State lottery, a fourth part of which had usually been purchased in the colonies, remained unsold. They refused to import British merchandise. They established domestic manufactures. They destroyed the obnoxious drug on board the vessels which brought it. They defended their privilege against the naval and military force sent to subdue them. In short, they defended their holy cause: they expelled the enemy from their shores, and finally they achieved the independence of their country. If, in the year 1768, our predecessors could declare a non-importation agreement, rather than submit to foreign taxation, what ought the present race of Americans to do in 1808, when menaced with similar exactions from abroad?

That the present case is stronger than that which preceded and induced the Revolution, may be inferred from several considerations: The American Governments were at that time dependent colonies; they are now independent States. The British Parliament had at least the color of right to levy money upon them; they have now no legal pretext whatever. It was then alleged that the money raised on the colonies would be employed in their own protection and defence; but now there is not even a pre-

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tence of the kind: then the colonies looked to the King of that country as their proper sovereign, and the source of all honor and power; now he is an alien to them, and the allegiance that once connected the prince and his subjects has been absolved by his own act. And yet money is demanded by that monarch, from this very people, for the privilege of navigating the ocean, and of carrying her merchandise to the Continent of Europe!

Did the people of the United States authorize their public agents to consent to this? No. Have the President and Senate conceded the point by *virtue* of the treaty-making power? No. Are the American people represented in the Parliament that authorized these arbitrary measures? They are not. Do they allow that they ought to be taxed where they are not represented? They do not. Is this highminded nation prepared, at the age of thirty-five years, to surrender its independence by submitting to domination at which the infant colonies revolted? I cannot believe it. Will they consent to pay duties on their exports, when required by a foreign Government, while their own Constitution expressly withholds such a power from Congress? I think not, by no means. But I shall be told that this is an external regulation, and has no possible connexion with our internal and domestic concerns. Why really, if this is the fact, I cannot but admire the dullness of British statesmen forty years ago. The simpletons of that day conceived it necessary to collect the amount of duties in the colonial ports where the goods were entered for consumption. The experiment cost them an empire, but it taught them an important lesson. They learned from it a more easy and effectual mode of taxation: This was to charge a duty on their own exports, and collect the money in their cities at home, and by the hands of their officers there. They have successfully followed this lucrative business ever since the expedient occurred to them. Such has been the avidity of the Americans to consume British manufactures, that they have always contributed largely to the ways and means of that Government. It has been calculated upon as a sure and efficient fund. One may almost credit the declarations of certain British enthusiasts, who declare the loss of the colonies to have been a blessing, inasmuch as they were formerly very expensive, and paid no taxes, and at present contribute large sums of money, and are not chargeable at all. And with this tax, in addition to light money, quarantine fees, convoy duty, port charges, topage, keelage, and various other things that have not yet received names in the commercial nomenclature of America, has our commerce with Great Britain been constantly burdened. As, however, these were in reality regulations of a domestic and municipal nature, a compliance with them involved no dishonor. If our people voluntarily entered their ports, they were bound to obey their laws. But on the late occasion this arrogant Power has gone a greater length. American citizens navigating the ocean, and lawfully pursuing their own business, are

arrested on their voyage, and compelled, as a condition of proceeding, to pay an impost for the cargo, or in other words to purchase a license to enable them to go to their place of destination, whether outward or homeward bound. What other expedients those political economists may have in reserve for raising further sums of money on our trade, I am not *Oedipus* enough to unriddle. As far, however, as I can comprehend the case before me, it is marked with stronger features than those which characterized the dawn-ing Revolution. I cannot suppose that any luxury has corrupted, during the short period of their existence, the spirit and temper of the American people. The old Whig temperament still survives unchanged, unadulterated. And he who has but a single drop of whiggish blood in his veins, will ever be ready to assert the good old principles, and maintain them inviolate. If I am deceived in this, I should not err materially in expressing my doubts whether the acquisition of independence is to be considered as a blessing. Upon principle, therefore, the Revolutionary patriots have set us a noble precedent. They carried their self-denial to an absolute privation of intercourse. Is there firmness enough at the present crisis to carry such a law into operation? I know that, at home and abroad, the most subtle measures are adopted to thwart us. For example: Our non-importation law, in forbidding Irish linens, was calculated to encourage the introduction of them from the Netherlands and Silesia. But the British Ministry frame their orders to prohibit this, unless we pay duties to them, and thus purchase the privilege. Our embargo law rendered it unlawful for the collectors to give clearances to American vessels; yet, to defeat this regulation, the British Governors instantly open the West India ports to all manner of persons that will run away without them. While our gunboats and cutters are watching the harbours and sounds of the Atlantic, a strange inversion of business ensues, and by a retrograde motion of all the interior machinery of the country, potash and lumber are launched upon the lakes, and Champlain and Ontario feel the bustle of illicit trade; and strange to tell, under the embargo system, the southern atmosphere has become so subject to gales and tempests from the north, that our poor coasters, who love to hug their native shores, are by distress of weather often driven to Cuba and Jamaica, and there forced (dire necessity!) to sell their cargoes to repair the damage they have sustained, and refit for a return to that land which they are longing and sickening to see.

If I have not erred in my reasoning, the embargo was correct in its principle, and would also be correct in its continuance under the increasing aggressions of the belligerent nations. But it is contended by the honorable mover (Mr. HILLHOUSE) of the resolution, that *expediency* ought to govern us on this occasion; and thus I suppose the exception will be as broad as the rule. Let us examine the arguments in favor of this expediency.

We are told that the embargo, if continued, will ruin our commerce. The true operation of the embargo is to save our commerce from spoil and depredation of foreign Powers. The notion that our own Government is unfriendly to commerce is wholly unfounded; from commerce we derive the greater part of our revenue. And to destroy that source of income would be to commit an act of political suicide. It would be killing the hen that lays the golden eggs. To every person who understands the history of our embarrassments, and knows how incessantly Government has been laboring to protect, secure, and improve the commerce of its citizens, such a declaration must appear wholly groundless. Why, sir, the existing quarrels are surely commercial; they are neither territorial nor genealogical. I am one of the warmest friends to American commerce, and always have been. I wish as heartily as any man all the prosperity to that useful occupation that it merits. No gentleman regrets more than myself that it has been harassed so much by the parties at war. No one regretted more than I the imperious necessity under which they laid us of employing an embargo. And I am anxiously looking for the time when, with safety to commerce, it may be removed. If a repeal of the embargo law would restore our commerce to its former thrift, I would call for the question instantly, and give it my affirmative. But, in the present state of the world, it will do no such thing. As soon as the restrictions are taken off, captures and condemnations will be renewed, and the rapacity of the spoilers, stimulated by avarice, as hunger is increased by abstinence, will be greedy to seize and not easy to satiate. As to changing the commercial habits of our people, it is idle to attempt it; the disposition is already formed, and it cannot be altered. This nation is not a new-born babe, whom we can mould and fashion as we please, but it may be compared to a sturdy youth, with habits that will never alter. Nor is this trading spirit peculiar to the seaports. It pervades the innermost recesses of the country, and delights as much in the purchase of lands and their produce as of ships and their cargoes. Such, then, being the turn and disposition of our people, it is as much out of the power of the Government to eradicate their mercantile habits, even if it would, as it was impossible for the rulers of France to abolish the Sabbath.

But it is urged that the embargo will deprive us of revenue. That it will lessen our income is certain. But we have ample resources in our Treasury, to bear us along for a considerable time to come. The stagnating capital of commerce will partly be turned into land, and the purchasers of these national lands will pay the value into the Treasury. There will be a large increase of revenue from this source. By the reduction of the public debt, under the present Administration, thirty millions of dollars, there will be a saving of all the interest that was hitherto paid upon that portion of the principal. And with a discreet economy in our finance, we shall find enough to answer our current purposes. It must

be owned indeed that the political atmosphere is cloudy. It would be no cause of surprise to me, that the gloom and darkness should increase and thicken around us. But if this should happen, the patriot heart ought not to be appalled. For my own part, I never permitted myself to despair of the Republic. The storm will pass away, and the cheering rays of the sun will beam upon us again. Suppose, however, that the finances be deficient. The public faith is unimpaired. The national credit is unlimited. Lenders will present themselves in abundance, offering their money upon loan, on the most accommodating terms, like an individual whom losses and disappointments have reduced to the necessity of borrowing moderate sums to facilitate his business, this nation may employ a temporary accommodation in its pecuniary concerns, with benefit to the citizens and without disrepute to itself. Better times will arrive, and the sure and certain hope of this event will be allowed, upon moral, political, and even on Christian principles, to be a firm ground of reliance. Again, it is urged, on the side of expediency, that the surplus produce, if kept at home under the embargo, will spoil upon our hands. Better, sir, to accumulate in our barns and stores, than pass into the possession of enemies. By the bounty of Providence our land has been productive beyond measure. Our citizens now revel in abundance of good things. For the plenty poured into the lap of their country, they are ungrateful to repine. They ought on the other hand to be thankful, and I trust they are so. For an accumulation, it is eminently desirable there should be an outlet. The demand for our provisions in foreign parts arises in a great degree from the occupation of men in pursuits different from the raising of articles for food; and our demand for articles of foreign growth or manufacture, proceeds from the employment of our people in the culture of such substances as are proper to support human life. The former class comprehends eaters or consumers of provisions, who do not labor to rear them. To the latter, belong the growers or cultivators who are directly engaged in procuring sustenance. The surplus produce of each of these classes is exchanged for the accommodation of the other. Now, if the eating class should increase on our side of the Atlantic, consumption will be promoted just as well as if our provisions should be carried abroad, and the farmer will obtain purchasers in his country, who will pay him as good prices as foreigners; besides, it remains to be proved that the removal of the embargo would restore the safe transportation, the rapid sales, and the high receipts, so vehemently desired. The ocean is infested by harpies, who will snatch the food from our mouths. Perishable cargoes will be lost to them under confiscation, or will spoil under detention. It is wholly a *petitio principii*, to say that a removal of the existing restrictions will diffuse an antiseptic virtue sufficient to keep flour and fish from decay. But the *auri sacra fames* burns with impatience, and, in the lottery of trade, overlooks the adverse chances, and calculates

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with certainty on the possession of a prize; and if my estimates of the benefits were as extravagant as those of some gentlemen, I should join with them in the unconditional removal of the restraints. But, even then, I should differ with them on one point; instead of clamoring against our own Government, I should vent my indignation against the belligerents, the real authors of our distresses.

Supposing, however, that the class of persons who consume provisions without laboring directly to raise them, should increase in the United States, and thereby enlarge our domestic market, this very occurrence is made a subject of alarm, under a pretence that a systematic plan is in operation to annihilate commerce, and substitute manufactures in its place. This is one of the most idle whimsies that ever entered into the mind of a statesman. Reasoners often bewilder themselves by ideal or imaginary distinctions, that have no foundation in nature; they make partitions in the intellectual regions, like the invisible or arbitrary lines of geometers, and not by the rivers and mountains, which distinguish the face of nature, and which every eye can discern. Commerce is to be sacrificed at the shrine of manufactures. It would be a pitiful commerce that could be carried on without manufactures. And I will offer as one of the unanswerable arguments against this fallacious reasoning, that the ship, without which commerce cannot be carried on, is a domestic manufacture. Our citizens have become proficient in this exquisite art, and I hope they will never forget their skill. The construction of the ship, in which our productions are to be carried to foreign markets, implies the existence of a cluster of manufactures, and without their aid, the ship cannot be equipped for sea. A commercial state of society, therefore, presupposes the establishment of manufactures, and cannot be carried on without them. I hope the advocates of commerce will not proscribe the shipwright's handicraft, and for fear of promoting domestic manufactures, go beyond the seas to buy their vessels. The ship manufacture is one of the arts that confers distinction and honor to America. I wish prosperity to the ship-builder, and to the rope-maker, and the joiner, and the rigger, and the painter, and the glazier, and the plumber, and iron-founder, and the blacksmith, and the other laborers who work with him in this admirable manufacture; and my good wishes extend to him who shapes the spars and masts, prepares the tar and turpentine, forms the copper into bolts and sheets, and forms the hemp into canvass. In the furniture of the ship too, Mr. President, are contained other manufactures, which do the highest honor to the hand and the head of man; the telescope, the quadrant, the chronometer, the compass, with gunpowder and artillery. And yet the gentleman from Connecticut is terribly afraid that manufactures will supplant commerce. While the ship continues to be the pride and boast of America, and of man, let no one decry manufactures; for without a constellation of auxiliar arts, that stupendous manufacture cannot exist. While

on the subject of manufactures, I must do these States the justice to remark, that they are already become a great manufacturing country. The manufactures in iron, from the gathering of the ore, through the operations of forging and refining, up to the casting of hollow ware, the preparation of nails, and fabrication of cannon, are pursued with great success. Works in pelts and skins, such as leather, military accoutrements, saddlery, trunks, gloves, breeches, shoes, boots, harness-making, and book-binding, are carried on to wide extent. Preparations of wood in cabinet ware, furniture, and carriages, are done in beautiful style; in woollen goods, the combination of industry, with skill, has passed from the family fire-side to public institutions. The brass-founder, the copper-smith, the jeweller, and the wire-worker, have made distinguished progress in their respective arts. I pass over brewing, distillery, and a hundred other employments, that I may give credit to the Congress for the aid given to certain other branches of manufacture a few sessions ago. By an exemption of rags from the payment of duties, ample stock was provided for the paper mills, and an additional supply of the materials prepared for gazettes, pamphlets, and books, so necessary to a free and well-informed people. By a similar regulation in favor of regulus of antimony, the manufacture of types was favored, and such aid given to literature, that already the Greek and Latin classics appear in American print. The preparation of mill-stones, and flour, that staple of our country, was encouraged by permitting unwrought burrs to be imported from their quartz strata in France, free from imposts. In like manner the admission of clay, cork, gypsum, bristles, hides, bullion, furs, wool, and many other articles, have worked beneficial effects upon our domestic manufactures. In this enumeration there is no mention of the manufactures which depress the character and prostrate the soul of man. I hope the degeneracy which accompanies the silk manufacture at Lyons, the cotton manufacture at Manchester, and the hard-ware manufacture at Birmingham and Sheffield, will never, never be seen in these abodes of liberty. Indeed, it is impossible it should, while industry is rewarded with the highest wages, and where land can be bought at a moderate price. That compact population, where there are more mouths than food, and those statutes of apprenticeship and poor laws which tie up the hands of the subject, and almost deprive him of locomotion, are unknown among us. The miseries consequent upon an over-population, and upon the manufactures which grow out of that state of society, are as yet so far off, that centuries must pass away before they will overtake us.

The people moreover, it is contended, will not endure the embargo, and will, if it is not repealed, rise in open opposition to their Government, by resisting it. Turbulent men may perhaps be found, who may make direct resistance to those statutes. But Mr. M. declared he had a better opinion of his countrymen than to suppose they would be concerned in insurrections. He was

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consolated by the reflection that American citizens were not only freemen but trained to the profession and use of fire-arms as militiamen, accustomed to attend courts as jurors, called to decide differences as arbitrators, and privileged to vote as electors; they were besides instructed in the principles of civil liberty, moral order, and religious discipline; they comprehended well the value of life, property, and social connexions; and they had also steady habits of respect to themselves, and the laws enacted by men of their own choice. Such a people will consider maturely the turpitude of resisting the lawful authority. The awful consequences of treason will be perfectly foreseen and avoided. A people worthy to enjoy freedom, will not be prone to riotous conduct; on the contrary, they will feel a strong co-operation of interest with duty, to prevent violence and disorder. The government which surpasses every other in strength is a popular government, where each individual, feeling himself to be a portion of the sovereignty, exerts himself to support the majesty of the laws. The yeomanry of the different commonwealths have nothing to gain by mobs; they are the safeguards of the nation, and the determined foes of rebellion. And as long as the farmers preserve their integrity, (and they will probably maintain it longer than any other class,) so long will misrule and anarchy be prevented. Though a few intemperate and deluded men have already become outrageous, their influence has been very limited and their reign exceedingly short.

Another consequence of the embargo will be, it is urged, an annihilation of the military courage and glory of the nation. If by this observation is meant that it would be better to take warlike measures, I must take this opportunity of declaring, that it has always, since the commencement of my Congressional life, been a most desirable object with me to prepare for the worst of events. Peace has ever appeared to me the season to prepare for war, as Summer is the time to lay up a store for Winter, and youth to provide for old age. Accordingly, I have conceived it to be a leading object of my public duty, to vote for all the measures proposed by others for the general defence, and to propose others myself. I have pressed the business of appropriations for fortifying our weak places with a zeal that some of my friends may have deemed unfortunate. But if a war should be found necessary for the settlement of these commercial disputes, I should think some further time would be requisite to prepare for it. I question whether we are in a condition to rush immediately to the hostile conflict. A little further preparation for the general welfare is probably necessary. Perhaps I may be influenced too much in this case by social feelings. A resident of New York city, I feel the most sincere concern for a people who have long bestowed on me their confidence and loaded me with honors. The works of defence erecting for their security are scarcely far enough advanced to be pronounced effectual; and I heartily hope that important, though vulnerable port, may be properly shielded

before we contend with an enemy. I know, and all the world knows, the bravery of the Americans; while, therefore, I disregard the gasconading language of such as would talk us into war, I would prepare seriously for that event. Being so prepared, we may remove the embargo and take our former position on the ocean with a manly and determined attitude. Until Congress shall take further measures of this kind, prudence would indicate a continuance in our present state, at least for a short time; and until the means of precaution and of security shall be more effectually provided, I shall, for one, be willing to bear the reproach of withholding my eager countrymen from the display of their courage, and the acquisition of glory.

But we are told, that the evasions of the embargo laws are so frequent that they cannot be executed. This indeed is lamentably true. We read constantly in the gazettes of American flour offered for sale in the West Indies. The vegetable alkali of New York and Vermont is advertised in Liverpool, as potash from Canada. Ships that were abroad when the embargo was laid, continue to shun their country, though navigating in exile, under the American flag. British vessels are chartered in our ports to carry on a commerce which our vessels are forbidden to engage in. The violators of the laws are making fortunes, while the conscientious observers of them are suffering sad privations. It would be easy to mention many more of these stratagems. The violation of a law is of itself no argument against its wisdom or duration. The statutes against larceny, forgery, burglary, and murder, are frequently broken; and yet it would be thought very strange if such occasional infractions should be pleaded as reasons for their repeal. If, on the whole, I was convinced, that the embargo laws could not be executed, I should consider them as worse than useless, and demanding an immediate repeal; or if I thought the adherence to them for the purpose of avoiding a foreign war, would involve us in a domestic one, there would on that supposition be not one moment's hesitation in my mind in preferring a contest abroad to contention at home. On these points, however, I want further information; and I hope the motion on the table may be so disposed of, as to permit that information to be brought before us. We shall then discover how far the laws are inoperative through their own imperfect construction, through the carelessness of those whose duty it is to execute them, and through the general and avowed disposition of the people at large to disregard them. We shall also learn whether discontent and disaffection have spread so through society, as our alarmists would persuade us. Having thus, sir, taken a view of our past and present condition, I shall, with your leave, offer a few remarks of a prospective kind. Let us now suppose the embargo actually removed, what would be the consequence? There are several subjects of doubt and apprehension, directly before us.

First, I feel if I should give my vote for the resolution before the Senate, I should consent to a

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surrender of the honor and independence of my country. For these, as long as any portion of them are confided to me, I hold myself, and this nation holds me, solemnly responsible. At the same time, I wish some method might be devised to give a partial outlet to our accumulated productions. I confidently hope this may be accomplished without violating any principle, without incurring the least reproach. The convenience of the citizens will thus be in unison with the honor of their Government.

Secondly, the unqualified and unconditional removal of the existing restrictions would probably give such a loose to commerce, that the reiterated aggressions of former years would be revived, and impressment of seamen and passengers, capture and condemnation of vessels and cargoes, violations of territory, investment of our ports and harbors, and the murder of our citizens, be practised as heretofore.

Thirdly, under existing circumstances, the safety of commerce might require licenses to arm and make reprisals. And this warfare would in all probability soon be whetted up to war. And although I do not dread a state of hostility, when we are impelled thereto by just and necessary causes, as so calamitous an event as many of my friends are pleased to consider it, yet certainly it ought not to be courted, but on the other hand avoided if possible. It has been shrewdly observed by somebody, that nations now and then fall into plethoric habits, and that bloodletting is the most speedy and efficacious remedy. Whether any of the State physicians shall pronounce that disease to exist, and shall attempt to cure it by abstinence or bleeding, my own opinion is that the repeal of the embargo ought to be accompanied with various provisional and defensive measures, not expressed in the motion before the Senate.

Fourthly—but I check myself and forbear to enlarge on these topics. In all our deliberations let us discard foreign preferences, and remember that on great public questions, where alien Governments are brought into collision with our own, there ought to exist in our councils but one mind, one spirit, one feeling, and these should be truly American.

When Mr. M. concluded, the Senate adjourned.

TUESDAY, November 24.

Mr. ANDERSON, from the committee to whom was referred the bill, entitled "An act to authorize the conveyance of certain papers and documents by the mail free of postage," reported the bill without amendment.

THE EMBARGO.

The Senate resumed the consideration of the motion made on the 11th instant, for repealing the "Act laying an embargo on all ships and vessels in the ports and harbors of the United States, and the several acts supplementary thereto."

Mr. GILES addressed the Senate as follows:

Mr. President: Having during the recess of Congress retired from the political world, and

having little agency in the passing political scenes, living in a part of the country, too, where there is little or no difference in political opinions, and where the embargo laws are almost universally approved, I felt the real want of information upon the subject now under discussion. I thought I knew something of the general objects of the embargo laws, and I had not been inattentive to their general operations upon society, as far as I had opportunities of observing thereupon.

When I arrived here, and found that this subject had excited so much sensibility in the minds of many gentlemen I met with, as to engross their whole thoughts, and almost to banish every other topic of conversation, I felt also a curiosity to know what were the horrible effects of these laws in other parts of the country, and which had escaped my observation in the part of the country in which I reside. Of course, sir, I have given to the gentlemen, who have favored us with their observations on both sides of the question under consideration, the most careful and respectful attention, and particularly to the gentlemen representing the eastern section of the Union, where most of this sensibility had been excited. I always listen to gentlemen from that part of the United States with pleasure, and generally receive instruction from them; but on this occasion, I am reluctantly compelled to acknowledge, that I have received from them less satisfaction, and less information than usual; and still less conviction.

It was hardly to have been expected, Mr. President, that after so many angry and turbulent passions had been called into action, by the recent agitations throughout the whole United States, resulting from the elections by the people, to almost all the important offices within their gift, and particularly from the elections of Electors for choosing the President and Vice President of the United States, that gentlemen would have met here perfectly exempt from the feelings which this state of things was naturally calculated to inspire. Much less was it to have been expected, sir, that gentlemen who had once possessed the power of the nation, and who, from some cause or other, had lost it; (a loss, which they now tell us they *but too well remember*, and I fear, might have added, *too deeply deplore*,) gentlemen too, sir, who at one time during the electioneering scene, had indulged the fond and delusive hope, that through the privations necessarily imposed upon our fellow-citizens, by the unexampled aggressions of the belligerent Powers, they might once more find their way to office and power, and who now find themselves disappointed in this darling expectation—it was not at all to be expected, sir, that these gentlemen should now appear here, perfectly exempt from the unpleasant feelings which so dreadful a disappointment must necessarily have produced. It was a demand upon human nature for too great a sacrifice; and however desirable such an exemption might have been at the present moment, and however honorable it would have been to those gentlemen, it was not expected.

But, sir, I had indulged a hope that the extraordinary dangers and difficulties pressed upon us by the aggressing belligerents, attended, too, with so many circumstances of indignity and insult, would have awakened a sensibility in the bosom of every gentleman of this body, which would have wholly suppressed, or at least suspended, these unpleasant feelings, until some measures, consulting the general interests and welfare of the people, could have been devised, to meet, resist, and if possible, to subdue the extraordinary crisis. But, sir, even in this hope too, I have been totally disappointed. I was the more encouraged in this hope, when upon opening this debate the gentleman from Connecticut (Mr. HILLHOUSE) seemed sensible of this sacred obligation, imposed by the crisis; when he exhorted us, in conducting our deliberations, utterly to discard the influence of party spirit. It would have given me great pleasure, sir, if the gentleman had afforded us a magnanimous example of a precept so admirably suited to the present state of things. But in this too, sir, I have been unfortunately disappointed. That gentleman's observations consisted almost exclusively of retrospective animadversions upon the original objects and horrible effects of the embargo laws, without seeming to think it was worth his attention to favor us with any reflections upon the prospective course of measures, which the people's interests, the public safety, and general welfare, so imperiously demand. That gentleman represented the embargo laws as mere acts of volition, impelled by no cause nor necessity; whilst the British orders, and French edicts, were scarcely glanced at, and certainly formed the least prominent feature of his observations. He represented these laws as a wanton and wicked attack upon commerce, with a view to its destruction, whilst he seemed scarcely to have recollected the extraordinary dangers and difficulties which overspread the ocean—indeed, sir, he described the ocean as perfectly free from dangers and difficulties, unruffled by any storms, and that we had nothing to do but to unfurl our canvass to the wind, that it would be filled with prosperous gales, and wafted to the ports of its destination, where it would be received with open arms of friendship and hospitality. I wish, sir, with all my heart, the gentleman could but realize these dreaming visions; their reality would act like a magic spell upon the embargo laws, and dissipate them in a moment! But, alas, sir, when we come to look at realities, when we turn our eyes upon the real dangers and difficulties which do overspread the ocean, we shall find them so formidable, that the wisdom of our undivided counsels, and the energy of our undivided action, will scarcely be sufficient to resist and conquer them. To my great regret, sir, we now see, that the United States cannot even hope to be blessed with this union of mind and action, although certainly their dearest interests demand it.

Mr. President, perhaps the greatest inconvenience attending popular governments, consists in this; that whenever the union and energy of the people are most required to resist foreign aggres-

sions, the pressure of these aggressions presents most temptations to distrusts and divisions. Was there ever a stronger illustration of the truth and correctness of this observation than the recent efforts made under the pressure of the embargo laws? The moment the privations, reluctantly, but necessarily imposed by these laws, became to be felt, was the moment of signal to every political demagogue, who wished to find his way to office and to power, to excite the distrusts of the people, and then to separate them from the Government of their choice, by every exaggeration which ingenuity could devise, and every misrepresentation which falsehood could invent; nothing was omitted which it was conceived would have a tendency to effect this object. But, Mr. President, the people of the United States must learn the lesson now, and at all future times, of disrespecting the bold and disingenuous charges and insinuations of such aspiring demagogues. They must learn to respect and rally round their own Government, or they never can present a formidable front to a foreign aggressor. Sir, the people of the United States have already learnt this lesson. They have recently given an honorable and glorious example of their knowledge in this respect. They have, in their recent elections, demonstrated to the nation and to the world that they possess too much good sense to become the dupes of these delusive artifices, and too much patriotism to desert their Government, when it stands most in need of their support and energy.

The gentleman from Connecticut (Mr. HILLHOUSE) has made the most strict, and I had almost said, uncharitable scrutiny into the objects and effects of the embargo laws, in the delusive hope, I presume, of obtaining a triumph over his political adversaries. I propose to follow the gentleman, in a fair and candid comparison of information and opinions upon this subject; and I shall do so in the most perfect confidence, that, whenever a thorough examination of the objects and effects of the embargo laws shall be made known, and the merits of the measure fully understood, that there is not a man in the United States who will not applaud and support the Administration for its adoption, who has the uncontaminated heart of an American throbbing within his bosom.

Sir, I have always understood that there were two objects contemplated by the embargo laws. The first, precautionary, operating upon ourselves. The second, coercive, operating upon the aggressing belligerents. Precautionary, in saving our seamen, our ships, and our merchandise, from the plunder of our enemies, and avoiding the calamities of war. Coercive, by addressing strong appeals to the interests of both the belligerents. The first object has been answered beyond my most sanguine expectations. To make a fair and just estimate of this measure, reference should be had to our situation at the time of its adoption. At that time, the aggressions of both the belligerents were such, as to leave the United States but a painful alternative in the choice of one of three measures, to wit, the embargo, war, or sub-

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mission. I know that this position has not been admitted, though but faintly denied in the discussion. I shall however proceed upon this hypothesis for the present, and in the course of my observations will prove its correctness by the statements of the gentlemen in favor of the resolution.

Before the recommendation of the measure, the laudable and provident circumspection of the Administration had obtained tolerably correct estimates of the amount and value of the ships and merchandise belonging to the citizens of the United States then afloat, and the amount and value of what was shortly expected to be afloat; together with a conjectural statement of the number of the seamen employed in the navigation thereof.

It was found that merchandise to the value of one hundred millions of dollars was actually afloat, in vessels amounting in value to twenty millions more. That an amount of merchandise and vessels equal to fifty millions of dollars more, was expected to be shortly put afloat, and that it would require fifty thousand seamen to be employed in the navigation of this enormous amount of property. The Administration was informed of the hostile edicts of France previously issued, and then in a state of execution, and of an intention on the part of Great Britain to issue her orders, the character and object of which were also known. The object was, to sweep this valuable commerce from the ocean. The situation of this commerce was as well known to Great Britain, as to ourselves, and her inordinate cupidity could not withstand the temptation of the rich booty, she vainly thought within her power. This was the state of information at the time this measure was recommended.

The President of the United States, ever watchful and anxious for the preservation of the persons and property of all our fellow-citizens, but particularly of the merchants, whose property is most exposed to danger, and of the seamen whose persons are also most exposed, recommended the embargo for the protection of both; and it has saved and protected both. Let us now suppose, for a moment, that the President, possessed of this information, had not apprized the merchants and seamen of their danger, and had recommended no measure for their safety and protection; would he not in that case have merited and received the reproaches which the ignorance or ingratitude of merchants and others have so unjustly heaped upon him, for his judicious and anxious attentions to their interests? It is admitted by all, that the embargo laws have saved this enormous amount of property, and this number of seamen, which, without them, would have forcibly gone into the hands of our enemies, to pamper their arrogance, stimulate their injustice, and increase their means of annoyance.

I should suppose, Mr. President, this saving worth some notice. But, sir, we are told that instead of protecting our seamen, it has driven them out of the country, and into foreign service. I believe, sir, that this fact is greatly exaggerated. But, sir, suppose for a moment that it is so, the

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Government has done all, in this respect, it was bound to do. It placed these seamen in the bosoms of their friends and families, in a state of perfect security; and if they have since thought proper to abandon these blessings, and emigrate from their country, it was an act of choice, not of necessity. But, what would have been the unhappy destiny of these brave tars, if they had been permitted to have been carried into captivity, and sent adrift on unfriendly and inhospitable shores? Why, sir, in that case, they would have had no choice; necessity would have driven them into a hard and ignominious service, to fight the battles of the authors of their dreadful calamities, against a nation with which their country was at peace. And is the bold and generous American tar to be told, that he is to disrespect the Administration for its anxious and effectual attentions to his interests? for relieving him from a dreadful captivity? Even under the hardships he does suffer, and which I sincerely regret, every generous feeling of his noble heart would repel the base attempt with indignation. But, sir, the American seamen have not deserted their country; foreign seamen may and probably have gone into foreign service; and, for one, I am glad of it. I hope they will never return; and I am willing to pass a law, in favor of the true-hearted American seamen, that these foreign seamen never should return. I would even prohibit them from being employed in merchant vessels. The American seamen have found employment in the country; and whenever the proper season shall arrive for employing them on their proper element, you will find them, like true birds of passage, hovering in crowds upon your shores.

Whilst considering this part of the subject, I cannot help expressing my regret that, at the time of passing our embargo laws, a proportion of our seamen was not taken into the public service; because, in my judgment, the nation required their services, and it would have been some alleviation to their hardships, which the measure peculiarly imposed upon them, as a class of citizens, by affecting their immediate occupation; and the other classes, as well as the public Treasury, were able to contribute to their alleviation; and I am willing to do the same thing at this time. Indeed, its omission is the only regret I have ever felt, at the measures of the last Congress. I like the character—I like the open frankness, and the generous feelings of the honest American tar; and, whenever in my power, I am ready to give, and will with pleasure give him my protection and support. One of the most important and agreeable effects of the embargo laws, is giving these honest fellows a safe asylum. But, sir, these are not the only good effects of the embargo. It has preserved our peace—it has saved our honor—it has saved our national independence. Are these savings not worth notice? Are these blessings not worth preserving? The gentleman from Delaware (Mr. WHITE) has, indeed, told us, that under the embargo laws, the United States are bleeding at every pore.

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This, surely, sir, is one of the most extravagant effects that could have been ascribed to these laws by the frantic dreams of the most infatuated passions. Blood-letting is the last effect that I ever expected to hear ascribed to this measure. I thought it was of the opposite character; but it serves to show that nothing is too extravagant for the misguided zeal of gentlemen in the opposition. I have cast my eyes about in vain to discover those copious streams of blood; but I neither see nor hear anything of them from any other quarter. So far from the United States bleeding at every pore, under the embargo, it has saved them from bleeding at any pore; and one of the highest compliments to the measure is, that it has saved us from the very calamity which the gentleman attributed to it; but which, thanks to our better stars and wiser counsels, does not exist.

The gentleman from Connecticut, (MR. HILLHOUSE,) not content with describing the general horrors of the embargo laws, has addressed himself, in plaintive tones, to several particular classes of citizens, and has kindly informed each of his particular hardships and sufferings. The gentleman asks, what has become of the merchant? What has become of the farmer? I know something of the situation of the farmer; and, as to the merchant, I had felt serious apprehensions for his situation, until they were materially relieved by the information given by the gentleman. The gentleman tells us that the great capitalists do not suffer; they are in favor of the embargo; but the young, dashing, enterprising merchant, without capital, is destroyed. This statement is highly honorable to the embargo laws, and proves a great deal. The capitalist, who has property, finds its security under the embargo; he is therefore in favor of the measure; but the merchant, who has nothing, is deprived of an opportunity of making something out of that nothing. But his rights are not affected by the embargo; he is left in the enjoyment of the nothing he possessed; and has no reason to complain that the embargo does not give him something without laboring for it. I regret, however, that these merchants, without capital, have lost the chance of making their fortunes by the embargo; but even the most of these, the gentleman tells us, would probably have become bankrupt, by their wild speculations, even if the embargo were not in being; and, of course, their situation cannot be much worsed by it.

But, Mr. President, I am willing to admit that there are many worthy merchants, of small capital, who do suffer by the suspension of their employments; and I am very sorry for them; but this suffering is incidental to every coerced state of things; and is attributable, not properly to the embargo, but to the causes that rendered its adoption indispensable.

The gentleman, however, tells us, with the most sympathetic feelings, that the ships of the great capitalists are rotting at our wharves, and yet these capitalists are in favor of the embargo. Why, sir, this is a very plain case, when stripped of its exaggerations. The ships are precisely twelve

months older than they were twelve months ago; and the owners would rather have them there, with this difference of age and proportionate decay, than to see them torn away by lawless plunderers, and wholly lost forever. But, sir, what would have become of many of these capitalists if it had not been for the embargo? Their property would have been plundered, and they become bankrupts. Is it any wonder then, sir, that these men should be in favor of the embargo? Review, then, this statement made by the gentlemen, respecting the merchants, and what is the actual result? Why this, sir; that, although they do suffer by the necessary interruption of their particular occupation, (a suffering I deplore as much as any gentleman in the United States,) yet the real owners of the property do not complain; and almost the only grumblers are those who have nothing to grumble about.

But, says the gentleman, what has become of the farmer? The gentleman knows that I am a farmer, and that I have long borne the appellation with sincere pleasure; I may therefore be presumed to know something of the situation of the farmer; and not only in my own name, but in the name of the whole happy, useful, and honorable fraternity of American farmers, I will tell the gentleman what that situation is at this moment. The American farmer is now enjoying the fruits of his honest industry, in peace and security, blessed at the same time with every political, social, and domestic enjoyment, perfectly exempt from all vexations, and I had almost said taxations, and with pleasure beholds a surplus of fourteen millions of dollars in the public Treasury after paying every debt which could be demanded of the honor of the Government. All these blessings, too, are sweetened by the noble consciousness that they are enjoyed by him as a freeman, and by a constant recollection, and perfect confidence, that he is protected in this enjoyment by a Government which will never basely surrender his rights, nor the national sovereignty, to any foreign aggressor upon earth. Blessed with all these uninterrupted enjoyments, I agree perfectly in sentiment with the gentleman from New York, (MR. MITCHELL,) that with a heart overflowing with the most grateful affections, he should render thanks to the author of all good, that in the bountiful dispensation of his providence, he has been pleased to pour so many blessings into the lap of the American farmer. Grumbling and repining when thus favored, would, in my opinion, be impiety to Heaven, and ingratitude to his own Government.

The gentleman does not tell you, sir, that the farmer wants anything, but that he has plenty, over much. The puzzle is, to know what to do with the surplus plenty. And how does the gentleman advise the farmer to dispose of it? Why he tells him, raise the embargo and it will increase the price of your surplus produce; and for this supposed difference in price, he advises the farmer to sell his own freedom and his country's independence; and in this contemptible and miserable barter, to purchase his own, and his country's

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vassalage—to cease to be a freeman, and to become a slave—to give up the noble feelings inspired by liberty and freedom, and to descend to the abject and ignominious existence of a slave without any mental feeling whatever. Sir, let me tell that gentleman, in my own name and in the name of every farmer in the United States, that we would repel with indignity and indignation the disgraceful golden allurements, even if it could be realized. But, sir, dishonorable as the allurements is, it is fictitious, it is visionary. It could not be realized. I believe, and every sensible farmer will believe, that he has for the last ten months obtained more for his surplus plenty under the embargo, than he could have done in any other state of things, which was in the choice of the Government. Let us suppose that the immense mercantile capital which is admitted to have been saved by the embargo had been seized and carried into foreign ports and there condemned; what would have been its effects upon the mercantile capital of this country? It would have so crippled our merchants, that they would not have been able for a long time to purchase the surplus produce of the nation.

But that is not all, these merchants would have claimed indemnification from the Government for losses which, in that case they would have urged, were sustained by its culpable neglect; and they would have plunged us into war, to repair so great an injury inflicted upon the nation; the foreign plunderers too, would have told us, that they cared but little about a war, as they had taken from us sufficient means for defraying its expense. Thus, in that state of things, a war would have been inevitable; and would you tell the farmer, that he would get more for his surplus produce in time of war, than he has received since the embargo? Sir, the farmer knows too well the calamities of war, to be thus deluded by these visionary golden dreams. In the event of war, he would not have received as much for his surplus produce, as under the embargo laws: hence, it obviously appears, from a fair estimate of pounds, shillings, and pence, (since we are compelled to resort to that standard, as the only orthodox test of our national honor, national sensibility, and even national independence,) yes, sir, even according to that sordid standard, the farmer would have been the loser. Besides, sir, to say nothing of the increased taxes, and other burdens indispensable to the support of war, who can count its chances, or limit its duration? Who can calculate its demoralizing consequences? But calamitous as war is, the American farmers would with eagerness encounter all its terrors, rather than surrender their own liberties, and the nation's honor, independence, and sovereignty; let us then for a time, sir, bear our present privations—let war be the last experiment.

But, sir, I will mention another circumstance, which may be some alleviation to the farmer, for the difference in the price of his surplus plenty now and in ordinary times. When the price of produce is low, the temptation to raise large crops will be lessened, and the farmer will turn a cer-

tain portion of his labor to the improvement of his farm. The high prices of produce heretofore have induced the farmer to impose too much upon his land—too great demands have been made on it—and it has been in some degree exhausted. The embargo has apprized the farmer of this important circumstance, and taught him his true interest in this respect. I have observed a great change in the application of labor, in this respect, and I have no doubt a general sentiment exists in favor of a still greater change. A greater portion of labor is also converted into household manufactures, which will lessen our demand and dependence upon foreign nations. In both these respects, I believe, the operation of the embargo is favorable to the farmer, at the present moment, and will certainly be favorable to posterity, by transmitting to it a more fertilized soil for cultivation. It will be favorable, at the present moment, in this respect—that, before the adoption of the embargo, the farmer was tempted to apply too great a proportion of his labor to the annual increase of crops, and too small a portion of it to the permanent improvement and fertilization of his farm. I mention this as an alleviation, not as a complete exemption from the effects of the embargo, and its so far producing a beneficial influence upon cultivation and internal improvement.

I hope by this time, Mr. President, that the gentleman will concur with me in opinion, that the situation of the American farmers is rather enviable than miserable—that he has good sense enough to make a just estimate of his own interests, and possesses too much honorable sensibility not to repel with indignation every attempt to seduce him into a disgraceful surrender of his own liberties or his country's independence.

Let us now take a view of its effects upon some other classes of our fellow-citizens, which seem almost to have escaped the gentleman's notice, or at least not to have excited so much of his plaintive sympathies—I allude to the manufacturer, the mechanic, and the laborer. The manufacturer seems to be in such a state of prosperity, as rather to have excited the gentleman's jealousy than his tender commiseration. He fears that the real object of the embargo was to erect the manufacturing system upon the ruins of commerce. I do not mean here, sir, to reply to the suggestion of this unfounded jealousy. I mean, in the course of these observations, to make that a subject of distinct and separate examination. I shall here however take the liberty of remarking, without the fear of still further exciting the gentleman's jealousy, that I am extremely happy to see, not only that we have abundant fabrics for manufactures, but that we have artisans sufficient to mould them into all the articles necessary for home consumption, and thus lessen our dependence upon foreign nations for our supply. I rejoice, indeed, to see our infant manufactures growing into importance, and that the most successful experiment has attended every attempt at improvement. What is the situation of the mechanic and the laborer? They have full employment, good wages, and cheap living. I am told, sir, that within the

last year, one thousand houses have been erected in Philadelphia. I see at this time more houses building at Georgetown, even for mercantile purposes, and more improvements in this city, than ever I have seen before; and I believe this generally to be the case throughout the country. That this is a correct statement of facts, I have no doubt. How, then, is this agreeable and unexpected scene accounted for, amidst this mercantile clamor about the stagnation of business? It is because a greater proportion of the overgrown mercantile capital is now diverted from external commerce to internal improvements. And I am strongly inclined to think that this transposition of a certain portion of the mercantile capital will produce a beneficial operation, in a national point of view, and probably even more productive to the capitalist than risking it in the employment of foreign trade.

This I believe to be a fair, just, and candid statement of the operation of the embargo laws upon the several great classes of citizens; and, when correctly viewed, how different in its aspect from the miserable picture of horrors presented to us by the gentleman from Connecticut! When you tell a mechanic or a laborer of his distresses and sufferings, when he has full employment, good wages, and cheap living, he would laugh at you; he would either think you silly, or that you meant to treat him with indignity and insult. These are all the blessings he could wish, and they are enough for any man to possess, when he reflects upon the narrow span of human enjoyments this world affords. Sir, the miserable laborer on the other side the Atlantic would consider the enjoyments of the laborers here Elysium itself; and I can but lament, for the sake of suffering humanity, that it cannot find the way to these enjoyments. I presume that, during the late electioneering scene, every laborer and mechanic in Pennsylvania was told a thousand times that he was ruined by the embargo; but thirty thousand votes (majority) have told these frantic, officious disturbers of the public quiet, in loud and awful tones, how silly and ridiculous they consider the suggestion. The recent elections in most of the other States speak the same emphatic language.

I have been thus minute, Mr. President, in the examination of this part of the subject, as well to relieve ourselves from the miseries and apprehensions of our own deluded imaginations, as to relieve foreign nations, as far as was within my power, from their delusions, which I shall show in the course of my observations, are the principal if not the only cause of the very hardships and sufferings so loudly and causelessly complained of by some gentlemen. Now, sir, take an impartial review of the effects of the embargo laws, as operating upon ourselves, and what is the actual result? Why, sir, as far as they were precautionary, their success has been complete; and whilst in their general operations they have been attended with some privations and sufferings, they have not been without their beneficial effects on society.

The gentleman next triumphantly tells us, that

the embargo laws have not had their expected effects upon the aggressing belligerents. That they have not had their complete effects; that they have not caused a revocation of the British orders and French decrees, will readily be admitted; but they certainly have not been without some beneficial effects upon those nations. Let me, however, ask, sir, is this failure a cause of triumph to the gentleman? Does he feel more pleasure in the delusive expectation of a triumph over a political adversary, than in the triumph of the nation over our common adversaries? Are his political feelings so strong, that they are to be indulged, even at the expense of his own, and his country's interests? Does he vainly suppose, that, disregarding or postponing all consideration of the people's interests, when their all is at stake, to the indulgence of these petty animosities, will give him a just claim to the people's applause? If he does, sir, he is mistaken. It is by the reverse of this conduct that he can lay any just claim to their applause. It is by banishing his prejudices—it is by conquering his own passions, and by devoting the whole energy of his mind to their service, at this critical moment, that he can be justly entitled to their applause. This would be for him a glorious triumph—a triumph over his own passions; and it would secure him the public approbation, because the conduct would be right. Let us then, sir, hope for this conciliation, which would be so honorable to ourselves, and would promise so much advantage to the nation.

In this spirit of conciliation and patriotism, then, Mr. President, let us inquire, first, what have been the actual effects of the embargo laws upon the aggressing belligerents? And, secondly, what are the actual causes of their failure of complete success? The first inquiry involves much mercantile information. I have only some views of general mercantile principles—I know little or nothing of their operative details—I had, therefore, hoped for much information upon this part of the subject from gentlemen who possessed it; but have received very little satisfaction from them in that respect.

The first effect of the embargo, upon the aggressing belligerents, was to lessen their inducements to war, by keeping out of their way the rich spoils of our commerce, which had invited their cupidity, and which was saved by those laws. If they had once possessed themselves of this enormous booty, it would have been a sure pledge for open and direct war. It would have defrayed the expenses of the war for several years. If they had not gone to war, they would have been compelled either to restore the captured property, or to make indemnification for it. Its amount alone would have been a sufficient security against either of these acts of justice. And is it not better that this enormous amount of property should be on this side of the Atlantic, than on the other? In the hands of its lawful owners, than in the hands of unprincipled freebooters? Is it not better that it should be drawn to our aid in the event of war, than applied to aid our unjust adversary?

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Upon this point, I presume, there can be but one opinion.

The second effect, which the embargo laws have had on the aggressing belligerents, is to enhance the prices of all American produce, especially articles of the first necessity to them, to a considerable degree. and, if it be a little longer persisted in, will either banish our produce (which I believe indispensable to them) from their markets altogether, or increase the prices to an enormous amount; and, of course, we may hope will furnish irresistible inducements for a relaxation of their hostile orders and edicts. However I may generally respect the mercantile information of the gentleman from Massachusetts (Mr. LLOYD,) and the gentleman from Connecticut, (Mr. HILLS,) they appear to me, on this occasion, not to have been very correct. I have before me, two Prices Current from Liverpool, the one of the 8th, the other of the 20th September last. They, I presume, were written under no political bias, favorable to the United States. Let us draw our facts from them. I will begin with the article of the first necessity in Great Britain, and one which, at all times, excites her highest sensibility. She manifests, at all times, more anxiety about her corn laws, than any other subject of her political economy. This is a necessary result from the peculiar state of her population.

Let us then inquire, what is the present state of breadstuffs in Great Britain. In the Liverpool Price Current of the 8th of September, I find this information upon this subject:

"Our grain market, for the most part of the last month was very dull; however, within this day or two there have been some extensive sales made of New York wheat at 13s. and 3d. at 70 lbs., and the holders now demand 13s. and 6d. to 14s. for prime parcels, which may possibly be obtained, as the appearances for the harvest in most parts of this kingdom are not quite so favorable as was at first thought, the late heavy rains having proved injurious in many places, and the grain is much lighter in the ear than former seasons; but as the dealers and country millers buy only to supply their immediate wants, we do not calculate upon a material improvement on the annexed prices, unless some export vent to Spain or our West India colonies takes place. Good sweet American flour is not to be had in this market."

In the Price Current of the 20th, I find these observations:

"Large speculations have lately been made in tobacco, in consequence of our stock becoming limited; but should the embargo be raised, this and every other description of your produce must very materially decline in price, wheat and flour excepted.

"Our stocks of grain are but moderate, although we have been much favored in our harvest."

What reflection does this information naturally present to the mind? That the crop is limited; that breadstuffs are high, and likely to be higher; that there is such a deficiency of breadstuffs, that our whole supply will not depress the market, even in the event of raising the embargo; and certainly continuing it, (which does not seem at all calculated upon in England,) would lessen

the quantity and raise proportionably the demand and price.

The gentleman from Connecticut (Mr. HILLHOUSE) tells us we cannot starve Great Britain, she, being mistress of the trade of the world, will supply herself with breadstuffs from other quarters and particularly from Spanish America. I never heard it suggested, except by the gentlemen in the opposition, that we could starve Great Britain; but that, through our produce, particularly our breadstuffs, we could make a strong appeal to her interests. This fact is demonstrated to my mind. The Liverpool merchants differ with the gentleman in his mercantile information. They tell us that our whole supply of breadstuffs will not depress their market. If a ready supply could be obtained elsewhere, upon better terms, there would be no need of a supply from us. But when has it happened, that Spanish America could afford this supply? So far from affording a supply to Great Britain, it gets a portion of its own supply from us. The gentleman tells us that Spanish Americans export great quantities of hides and tallow. That is true; these, however, are not breadstuffs. It is not pretended that Great Britain is in want of meat, but bread; bread is an essential of life; meat is no substitute for bread; it could not prevent even a famine. These documents also go to show the reason of the low price of New York flour, quoted by the gentleman from Massachusetts, (Mr. LLOYD.) It is because the flour was not sweet; it had been so long kept as to become sour. I have no doubt that the British Cabinet is now looking at this subject with great anxiety; and particularly at our movements in relation to it. Again, sir; suppose Great Britain should be able to provision her Islands, it would be at such an expensive rate as to render them very unprofitable.

The next important article is cotton. Let us see the prices current respecting that article:

"The operations in our cotton market during the whole of last month have been immense, while our total imports are inadequate to one-half the usual monthly consumption; as the stocks of this article have become more depressed, the speculators continue purchasing with increased spirit, and many of them have already realized considerable profits; we therefore quote an advance on all descriptions of cotton, of from 4d. to 6d. per lb. above our last month's rates, which has principally occurred within the last ten days; but we must beg leave to remark, that such unexampled advances are scarcely ever so well maintained as when they are gradually established, and some occurrence may, perhaps, shortly take place to put a stop to further speculations; we are, however, of opinion, that prices may yet be driven considerably higher, although they have to encounter an extremely bad trade in Manchester."

"West India cottons have advanced nearly in the same proportion as American, and the recent arrivals have fully brought the annexed prices, with every appearance of much higher being realized."

"In cottons we have a great stir; and should we not soon have arrivals from the Brazils, prices must be enormous."

Here the Liverpool merchants tell us, not only that the prices are extremely high, and may be driven much higher, unless some occurrence (to wit, raising the embargo) may perhaps shortly take place, to put a stop to further speculation; but that the total imports are inadequate to one-half the usual monthly consumption. Now, sir, whence is one-half of the usual consumption of cotton to be supplied to the British market. The British merchants seem totally at a loss for a supply from any place; but the gentleman from Connecticut (Mr. HILLHOUSE) has pointed out several places of supply—the East and West Indies; and even Africa has been resorted to. They have supplies from all these places now, and yet the Liverpool merchants tell you that the whole imports are not equal to one-half the monthly consumption; I therefore have no confidence in the statement made by the gentleman. With respect to the illustration of his position, by stating the supposed analogous case of his butter merchants, I shall make no reply. Its fallacy was ably demonstrated by the gentleman from Georgia, (Mr. CRAWFORD.) I will only incidentally remark, however, that it is the first time I ever recollect to have seen that gentleman in debate, when it appeared to me that he did not know on which side *his own* bread was buttered.

But the gentleman tells us, that the provident British Government has sent cotton seed to Africa to answer a supply of cotton; that cotton is an annual plant, and of course a competent supply may be produced from that quarter. I am inclined to think that this provident Government does not rely much upon this resource; because I imagine the whole quantity of seed sent thither, would not be equal to the offal from one good South Carolina plantation; and although cotton is certainly an annual plant, yet the conversion of the labor of society from one occupation to another, is not the effect of an annual effort. It is one of the most difficult operations to be performed on society. I therefore feel no apprehension of a supply from this source, at least, for many years. If Great Britain should be cut off from one-half of her supply of cotton, it would certainly place the many thousand manufacturers employed in the various branches of the cotton business, in a state of great distress; and must command the attention of the British Government.

The next article I shall mention, is the article of timber or lumber. I mention these articles particularly in relation to the supply of the West Indies; and the rather, as the traders to these Islands have been foremost in urging the British hostile orders. I recollect, sometime since, to have seen a report made, I believe to the House of Commons, showing the proportion of these articles imported to the West Indies from the United States, in relation to the same articles imported thither from all the rest of the world; and the proportion of these articles, was ninety-nine in the hundred, imported from the United States. It is known that these articles are indispensable to the exports from those Islands; particularly rum, sugar, and molasses. And I am at a loss to know

from whence these articles can be supplied, except from the United States. It should also be recollected that timber and lumber are not of annual growth, they are part of the veteran sturdy oak itself; and therefore that their deficiency cannot be so easily supplied as is suggested in relation to cotton.

The next article I shall mention, is tobacco. What say the Liverpool merchants respecting this article?

"During the last month tobacco has experienced some fluctuation, and sales have been made at prices under those quoted; but some considerable orders having appeared for export, the market has again settled at these rates, and if any opening to the continent of Europe, through the medium of Holland, should be found, an advance may be expected; on the contrary, if we have only our home consumption to depend upon, little alteration can take place until the sentiments of the American Government be known at the meeting of Congress in November next."

It is admitted that tobacco is not an article of the first necessity; it is, however, material to the manufacturer, and highly important to the revenue.

Naval stores are also certainly entitled to some consideration, although some supply of those articles is now furnished from Sweden.

I have selected these articles as specimens of the intimacy and importance of the commercial connexion between the United States and Great Britain; and to demonstrate that it cannot be withdrawn on our part without essentially affecting her interests. Again, sir; what effect will this recession of intercourse have upon the revenue of that country? I shall make no minute estimate, but it will certainly have an effect which cannot be disregarded; and the rather when it is recollected that Great Britain has imposed an export duty of four per cent. upon her goods sent to the United States, which produces to her an annual revenue of about six hundred thousand dollars, probably much more; and that this is a discriminating duty against the United States, which ought to have been repelled the moment it was laid; and especially, as it was avowed that it was imposed upon the United States with the view of placing them on the same footing with the British Colonies.

The gentleman from Massachusetts (Mr. LLOYD) tells us, even suppose that your embargo laws drive fifty thousand, or more, manufacturers from their employment in Great Britain, it will only add to her naval and military strength. It would only give her fifty thousand seamen or soldiers more than she now has. This, sir, is an unfortunate specimen of the prosperity which Great Britain is supposed to derive from the embargo laws. If I am rightly informed, generally, and particularly yesterday, by the learned gentleman from New York, (Mr. MITCHELL,) of the materials of which the manufacturers consist, I am disposed to think they would make poor seamen, and sorry soldiers. I do not think the world would have much to fear from their prowess. They are fit for manufacturers, and nothing else; and if driven from

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their habitual employments they must starve, or become a charge upon the nation. But, sir, the conversion of fifty thousand productive and even expensive laborers, could not contribute much to the wealth or power of any nation; and such an operation in Great Britain, where the poor rates are sufficiently high already, would command the serious attention of the Government.

There is something essential to the physical power of a nation, besides the numbers of seamen and soldiers. It is money, it is revenue. This operation upon labor could not be productive of revenue, but would be an enormous charge upon it. I am therefore inclined to think that the British Cabinet would not feel any great obligation to the gentleman for his ingenious discovery. All these considerations must present strong inducements to Great Britain to revoke her hostile orders; but she has hitherto refused to do so.

Let a candid inquiry be now made into the actual causes of this refusal. The gentleman from Massachusetts (Mr. LLOYD) informs us, that the British Cabinet showed some solicitude about the embargo laws, till some time between the 22d of June and the 29th of July last, within which time information flowed in upon them, which relieved them from this solicitude, and reconciled them to the embargo. [Mr. LLOYD rose to explain. He said he referred to the months of June and July, without mentioning any particular days of those months.] I admit that the gentleman did not mention the particular days; I took the particular days, for greater precision, from the correspondence between Mr. Pinkney and Mr. Madison, from which I presume the gentleman had drawn his information.

What was the information that flowed in upon the British Cabinet, from the 22d June to the 29th of July? That period announced two events. First, the wonderful revolution in Spain, although this event must have been pretty well understood in London before even the 22d of June, perhaps not to its full extent. The other event was, the paltry attempt at the resistance of the embargo laws in Vermont, magnified into a formidable insurrection against the Government; and the unhappy discontents manifested in Boston and its neighborhood, together with the results of the elections in Massachusetts. All these circumstances were certainly greatly exaggerated, or utterly misrepresented. Here then, sir, we clearly discern the real causes of the refusal of the British Cabinet to meet the just and honorable proposition of the United States, and to revoke their Orders in Council. The Spanish Revolution, no doubt, contributed to their determination; but the principal cause was our own divisions and discontents, either wholly misrepresented or highly exaggerated.

Before the 22d June Mr. Pinkney and Mr. Canning were engaged in the most informal and friendly communications; Mr. Canning had gone so far as to intimate to Mr. Pinkney that he might in a few days expect to be able to communicate to his Government some agreeable intelligence, evidently meaning either the revocation, or relax-

ation of the hostile orders. But unfortunately, shortly after the 22d June, the packet arrived with this flood of disgraceful information from the United States. Immediately after the receipt of this misinformation, Mr. Canning changes his conduct. All informal conferences with Mr. Pinkney are denied, and a formal note demanded, in reply to which, the note of refusal was returned, marked, as we have seen, with indignity and insult to the United States.

Now, sir, let me ask, whether these facts do not demonstrate that the continuation of the hostile orders is principally, if not solely, owing to the dishonorable divisions and discontents in this country, and the exaggerated accounts given of them to the British Government? That events in Spain alone, however intoxicating to the British Cabinet, were not, of themselves, sufficient to produce this effect; because they were known before the change in Mr. Canning's conduct took place, and had not produced that effect. But, the moment the extravagant accounts of the discontents and divisions in this country were received, was the moment of change in Mr. Canning's conduct, and, therefore, must be considered as the real cause that produced it. Besides, sir, was not this change of conduct the natural effect of this disgraceful information? When Mr. Canning was informed that the people of the United States had become false to themselves; had refused to bear the necessary privations imposed by the Government; had in fact, separated themselves from their own Government—that they would elect persons to office, who would, voluntarily, yield obedience to Mr. Canning's orders—what inducements could he have for their revocation? If obedience and submission were gratuitously tendered by the people of the United States; he had certainly nothing to do but graciously to accept them; and his note affords full evidence of this impression on his mind. The refusal of the British Government to revoke their hostile orders, therefore, appears not to have been founded upon a calculation of its interests upon correct information; but upon a miscalculation of its interests upon misinformation. How much, then, is it to be lamented, Mr. President, that our sufferings and privations should be continued, by the discontents which were intended to remedy them? How can the authors of these discontents reconcile their conduct to the nation, or to their own consciences? What compensation or atonement can they ever hope to make to the people for the protraction of their privations and sufferings? What, for the disgrace brought upon the nation? What, for all the horrors and calamities of war, which may, and probably will, be the consequences of such conduct? Let the insatuated authors of it answer these questions. Ages of services cannot atone for these cruel, these unfortunate errors.

It is asked sir, how do the embargo laws operate on France? It is readily admitted, that the commercial connexion between the United States and France is not of such a nature as to make a suspension of it operate as injurious to France herself, particularly in the interior, as on Great

Britain. But our commerce cannot be deemed unimportant to France, in the feeble state of her navy. At the time, too, of laying the embargo, Spain, Portugal, and Holland, were in alliance with, or, in subjection to France. Its pressure was materially felt by Spain and Portugal, from their want of provisions; and it is questionable how far that measure contributed to the convention for the evacuation of Portugal by the French army. The want of provisions being one ground alleged for their late convention for that purpose.

The French West India islands, too, have felt the pressure with great severity. They are at this moment in a state of blockade. There were probably two objects in this blockade. The one to reduce the French islands for want of provisions. The other, to seize upon their merchant ships, which it was presumed would hasten thither immediately upon raising the embargo. And it appeared extremely well-timed to effect that object, if Congress, upon their first meeting, had been weak or pusillanimous enough to have raised it. The loss of these islands would be severely felt by the French Emperor, and would probably produce some regret on his part in having contributed to drive the United States to the extremity of the embargo laws.

But, sir, gentlemen are very much alarmed at an expression in a late French exposé. They have made some general allusions to it, but in so vague a manner, as not to be understood with precision. As I am always fond of a correct statement of facts, I will read the expression probably alluded to: "The Americans, a people who involve their fortunes, their prosperity, and almost their existence, in commerce, have given an example of a great and courageous sacrifice. They have suspended, by a general embargo, all commerce and navigation, rather than shamefully submit to that tribute, which the English impose on the navigation of all nations." I cannot conceive the importance attached to this expression, or the view with which it was introduced. It is to be remarked that this is the character given to this measure throughout all Europe, and by none more loudly and decisively, than by the Federal American merchants now in Great Britain.

It is only on this side of the Atlantic, that we hear it described as a weak or wicked measure. But what of all this, sir? Will this French expression change the real character of the measure? Shall we change our own opinions of the true character of the measure because the French Government has thought proper to pronounce an opinion upon it? Are we told to abandon our own right of judging of our own measures, because the French Government officiously undertakes to judge for us? Sir, to me it is perfectly indifferent, what the French Government thinks upon the subject; I shall take the liberty of exercising my own judgment upon it, perfectly exempt from any extraneous influence whatever.

Mr. Canning, sir, has also undertaken to say something respecting the character of the embargo laws. Let us hear what he says upon the subject:

"If considered as a measure of impartial hostility

against both belligerents, the embargo appears to His Majesty to have been manifestly unjust, as, according to every principle of justice, that redress ought to have been first sought from the party originating the wrong. And His Majesty cannot consent to buy off that hostility, which America ought not to have extended to him, at the expense of a concession made not to America, but to France.

"If, as it has more generally been represented by the Government of the United States, the embargo is only to be considered as an innocent, municipal regulation, which affects none but the United States themselves, and with which no foreign State has any concern; viewed in this light, His Majesty does not conceive that he has the right or the pretension to make any complaint of it; and he has made none."

"His Majesty would not hesitate to contribute in any manner in his power to restore to the commerce of the United States its wonted activity; and if it were possible to make any sacrifice for the repeal of the embargo, without appearing to deprecate it as a measure of hostility, he would gladly have facilitated its removal as a measure of inconvenient restriction upon the American people."

Let me now ask you, Mr. President, what feelings must rush themselves into your bosom, upon hearing this last, this arrogant insinuation? What must be the feelings of every war-worn veteran, who has so long enjoyed the pleasing consciousness of having been instrumental in achieving his country's independence? What must be the feelings of every young American, who has not basely degenerated from his father's virtues? Do you not see, sir, in this sentence, almost a direct overture of the interference of His Most Gracious Majesty in our political concerns? Do you not see the vain and idle effort to encourage discontents by the expression of His Majesty's good disposition to interpose his good offices to relieve the American people from the inconvenient restrictions imposed on them by their own Government? What indignity, what insult could be greater upon the American people? What could more clearly demonstrate the infatuation, the intoxication of Mr. Canning's mind, produced by the unfortunate flood of misinformation which had poured in upon him? The American people will repel the overture with indignation, with disdain; and sir, as a sure and pleasing anticipation of this result, I rejoiced to see the indignant resentment manifested by the gentleman from Delaware (Mr. WHITE.) It was the more honorable to him, sir, because it was the triumph of his American feelings over a host of prejudices with which I fear he is surrounded. I always knew that gentleman to be a patriot, and when it shall become necessary, I expect to see him amongst the foremost in the ranks of honor, in the defence of his country's rights.

Yes, sir, this insulting overture will doubtless burst the strong fetters of the prejudices of thousands of other American patriots, who will rally to the standard of their own Government, and will teach Mr. Canning how little he knows of American character, or the American sensibility, when he thus ventures to insult it.

Sir, the sentiments contained in this extraordi-

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nary note of Mr. Canning's are not new to me. I have seen them for some months in some of the Boston newspapers—it contains nothing more than the ridiculous intimations contained in them, reduced to the form of a diplomatic note, not at all improved, nor dignified, nor better calculated to effect their object, by the sarcastic insolence of Mr. Canning.

Upon an impartial review of the whole of this part of the subject, Mr. President, I think I am warranted in the conclusion that the embargo laws have not been without materially beneficial effects upon both the belligerents; that they have presented strong appeals to the interests of both, but that these appeals have not produced their complete effect. I have no hesitation in saying, sir, that when the proper time shall arrive—if these orders and decrees shall unfortunately be persevered in—I shall, for one, be ready to make still stronger appeals to their interests—appeals limited only by the whole force and energy of the nation.

I think also, sir, I am warranted in concluding, that if the embargo laws have failed of complete success, their failure has been owing to extraordinary causes, which could neither have been foreseen nor anticipated at the time of the adoption of the measure, and therefore cannot furnish any imputation against its policy or wisdom.

Permit me now, sir, to make some observations upon the general character of this measure, as well as replies to some of the more general objections brought against it. I have said, sir, that there are no substitutes for the embargo, but war or submission. I will now proceed to prove this position. A repeal of the embargo, without a substitute, is submission; if with a substitute, it is war. Gentlemen in the opposition seem fully sensible of the delicacy and urgency of this part of the question. When pressed for their substitute, they manifest vast reluctance in producing it.

The gentleman from Delaware, indeed, told us he was not the pioneer of the Administration. I never knew that he was called upon to act in that character; but I hope he will not voluntarily act as the sapper nor the miner of the Administration, especially when he must behold the Administration assailed by the two most powerful belligerents in the world, unfortunately aided I fear too, sir, by a host of domestic sappers and miners, and underminers in the bargain. I am sure, sir, the gentleman will not take upon himself such a character. The gentleman, however, did not withhold from us an intimation, at least, of his substitute—an intimation which could not be mistaken. It was war with France. The question therefore as to him is at an end upon this point. War is the substitute.

But, the gentleman from Connecticut, (Mr. HILLHOUSE,) after protesting against furnishing any substitute, intimates merely that he is in favor of an armed commerce. Why, sir, do gentlemen in the opposition manifest such a reluctance in producing a substitute, if they have one? They seem to be laboring under an impression that this is a mere question between themselves and the

Administration—an unimportant question of *ins* and *outs*. The question is certainly of a very different description. It is a question between this nation and foreign nations. It is a question involving our national existence and independence, and the dearest rights of the people.

Let me tell these gentlemen, sir, that the people have a right to demand a substitute from them, if they have one; not merely a vague insinuation to fill up a chasm in a defective argument, but a written proposition, reduced to form, presented for serious consideration; that every word may be strictly examined, and all its bearings seen. Then, sir, we should be in a state of preparation to make a choice between such substitute and the measures of the Administration.

Besides, sir, if this obligation were disregarded, every rule of criticism, every principle of common sense, would require a substitute. If you criticise upon a sentence in writing, the criticism is incomplete until you show a better. In law pleadings, if you object to a plea, as defective, you are bound to show a better. And certainly, sir, the magnitude of the question does not lessen the obligation imposed by the ordinary rules of common sense. Again, sir, I hardly could have supposed that gentlemen of such lofty pretensions to wisdom and talents would have contented themselves with the humble office of finding fault, without furnishing the proper correction. This inactive conduct—this doing nothing for the people in these dangerous and critical times—can furnish but a poor claim to the people's gratitude and applause.

But, sir, I will consider the gentleman's substitute, even with the glimmering views of it which he has presented. His substitute is an armed commerce. Would he extend it to acts of reprisal? If so, it is immediate war. Would he stop short of that? It would still be war, but of a more inefficient kind. If our vessels are to arm, I presume their arms are to be used in self-defence—they would be used against both the belligerents. In the present temper of Great Britain, the first gun fired in a spirit of hostility, even with a blank cartridge—or if it were a pop-gun—would be instant war. It would be a signal to her navy to seize upon the whole of our commerce, which would be spread upon the ocean the moment of raising the embargo. The gentleman's substitute I therefore believe to be war, and war of the most inefficient kind. A repeal of the embargo, without a substitute, is submission. Submission to what? To colonization, to taxation, to tribute!—That this is the true character of the British Orders and Acts of Parliament, we not only know from the measures themselves, but we know it was so understood in the British Parliament at the time of their adoption. As an evidence of this fact, let me call your most serious attention, sir, to some of the observations made in Parliament at the time of their adoption, particularly the observations of Lord Grenville in the House of Lords.

His Lordship said: "As to the duties proposed to be levied under these Orders of Council, he should only say, that when the peace of 1783 took place, he never thought that he should have lived,

'or that the British Parliament should have lived 'to see the day when a proposition should be made 'to tax America!' And when a similar suggestion was made in the House of Commons, what was Mr. Canning's reply? Did he deny the object? No, sir; but begged the gentlemen in the opposition not to tell the secret to the Americans! Hush, gentlemen, was, in substance, his reply. Thus adding indignity and insult to the arrogant pretension. Upon this part of the subject, I shall make no comment. It is impossible to improve the eloquence of this Parliamentary language! It must strike deep into the heart of every true American.

The gentleman from Connecticut (Mr. HILLHOUSE) says, no tribute will be paid, because there will be no inducement to pay it. France will not receive vessels into her ports, which have submitted to such a disgrace. It is admitted that the tribute is imposed; and to avoid the payment of it, we are to look to France: to give up our national character, and our national honor to the safe-keeping of the French Emperor. [The gentleman rose to explain. He protested against making any such inference.] This was admitted. He only stated the facts, and I supplied the inference. The inference from the facts I deem irresistible. I despise, sir, this miserable subterfuge. Let us act like a nation of freemen—let us be the conservators of our own honor and character. We should be the gainers by it upon the most economical calculation, in pounds, shillings, and pence. Our national character is now worth more than the delusive gains held out by this miserable commerce, and would sell for more in every market; submit to this disgraceful tribute, it would not be worth a cent, and would not sell for it in any market.

The gentleman from Connecticut (Mr. HILLHOUSE) says, that the embargo is submission to the mandates of both France and Great Britain, and, therefore, dishonorable. He makes this statement—France says, you shall not trade with Great Britain; Great Britain says, you shall not trade with France; and we say, we will not trade with either, and, therefore, gratify both. The fallacy of this argument consists in the misstatement. France says you may trade with me, and I am anxious you should do so, but you shall not trade with Great Britain; we say, we will not trade with you, nor with Great Britain. Now, sir, is this yielding to the mandate, or gratifying the wish of France? Certainly not. Great Britain uses the same language, and meets with the same reply. Now I contend that we have neither yielded submission, nor gratified the wish of either; but have resisted the wishes and mandates of both; and I have no doubt that both are astonished at the honorable and dignified attitude we have assumed and hitherto persisted in.

But, sir, the gentleman intimates, that the Government of the United States has suspended a rod over the head of Great Britain, and asks, whether an American would negotiate with a rod suspended over his head? Let me ask in turn, sir, if the gentleman's proposition, is not

submission; not indeed, while the rod is suspended over our heads; but whilst it is applied with the most unrelenting severity to our backs? I was really hurt, sir, to see that any gentleman could make an observation which would bear the most distant tint of an apology for Great Britain; and I cannot conceive how any gentleman can reconcile it to himself, when he reflects upon the many outrages committed by Great Britain against the United States, before even any attempt was made to do ourselves justice—and that these outrages were increased, in proportion to our patience under them.

The gentleman from Massachusetts (Mr. LLOYD) expresses his fears of some design for the destruction of commerce. He tells us, our commerce has grown to an enormous size, and warns us that it is not to be trifled with. The gentleman from Connecticut, too, tells us, that the avowed, was not the real object, of the embargo laws; and that he so prophesied at the time of passing them; that their real object was to encourage manufactures, at the expense of commerce. This charge of insincerity is a serious one. It is of a nature to impose a restraint upon the feelings, against making the merited reply. It has excited my surprise more than anything I ever heard fall from that gentleman; and the only apology I can find for it, is, that he unfortunately prophesied it. It is a painful effort of the mind to admit ourselves false prophets. By this time, it is impossible but the gentleman must be convinced that this was a false prophecy. He reminds me of the two lines in Hudibras:

"A man convinc'd against his will,
Is of the same opinion still."

The gentleman must be convinced, but retains the same opinion. Sir, whether it be a suspicion, or a jealousy, or whatever delusion the gentleman is laboring under, I peremptorily deny the existence of the fact he has insinuated. How has it happened that the commerce of the United States has become so enormous, but from the fostering and protecting influence of the Federal Government? What act of hostility against commerce has ever been shown by the Government? I challenge the gentleman to name one, or a single act from the Southern members unfavorable to our commercial prosperity. On the other hand, have we not always concurred in the stimuli given to commerce by discriminating duties, both on tonnage and merchandise, by the drawback system; and many other acts not material now to mention? It has been from these causes, added to the enterprises of our people, that commerce has arrived to such a pitch of prosperity. They certainly do not warrant the charge brought against the Government.

But what has excited my surprise, more than anything else, respecting this suggestion is, that the delusion upon the gentleman's mind, should be so strong as to banish his recollection of the local interests of the different States in the Union. He seems to suppose that the Southern are manufacturing States. This is not the fact. The fact

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is, that the commercial are, also, the manufacturing States. The Southern States are agricultural and commercial, not manufacturing, except in the household way; and that is not the species of manufacturing that has excited the gentleman's alarm. The peculiar organization of society in the Southern States, will, for a long time, forbid large establishments of domestic manufactures. This is the kind which gives the gentleman so much alarm; and, in this kind, the Southern States have no local interests whatever. They have, however, an essential interest in commerce, although, generally, the merchants carrying it on, may not reside within them. The agriculturists know, that a prosperous commerce is essential to good prices, and, therefore, they have always contributed to its protection and prosperity. In this state of facts, the gentleman may find a perfect security against his extravagant, and unfounded jealousies. But the gentleman is alarmed, because he has discovered, in the President's replies to sundry addresses from the manufacturers, expressions of satisfaction at their prosperity and improvement in the manufacturing system. But the President has nowhere expressed an intimation, or a wish, that this improvement, or prosperity, should be encouraged and promoted at the expense of commerce. And if he were to indulge so extraordinary an inclination, he could not expect to get a vote south of the Potomac, in favor of the system. Suppose the merchants had addressed the President, in the days of their prosperity, would he not have expressed his satisfaction at the circumstance? And would such expression have been just ground, or any ground, of alarm and jealousy to the manufacturer? Certainly not, sir. Every patriot must rejoice at the prosperity of each, and every class of citizens. Indeed, sir, did not the gentleman himself, in the course of his observations, with a laudable animation, express his high satisfaction at the doings of his own Legislature, giving encouragement to Colonel Humphries, in his attempts at introducing manufactures into the State of Connecticut? Proceedings highly honorable both to the Legislature and Colonel Humphries; and which I have also seen with great satisfaction. But, sir, would it be correct to infer from this circumstance, that commerce is to be assailed and prostrated? Such an inference would be as idle and absurd in this case, as it is in relation to the views of the General Government. Indeed, sir, I concur perfectly with the gentleman in the opinions he has expressed upon the manufacturing system, in relation to the commercial. I have taken more pains in repelling this extraordinary jealousy or suspicion, in the hope that in correcting the public sentiment, in this respect, it would, at the same time, dissipate a great portion of the objections to the embargo laws, which seem to me at this time to be imperiously demanded, by the extraordinary crisis of our foreign relations.

I am now approaching a part of this subject, Mr. President, which fills me with regret. I know its delicacy, sir, and deeply regret the necessity which impels the examination of it. It

is however rendered indispensable, perhaps, by exterior events; but certainly by observations made in the course of this debate. I allude, sir, to the inexecution of the embargo laws; or, rather, sir, to the suggested incapacity of the Government to enforce their observance. The gentleman from Connecticut (Mr. HILLHOUSE) tells us, directly, that the Government has not power to enforce the execution of these laws. The gentleman from Massachusetts (Mr. LLOYD) even points out the mode of resistance. He tells us they may be resisted, first, by town meetings, then by petitions, then by legislative resolutions, and, finally, by insurrections and rebellion. [Mr. LLOYD rose to explain. He said, "he did not say 'that this would be the course of events. He only 'stated them, abstractly, as probable results from 'those laws.'"'] The gentleman is correct in his statement. I meant to be understood, as stating his observations in that way. It cannot escape observation, however, Mr. President, that this is the practical process now going on in the State the gentleman has the honor to represent.

It is submitted to the patriotism and good sense of those gentlemen to determine, whether mentioning these circumstances, even in that way, may not have some tendency to produce effects, which must be so much deprecated by all; and permit me to hope, sir, by none more than by those gentlemen. And whether, sir, they are not calculated to keep up the delusions in foreign nations, which, I believe in God to be the principal causes of our present embarrassments. These circumstances were the less to be expected from gentlemen, who, a few years ago, arrogated to themselves the exclusive appellation of lovers of order and good Government, whilst their political opponents were denounced as anarchists and disorganizers, and not even possessing virtue and honesty enough to be trusted with the public treasury. This, sir, was an imposing appellation; and as long as its sincerity was confided in, it preserved these gentlemen in the dominion of the United States. It was hardly to have been expected that these gentlemen would now be found the first to sound the alarm in favor of anarchy and confusion; nor was it to have been expected, sir, that the Eastern States, which were the first to press the Constitution upon us, and which have reaped a golden harvest from its operations, should be the first to wish to absolve themselves from its sacred obligations.

But, Mr. President, I believe this Government does possess power sufficient to enforce laws. The real character of our Government seems to be entirely misunderstood by foreigners and not fully appreciated by some of our own citizens. It has all the strength of execution, with the most despotic Governments upon earth. It is aided, too, by the knowledge of every citizen, that, when its will is pronounced, it is the fair expression of the will of the majority. The checks of this Government are exclusively upon its deliberations, not upon its powers of execution. So far from it, that the Constitution has expressly provided, that the Government should possess all means necessary

and proper for executing its specified powers. There is no limitation, whatever, upon the means for executing the general will, when fairly and deliberately pronounced. Nothing could be more absurd than to suppose, that after so many checks had been imposed upon deliberation in pronouncing the public will, after that will was thus pronounced, that any means, whatever, for its execution should be withheld.

Again, sir, the fundamental principle of our Government is, that the majority shall govern. The principle is known and respected by every citizen, and by none more than the people of Massachusetts. They are taught to respect it from the cradle to manhood. First in their town meetings, then in their Legislature, and, finally, in the General Government. They know too well the fatal consequences of resisting it. I have perfect confidence, therefore, in the people of Massachusetts; and, if their electioneering leaders and partisans should unfortunately stimulate some of them into insurrection, I have no doubt but that the militia of that State, when lawfully called on, will obey the call, and will do their duty. Such a movement would share the fate of all similar attempts, which have preceded it; and its only consequence would be, that its authors, as they would be the first to merit the fate, so they would become the first victims of it. But, sir, I have but little apprehensions from these threats of insurrection and rebellion, for other reasons.

The peculiar interests of the people of Massachusetts forbid the attempt. A few leaders may, perhaps, postpone their interests to their love of power; but few, however, could enjoy the power under any new order of things, and the people at large would soon see that their interests were sacrificed to the indulgence of this infatuated ambition of the few.

Let this subject Mr. President, be a little further examined, in reference to the local interests of the Eastern States, as members of this Union. Potomac may be considered as the boundary line between the commercial and agricultural States.

When our first difficulties with the belligerents occurred, it respected merely a commercial right. What was the conduct of the merchants, and commercial States, upon the subject? You have heard, sir, their memorials read, calling upon the Government, in a voice too loud to be suppressed, to protect them in their commercial rights; the call was obeyed. As I think this part of the subject ought to be well understood, I beg the indulgence of the Senate to read their own proceedings thereupon:

"The Senate resumed the consideration of the report of the committee, made on the 5th instant, on that part of the Message of the President of the United States which relates to the violation of neutral rights and the impressment of American seamen.

On motion, to commit the second resolution reported, it passed in the negative.

On motion, to strike out the following words in the second resolution reported:

'Demand and insist upon the restoration of the property of their citizens, captured and condemned on the pretext of its being employed in a trade with the

enemies of Great Britain, prohibited in time of peace; and upon the indemnification of such American citizens, for their losses and damages sustained by those captures and condemnations, and to'—

It was determined in the negative—yeas 13, nays 16.

The yeas and nays having been required by one-fifth of the Senators present, those who voted in the affirmative, are—

Messrs. Adair, Baldwin, Bradley, Gaillard, Howland, Logan, Macley, Moore, Plumer, Smith of Vermont, Sumter, Turner, Worthington.

Those who voted in the negative are—

Messrs. Adams, Anderson, Bayard, Gilman, Hillhouse, Kitchel, Mitchell, Pickering, Smith of Maryland, Smith of New York, Smith of Ohio, Smith of Tennessee, Thruston, Tracy, White, Wright.

And several amendments to the said second resolution having been adopted;

On motion, to agree thereto as determined, it was determined in the affirmative—yeas 23, nays 7.

The yeas and nays having been required by one-fifth of the Senators present, those who voted in the affirmative are—

Messrs. Adams, Anderson, Baldwin, Bayard, Gaillard, Gilman, Hillhouse, Howland, Kitchel, Logan, Macley, Mitchell, Moore, Pickering, Smith of Maryland, Smith of New York, Smith of Ohio, Smith of Tennessee, Tracy, Turner, White, Worthington, Wright.

Those who voted in the negative are—

Messrs. Adair, Bradley, Plumer, Smith of Vermont, Stone, Sumter, Thruston.

So it was,

Resolved, That the President of the United States be requested to demand the restoration of the property of their citizens, captured and condemned on the pretext of its being employed in a trade with the enemies of Great Britain, prohibited in time of peace; and the indemnification of such American citizens, for their losses and damages sustained by these captures and condemnations; and to enter into such arrangements with the British Government, on this and all other differences subsisting between the two nations, (and particularly respecting the impressment of American seamen,) as may be consistent with the honor and interests of the United States, and manifest their earnest desire to obtain for themselves and their citizens by amicable negotiation, that justice to which they are entitled."

At this time the question involved only a commercial right. What was the conduct of the merchants then? They came forward and pledged their lives and fortunes to support the Government in any measures for its protection. The question is now changed. To the original question, is added a question of national sovereignty and independence. What is now the conduct of these same merchants? They tell you, sir, to tread back your steps, give up the contest, and disgrace your country. These merchants, too, threaten you with insurrection and rebellion, unless you yield implicit obedience to their mandates.

Again, sir, I have little apprehension from these threats, for the following reasons: First, many of the individuals engaged in these excitements, I am told, are gentlemen of property and families. They are, therefore, now in the enjoyment of every political and domestic blessing—their infatuated passions to the contrary notwithstanding. I

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think persons of this description will pause before they hazard all these blessings; and a moment's impartial reflection will be sufficient to check their career. In the next place, there are many local advantages accruing to the people of the Eastern States from the operations of the General Government. They consist principally of the following, although there are others:

1. The protection afforded to their carrying trade by discriminating duties, both on tonnage and merchandise;
2. Protection and facility afforded to the coasting trade;
3. Protection to their fisheries by duties on foreign fish;
4. Affording a good market for their surplus manufactures and other articles;
5. Payment of the public debt at par, which was bought up at very low rates;
6. As a result from all these advantages, the protection of their population on the seaboard, by lessening the inducements to emigration.

Permit me, sir, to remind the gentleman from Massachusetts (Mr. LLOYD) that these advantages are not to be trifled with.

But, sir, I have heard it intimated that these advantages could be compensated by a connexion with Great Britain. Indulge me, sir, with an examination of this idea. A connexion between New England and Old England could only be for the benefit of the latter. They are essentially rivals in every occupation. First, in navigation; second, in exports. The exports of New England are principally fish and beef. It would be a great object with Old England utterly to destroy the New England fish market; and the Irish beef would come into an advantageous competition with the export of that article.

These are permanent points of competition, unalterably fixed in the nature of things. They cannot be altered nor destroyed by any sudden ebullitions of passion, nor by any connexion resulting therefrom.

Again, sir, what would be the effect of such a connexion upon the rest of the United States? In that case, the discriminating duties now in favor of the New England States would be returned against them, and would probably be given to the Middle States, and thus New England would be effectually excluded from carrying the bulky and heavy productions of the Southern States. Discrimination might even be made in favor of British ships. It is a matter of no consequence to the agriculturist whether his produce is carried to market in a New England or Old England ship. The only interest he has in the transaction is the price of his produce; and that could always be driven to its highest point by the competition of British tonnage and British capital alone, without taking into the estimate the tonnage and capital of the Middle States. The people of the Southern States are perfectly sensible of the local advantages their Eastern brethren enjoy from the operation of the General Government. But they envy them not—they revel in their prosperity; and the Southern people are pleased with the recollec-

tion that they contribute to their prosperity. They find, in return, their compensation in the general safety and protection. I do not mean safety and protection from any internal movements. Upon that point, I would agree with our Eastern brethren upon a reciprocal absolution from all obligation. I mean safety and protection against foreign aggression. Under this plain and obvious view of this part of the subject, Mr. President, I should be disposed to think that our Eastern brethren would be the last to desire to absolve themselves from the sacred obligations of the Constitution.

In the Southern States, we feel no resentments nor jealousies against our Eastern friends. There are no inducements with us to foster and encourage such unpleasant and mischievous feelings. The gentleman from Massachusetts (Mr. LLOYD) has ventured to interpose an opinion between Great Britain and France, respecting the character of the quarrel between them. He has ventured to say, sir, that France is fighting for lawless domination, whilst Great Britain is fighting for her *natale solum*—for her national existence. Sir, in my opinion, it must be inauspicious to the interests of the people of the United States when their rulers not only feel, but express sympathies in favor of one of the belligerent Powers; and surely, sir, the gentleman must feel no small sympathy for one of the belligerents, if he believes the character of the quarrel to be such as he has described it.

In my judgment, sir, the United States have nothing to do with the character of the quarrel of the belligerents: but I differ entirely with the gentleman on this point. I believe the character of the quarrel is precisely the same on both sides—they are both fighting for lawless domination; and I believe that Great Britain has full as much chance of conquering France, as France has of conquering Great Britain. The only difference between them consists in the difference in the objects of their lawless domination. France claims dominion on the land, Great Britain on the water; they are both equally hostile to us.

The difference to us consists only in the different degrees of force they can bring to bear upon us—in this respect Great Britain does us most injury. We are, thank God, remote from the influence of French power—but the power of Great Britain extends to our shores. France, when she can, seizes and burns our vessels—Great Britain having more power on the ocean, seizes, and confiscates them. The only limit of their hostility is the limit of their power. Both are equally the objects of our just resistance and punishment if we possess the power.

I rejoice that I have heard no apologist for France on this floor, nor anywhere else. I feel, sir, a condescension in introducing, for the purpose of denying, the idle and ridiculous tale of French influence, which has so disrespectfully and disgracefully to our country, been circulated by newspapers. Sir, this idle and ridiculous tale of French influence, I have strong reasons to believe, was originally suggested by British influence. The tale was probably invented by the British Cabinet about the same time of the inven-

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tion of the tale respecting the secret article of the Treaty of Tilsit, that the Danes had agreed to give up their fleet to the French Emperor to facilitate his invasion of Great Britain. This tale I believe Lord Hutchinson has since pronounced, in the British Parliament, to be a falsehood. About the same period this same energetic British Cabinet probably determined upon the destruction of American commerce, although the Orders for that purpose were not actually issued for several months afterwards. Some tale was thought necessary for the justification of the act, and the suggestion of French influence operating upon our councils was probably the one suggested.

I have heard it said, and believe it to be true, that the Governor of Nova Scotia made the suggestion, in a letter addressed to certain British partisans in Boston. It is hardly to be presumed, that he would have taken upon himself the responsibility of such a suggestion, without the authority of the Cabinet. I am inclined to think that this fact could be proved in a court of justice. Perhaps there may be gentlemen here from Boston, who could give us more particular information upon this subject. I feel, sir, a condescension in touching upon this subject. I wish to see all extraneous influence utterly banished from the country, and the only operating influence—American influence.

I have now, sir, gone through this unpleasant, and, I fear, unprofitable discussion, respecting the character of measures heretofore adopted by the Government; the only hope I have from it is, that it may put us into a better temper for deliberating on the measures now proper to be adopted. Let me then, Mr. President, call the attention of the Senate, to the situation of the United States at this time.

The United States are now left alone to protect neutral principles against the belligerent encroachments of a warring world. In all former wars, the belligerent encroachments have been proportioned to the influence of the Powers at war, compared to the influence of those remaining at peace; but I believe history presents no example of the warring Powers at any former time putting at defiance all neutral rights, all public law. It remained for the present times to witness this unexampled aggression; and it remained for the United States alone to bear the shock. This state of things imposes on them a great, a sacred obligation; the obligation of protecting neutral principles—principles which lessen the inducements to war, and mitigate its rigor—principles highly interesting to mankind; not only to the present, but to future generations, and, in a peculiar manner, to the people of the United States. This arises from their remote situation from the great contending nations of Europe. Hitherto, sir, the talents displayed in defining, and the magnanimity in protecting these principles, have obtained for the United States the respect and sympathy of an astonished world. And shall we, sir, at the moment of extraordinary pressure, basely abandon them without striking a blow? Forbid it interest! Forbid it honor!

Forbid it American gallantry! But, sir, some gentleman seem sufficiently impressed with the hostile character of the belligerent aggressions. With respect to those of France, there is but one opinion. They amount to hostility itself. But, sir, to my astonishment, the acts of Great Britain seem not to have made the same strong impression on the minds of some gentlemen. Let me then inquire, sir, into the real character of acts, which can by some gentlemen be palliated or excused? They are acts amounting to colonization and taxation; to the exercise of the national sovereignty of the United States. Great Britain has even gone so far, as to exercise an act of sovereignty over the people of the United States, which they would not intrust to Congress, but retained to themselves in their highest sovereign capacity.

The British Orders of Council, now sanctioned by an act of Parliament, direct all vessels laden with the produce of the United States, destined to any of the ports of the enemies of Great Britain, to call at a British port, and then to pay an enormous transit duty, and accept a license for the further prosecution of the voyage; and upon refusal, they are forced to do so by British armed ships. This is literally and precisely the introduction of the old and long established colonial principle, of coercing all the commerce of the colony to the ports of the mother country, there to pay a transit duty for their protection by the mother country. In the Colonial state, the mandate of the mother country was sufficient to effect this object. Now the same object is effected by an armed force. This is the only real difference in the two cases. But, sir, this is not all; Great Britain has attempted, by an act of Parliament, to exercise an act of sovereignty over the United States, solemnly given by the people to their Congress. Among the powers given to Congress, I find these words: "Congress shall have power to regulate commerce with foreign nations," &c. Now, sir, permit me to read an act of Parliament, and see whether it does not only impose a tax upon American productions, but also exercises this act of national sovereignty delegated by the people to Congress:

"And whereas it is expedient and necessary, in order effectually to accomplish the object of such orders, that duties of customs should be granted upon certain goods exported from Great Britain; we, your Majesty's most dutiful and loyal subjects, the Commons of the United Kingdom, in Parliament assembled, do most humbly beseech your Majesty that it may be enacted; and be it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that, from and after the passing of this act, there shall be raised, levied, collected, and paid unto His Majesty, his heirs and successors, upon all goods, wares, and merchandise, enumerated or described in the tables, A. B. and C., annexed to this act, exported from Great Britain, the several duties and customs, as the same are respectively described and set forth in figures in said tables."

In those tables, marked A. B. C., are to be found

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productions of the United States. It has been said, that Great Britain may lay an export duty upon goods within her ports. That is readily admitted—it being a mere municipal regulation. But Great Britain has no right to compel our ships to carry our productions into her ports, for the purpose of imposing duties thereon; and this is the act regulating our commerce, of which I complain.

Again, sir, Great Britain has attempted by this act of Parliament to lay an export duty upon the productions of the United States, a power not even intrusted to the discretion of Congress. I find in the Constitution, these words: "no tax or duty shall be laid on articles exported from any State." Here then is an express prohibition to Congress against laying a duty on any articles exported from any State; yet Great Britain has attempted, by an act of Parliament, to lay an export duty on cotton exported from one of the United States—an authority which can only be exercised by the people in their highest sovereign capacity. It is true, sir, that Mr. Canning offered to commute this duty into an entire prohibition of the article, as an export from Great Britain. This, sir, was only adding insult to injury, and showed that Mr. Canning possessed very little knowledge of human character, if he expected to soothe the feelings by insulting the understanding.

I regret that so much respect was shown to this proposition, as to forward it to our Government. It would have been more agreeable to me, if the American Minister had thrown the proposition back upon Mr. Canning.

It is true, Mr. President, that the export duty is to be collected in London, and not in Charleston. But, sir, it is not the better in principle on that account; and it is worse in practice. A vessel sailing from Charleston, is to be forced into London, for the purpose of paying this tribute—better would it be to collect it in Charleston; because the circuity of the voyage would be saved, and many other vexations and expenses avoided which are now incurred by being forced into London, to make the payment. And if this measure were to be submitted to, I should not be at all surprised to see His Most Gracious Majesty, in the spirit of a mitigated retaliation, send out his collectors to the ports of the United States for the accommodation of our merchants. In that case, I presume, we should all admit it to be a duty imposed upon an article exported from a particular State. Are we, sir, not only basely to surrender to Great Britain our rights, intrusted to us by the people, but treacherously to them to surrender rights reserved to themselves in their highest sovereign capacity? And in a case like this, sir, can it be necessary to resort to argument, to rouse the indignant feelings of the American people?

Mr. President, the eyes of the world are now turned upon us; if we submit to these indignities and aggressions, Great Britain herself would despise us; she would consider us an outcast among nations; she would not own us for her offspring: France would despise us; all the

world would despise us; and what is infinitely worse, we should be compelled to despise ourselves! If we resist, we shall command the respect of our enemies, the sympathies of the world, and the noble approbation of our own consciences.

Mr. President, our fate is in our own hands; let us have union and we have nothing to fear. So highly do I prize union, at this awful moment, that I would prefer any one measure of resistance with union, to any other measure of resistance with division; let us then, sir, banish all personal feelings; let us present to our enemies, the formidable front of an indissoluble band of brothers, nothing else is necessary to our success. Mr. President, unequal as this contest may seem; favored as we are by our situation, and under the blessing of a beneficent Providence, who has never lost sight of the United States in times of difficulty and trial, I have the most perfect confidence, that if we prove true to ourselves, we shall triumph over our enemies. Deeply impressed with these considerations, I am prepared to give the resolution, a flat and decided negative.*

* It was intended in the course of the foregoing observations, to show, that the British Board of Trade had, at length, undertaken to regulate our commerce with foreign nations, even when it did not pass through British ports. The paper intended to be offered as evidence of this fact, was then mislaid. It is now subjoined for that purpose.

"The Lords of the Committee of Council for Trade and Foreign Plantations having authorized us to make public the following answers to certain questions proposed by us to their Lordships, we publish them for the information of all whom they concern.

"THOS. BARING,

"A. GLENNIE.

"THOS. MULLETT.

"LONDON, 15th August, 1808.

"Question 1. His Majesty's Order in Council of the 4th of July, 1808, having ordered that all hostilities against Spain on the part of His Majesty shall immediately cease, and that the blockade of all the ports of Spain, except such as may be still in possession or under control of France, shall be forthwith raised—

"Can an American vessel proceed from a port in the United States of America, with a cargo, the produce of the United States, or colonial produce, direct to any port of Spain or Portugal, not being in the possession of the enemies of Great Britain, and return back to a port in the United States direct, with a cargo the growth or produce of Spain or Portugal, without being liable to capture and condemnation, under the Orders of Council of the 11th and 25th of November, 1807, and the several acts of Parliament passed to carry them into effect?

"Answer. American vessels may proceed from a port in the United States of America with a cargo, the produce of the United States, or colonial produce, *provided such produce be not the produce of the enemy's colonies*, direct to any port of Spain or Portugal; such port not being in the possession or under the control of the enemies of Great Britain, and return back to a port in the United States direct, with a cargo the growth or produce of Spain, or Portugal.

"Question 2. Can an American vessel, having en-

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FRIDAY, November 25.

JOHN MILLEDGE, from the State of Georgia, attended.

The bill providing for the conveyance by mail, free of postage, of all public documents, to or from members of Congress, was read the third time; and on the question, Shall the bill pass?

Mr. ANDERSON observed that the committee of the Senate to whom the bill from the House of Representatives had been committed, had reported the bill without amendment, because they thought the principle objectionable. The committee had conceived that under this law any package, book, bundle of paper, or anything else might be franked. They had also understood from the Department, that the contractors for carrying the mail already complained of its great bulk, proceeding from the quantity of the documents and communications sent from Congress; and that were the present regulation to be adopted, great part of the mail must often be omitted, by which letters or communications requiring expedition and safe carriage might be mislaid or lost. These disadvantages the committee had conceived to be too great to be counterbalanced by the advantages to be derived from a saving to the United States, of the sum allowed to the Postmaster here on free packets, which he understood had been the chief reason for the introduction of the law. He wished, therefore, that the bill might be negatived.

And on the question on its passage, but three members rose in favor of it.

LEGISLATIVE INSTRUCTIONS.

Mr. PICKERING laid before the Senate a resolution of the Legislature of the State of Massachusetts, instructing their Senators and requesting their Representatives to use their endeavors to have the embargo laws repealed.

The House agreed that it should be read.

The Clerk was proceeding to read the instructions, when

Mr. ANDERSON objected to it, as he found it was the report of a committee which the gentleman had presented, and which he did not wish to be entered on the journal of the Senate.

Mr. PICKERING observed, that it was not merely the report of a committee, but the act of the Legislature, both Houses having concurred in it.

Mr. ANDERSON said he objected to its being read in any point of view, because it was a novel thing in legislation that instructions given by a State to its Representatives should be inserted on

tered a port in Spain, previous to the commencement of hostilities by the patriots, against the enemy, proceed from such port with a cargo, the growth and produce of Spain, direct to a port in the United States, without being liable to a seizure and condemnation as above?

Answer. An American vessel having entered a port in Spain, previous to the commencement of hostilities by the patriots, against the enemy, may proceed from such port with a cargo, the growth and produce of Spain, direct to a port in the United States, without being liable to seizure and condemnation as above, *unless the vessel entered in breach of the Orders in Council.*"

the journals of the Senate. He, therefore, moved a reconsideration of the motion for reading it.

Messrs. HILLHOUSE, WHITE, PICKERING, and LLOYD, opposed Mr. ANDERSON's motion, contending that this was the mode in which the Legislature of Massachusetts had thought fit to express its sentiments of the measures of the General Government; that so much respect was always given to the memorial of an individual, as to suffer it to be read, and at least as much respect should be shown to the act of a State Legislature.

Messrs. ANDERSON and S. SMITH advocated the motion for reconsideration, contending that it was in nothing like a memorial from the State of Massachusetts, for whom they professed a great respect; that in no former instance had similar instructions been read by the Clerk of the House, except in the case of amendments to the Constitution, in respect to which every State had a Constitutional right to interfere. Mr. SMITH particularly stated an instance in which he had been prevented from presenting to the House resolutions of the Legislature of Maryland instructing him to oppose the erection of a bridge over the Potomac; which, however, he had read in his place, as a part of the debate, and which the gentleman from Massachusetts were certainly at liberty to do.

Mr. HILLHOUSE called for the yeas and nays on the question of reconsideration.

Mr. GILES taking his seat about this time requested, as he had not heard the discussion, that the farther consideration of the subject should be postponed till Monday next.—Agreed to.

The document is as follows:

Commonwealth of Massachusetts.

IN THE HOUSE OF REPRESENTATIVES,

November 15, 1808.

The committee appointed to consider "whether it will be expedient for this Legislature to adopt any measures with a view to procure a repeal of the laws of the United States interdicting to the citizens all foreign commerce, and imposing vexatious embarrassments on the coasting trade; to relieve the people of this Commonwealth from their distressed state, and to arrest the progress of that ruin which threatens to involve all classes of the community," beg leave to report:

That the committee perceive, with the most serious regret, that the distresses occasioned by the several laws imposing an embargo, have borne with extreme and increasing pressure upon the people, and every day's experience justifies a belief that a continuance of these laws must soon become intolerable. As measures of coercion they are now acknowledged to be altogether impotent. They afford satisfaction to France, and are regarded as ineffectual demonstrations of a hostile disposition by Great Britain. Upon our own country, their effects are becoming daily and palpably more injurious. The produce of our agriculture, of our forests, and of our fisheries, is excluded, altogether, from every foreign market; our merchants and mechanics are deprived of employment; our coasting trade is interrupted, and harassed by grievous embarrassments, and our foreign trade is becoming diverted into channels, from which there is no prospect of its return. The sources of our revenue are dried up, and Government must soon resort to direct taxation. Our sailors are

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forced to expatriate themselves. Strong temptations are afforded to systematical evasions of the laws, which tend to corrupt the spirit of honorable commerce, and will materially injure the public morals. In fact, the evils which are menaced, by the continuance of this policy, are so enormous and deplorable; the suspension of commerce is so contrary to the habits of our people, and so repugnant to their feelings and interests, that they must soon become intolerable, and endanger our domestic peace, and the union of these States. As the embargo laws have been the cause of the public distress, your committee are of opinion that no equal, permanent, or effectual relief can be afforded to the citizens of this Commonwealth, but by the repeal of these laws. They persuade themselves that the Congress of the United States must be fully impressed with a sense of the total inefficiency of these laws for any valuable purpose, and of their direct tendency to the most serious consequences. Your committee, therefore, trust that Congress will not fail to repeal them. In this confidence, therefore, your committee are of opinion that, upon this subject, the Legislature should, in its present session, confine itself to a repeated disapprobation of the laws interdicting foreign commerce, and to instructing our Senators, and requesting our Representatives in Congress, to use their utmost exertions to procure their repeal.

Your committee might, probably, have contented themselves with the preceding remarks, had not the late Message of the President of the United States excited the most serious alarm; which, in the present critical state of the country, they conceive it a duty to express. They perceive, with the most painful regret, that, in the estimation of the President, our country is now presented with the only alternative of a continued embargo, or a ruinous war; but they cannot hesitate to express their confident belief that the wisdom of the Government may yet find means to avoid the necessity of electing between these great public calamities. If, however, this severe necessity exists in regard to Great Britain, they are led by the Message to presume it results, in a great measure, if not entirely, from the determination of the Executive to adhere to the proclamation of July, 1807, interdicting all British ships of war from the waters of the United States; which has been, and, as we infer from the Message, is still, deemed by the British Government, a measure so inhospitable and oppressive, if not hostile in its character, as to form an insuperable obstacle to amicable adjustment.

Upon this delicate and important subject, the committee are far from asserting that the attack on the Frigate *Chesapeake* did not justify the original issuing of this proclamation, and enforcing it so long as the injury might be presumed to have the sanction of the British Government. But, as the violation of neutral rights was promptly and explicitly disavowed by the Sovereign of the aggressor, before the remonstrances or measures of our Government could be known; as the right to search our national ships was expressly disclaimed, and a special envoy deputed for the professed object of making to our Government a full, satisfactory, and public reparation, on the simple condition of a previous revocation of this proclamation; your committee are constrained to declare their opinion, that such a revocation, under such circumstances, would not have involved any dishonorable concession, or an abandonment of any just right or pretension, but would have been a fair, reasonable, and magnanimous pledge of the sincerity of the wishes of the American Govern-

ment to restore the accustomed relations of peace and amity between the two countries. This course must have compelled the British Envoy to have offered that ample and honorable reparation, which would have been deemed by our own nation, and by the world, an adequate atonement for the outrage; or have justified, in the event of the refusal, not only the renewal of the proclamation, but the adoption of measures of the most rigorous and hostile description.

But, even on the presumption that the course adopted by the Government, in refusing to revoke the proclamation as a preliminary to the adjustment of that controversy, be sanctioned by the usages of nations, and the justice of our claims, your committee are still of opinion that a punctilious adherence to diplomatic forms and precedents should not be maintained, at the risk of war, by a nation whose genius and policy are pacific; and which, while justly jealous of the national honor and independence, looks principally to the substantial security of those blessings and regards as insignificant those petty contentions which, originating in courtly pride and vanity, frequently terminate in bloody wars. And they therefore think, that this proclamation ought not, in the present situation of Europe and this country, to remain as the only, or even as the principal barrier to the restoration of our amicable relations with the British nation.

Your committee, therefore, ask leave to report the following resolutions:

Resolved, That the Senators of this Commonwealth in Congress be instructed, and the Representatives thereof requested, to use their most strenuous exertions to procure an immediate repeal of the various laws imposing an embargo on the ships and vessels of the United States, as the only equal and effectual means of affording permanent relief to the citizens of this Commonwealth, from the aggravated evils which they now experience.

Resolved, That, although this Legislature would cheerfully support the General Government in the prosecution of a just and necessary war, yet they cannot perceive the necessity, intimated in the Message of the President to Congress, of continuing the embargo, or resorting to war; that it is not the policy of the United States to engage in a controversy with any nation, upon points of diplomatic usage, or equivocal right, provided substantial reparation for injuries can be obtained; and that the revocation of the proclamation interdicting the British ships of war from our waters, ought not, in the opinion of this Legislature, to be deemed an inadmissible preliminary, which should obstruct the adjustment of the controversy between the United States and Great Britain.

IN THE HOUSE OF REPRESENTATIVES,
November 15, 1808.

Read and accepted—Sent up for concurrence.

TIMOTHY BIGELOW, *Speaker*.

IN SENATE, November 16, 1808.

Read and concurred.

H. G. OTIS, *President*.

Commonwealth of Massachusetts.

IN SENATE, November 16, 1808.

Ordered, That the President of the Senate and Speaker of the House of Representatives be requested to transmit to each Senator and Representative from this Commonwealth, in the Congress of the United

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States, an attested copy of the report of the committee and resolutions of the Legislature, passed at the present session, respecting the expediency of the existing embargo, and of other subjects connected therewith.

Sent down for concurrence.

IN THE HOUSE OF REPRESENTATIVES,
November 17, 1808.

Read and concurred.

SIR: In conformity to the foregoing order, we have the honor to transmit to you a copy of the resolutions therein alluded to, and are, respectfully, your most obedient servants,

H. G. OTIS.
TIMOTHY BIGELOW.

NOVEMBER 18, 1808.

THE EMBARGO.

The Senate resumed the consideration of the motion made on the 11th instant, for repealing the "Act laying an embargo on all ships and vessels in the ports and harbors of the United States, and the several acts supplementary thereto."

MR. LLOYD rose and addressed the Senate as follows:

MR. PRESIDENT: I feel impelled, sir, by a sense of duty, and by the observations of the honorable gentleman last up, (MR. GILES,) to make some further remarks on this subject.

When I had the honor before to address the Senate, I did not enter into any numerical statements, which, as a mercantile man, might have been expected from me, of the value of the trade which would yet remain to be prosecuted from the United States, notwithstanding the existence of the French decrees or the British Orders in Council; nor did I enter into any detailed examinations of the different degrees of suffering sustained by different sections of the United States, in consequence of the existing situation of our affairs. The reason why the latter was omitted will be presently mentioned. The reasons for not noticing the former were, that having seen so many details in the newspapers and other ephemeral publications, founded apparently on correct data, that I did not consider it necessary to lay any further sentiments on this subject before gentlemen who must be so well informed as the honorable members of this House. But, sir, I had other reasons: having been recently introduced into the Senate, not being much accustomed to public speaking, and being very unexpectedly called into debate, I felt desirous to take up as little time of the Senate as could be done with propriety, being much more disposed to listen to the arguments of other gentlemen than to obtrude upon them any remarks of my own.

When I objected to the postponement on the first day of the debate, it was not my intention at that time to have expressed my sentiments on this subject; but I had hoped to have heard the gentleman from Virginia, who addressed you yesterday, and whom I had observed taking notes for the purpose. Had I been present and heard the observations of the gentleman from Kentucky,

(MR. POPE,) which I have since seen in the newspapers, I should not have objected to the postponement, as it will always afford me pleasure to meet with civility and respect the wishes of any member of the Senate.

To do away any erroneous impression which may exist, these observations are perhaps not wholly useless.

When I before rose, sir, no gentleman in opposition to the resolution had then spoken on it; and having risen unexpectedly, I could only rely on conjecture for the grounds of that opposition. When I came to this city, from the general public impression abroad, my expectation was, that the embargo would be raised. The question then was, if the embargo were raised, what was next to be done? Of the leading gentlemen with whom I conversed, some had said we must have war; that the question would come to this point in a month; some, that we must fight with both the belligerents; some, with one of them. As I was not Quixotic enough to think of fighting at the same time with the two nations, who commanded nearly all the force of Europe, the question, in my mind, for the consideration of Congress, was narrowed to this point: ought we to go to war with France or with Great Britain? And from this view I made the discrimination between the circumstances of those two Powers when last I addressed you; and I have now no hesitation to say, if we must have war, it would, in my opinion, be preferable to have war with France rather than with Great Britain.

A great deal has been said in relation to the Orders in Council, and the act of Parliament under them, imposing a duty, tax, or tribute—call it what you please—on the transportation of American merchandise from Great Britain to the ports on the Continent. I shall say but a few words more on that subject. France says you shall not go to England on any terms; England says you may go to France under certain conditions. Now, sir, as I have been taught to believe that the whole includes all its parts, I do not see by this how a limited exclusion can be more than a total one. England then, had not, in this instance, behaved worse than France: they have both behaved bad enough. Still, after making these observations, I wish not to be misunderstood. The regulation is an offensive one; and if any gentleman will bring in a bill making it highly penal for any American owner or master of a vessel to purchase this license for proceeding on his voyage from the United States to the ports on the Continent, through the medium of Great Britain, or should pay the tax, and proceed, after being coerced into a British port, I will cheerfully unite with him in passing such a law.

With regard to the Orders in Council, the British say they are measures of retaliation, to be retracted as soon as the decrees which occasioned them shall have been withdrawn on the part of France. Gentlemen say they do not believe these professions; but that Great Britain has deeper and more hostile views than these; that she is jealous of the prosperity of the United States,

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and fears them as a commercial rival; that she wants to cripple and destroy our trade. Admitting this to be the fact, (and very possibly it may be in part well founded,) what does your embargo effect? I contend that it is an act of absolute submission to her. This is strong ground, and I wish to have it noticed. Suppose Great Britain has the dispositions you attribute to her; she will not now attempt to enforce them; she dare not attempt to drive you from the ocean, because her own interests would at this time be materially injured by it. Suppose she were to attempt it, what would be the consequences? Suffer even the merchants to arm their vessels and their convoys, and their minor cruisers would occasionally experience some unpleasant rencontres. In adjusting the depending accounts of her merchants with this country, she would sustain some inconvenience; and she would also be obliged to submit to the loss of her colonies on the continent of America, now become doubly dear to her, from their recent prosperity, and from the supplies she is drawing from them for the support of her settlements in the West Indies. Now, sir, what does the embargo effect? By it you are doing for Great Britain, without any inconvenience to her, precisely that which she will not venture to do for herself. Great Britain says, you shall trade only partially; and you agree to trade not at all. The continuance of the embargo is, therefore, complete submission to her.

Much has been said about British influence, and certain passages have been read from the memorial of the merchants of Boston, for the purpose, as I suppose, of demonstrating an inconsistency in their opinions in 1806 and at the present time. I have not seen the paper for these two years, but there is no inconsistency in it; the sentiments entertained then are the sentiments entertained now. Great Britain violated our neutral rights; the merchants of Boston complained to their Government in pointed terms, and called on it for protection and redress against Great Britain. Was this an evidence of British influence? The charge, however, existed at that time as well as at the present; but the scene is changed; we had not then a Berlin decree, a Milan decree, a Bayonne decree; our vessels had not been wantonly burned on the ocean, nor had we received any letters from Champagny.

And on this subject what says the Secretary of State to General Armstrong? He tells him that "the burning of neutral vessels detained on the high seas is the most distressing of all the modes by which belligerents exert force contrary to right, and in proportion as it is destitute of apology ought at least to be the promptitude and amplitude of redress." Has this redress ever been obtained? To my knowledge or belief it never has. The merchants of Boston, therefore, probably think that a war with France would now be more for the honor and the interest of the United States than a war with Great Britain. For thinking this, are they justly chargeable with being under British influence? This is an old story. I shall take none of it to myself, nor admit any

of its allusions. I challenge any one to produce a shadow of plausibility for any such imputation. I know they were not meant as personal allusions.

Notwithstanding all that has been said, the gentleman from Virginia still considers the embargo as a coercive measure; and if it is not, I know not what good it can effect; and if this good be not effected, then it ought not to be persisted in.

The gentleman seems to think, that by this continuance, Great Britain may still be seriously affected by her want of breadstuff, of timber, of tobacco, or of cotton. Sir, I am sorry that in this discussion we have to refer so much to foreign nations, and sometimes to appear to place their resources in opposition to our own; but I know of no other way in which to take into consideration the propriety of this embargo, or the effects that are likely to be produced from it. The statements, if correct, must be known to them, if not to ourselves; and we ought also to know them.

The gentleman from Virginia thinks that the want of our breadstuff will affect Great Britain. From his extensive knowledge, he must know that the annual consumption of grain in Great Britain is estimated at about one hundred and fifty millions of bushels; that the whole of our exports, converting the flour into wheat, is about seven millions three hundred thousand bushels. Now, admitting that every kernel of this grain used to be sent to Great Britain, (which is very far from the fact,) does the gentleman expect seriously to operate on Great Britain by retaining within our ports five per cent. of all the grain she consumes? Surely not, sir.

The gentleman also thinks that the want of our timber may affect her. Does he recollect that she now has at command the forests of Sweden, of Canada, Nova Scotia, New Brunswick, and the whole coast of South America? With these resources, is it possible that she can want timber? No, sir; and the worst evidence of it for us is, that she has just laid such a new duty on timber from the United States as, if the trade were now open, would amount to nearly a total exclusion of it.

Will she want tobacco? There are gentlemen on this floor so much better informed respecting this article, that I shall say little about it. It is not a necessary of life; and what is produced in the West Indies, the Carracas, the Brazils, and the Spanish provinces, must, I should presume, be sufficient to prevent the embargo from affecting her by this commodity.

Does she want cotton? Yes, sir, she does. Although the mention made by the gentleman of the "bad trade at Manchester," is not a very happy illustration of the fact, too lively an interest cannot be paid to this article by the Government of the United States. It is the great staple of the country, and more especially of the Southern States. Great Britain imports seventy millions of pounds of cotton annually. The exports from the United States of this article amount to above sixty millions of pounds; of this, Great Britain takes about two-thirds; say, however, she receives

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from us forty-five or fifty millions of pounds in a year, and that this supply is very important to her manufacturers; the question then is, whether, if we abstain from all intercourse with her, she can supply herself elsewhere? I fear she can. In addition to the increasing supply from her own West India colonies, the Brazils can furnish fifteen millions of pounds. The annual export of cotton by the British from Bombay to China is from fifteen to twenty millions of pounds, which can be sent to Europe with a profit. Here, then, are at least thirty millions of pounds. The cultivation of cotton in Bengal is progressing, and Spanish America will further increase the stock. But I fear we have in our own neighborhood a much more formidable competitor than can arise from any of the beforementioned places; the commerce of the whole coast of Guiana is under the control of Great Britain: a coast of three hundred miles in extent, as well calculated for the production of the best kind of cotton as any in the world. Until within a few years, it scarcely produced any quantity of importance. It now brings into the market more than fifteen millions of pounds annually, and is considered as being capable of producing, in a few years, more than sixty millions of pounds.

One of the worst effects of the embargo is, that it has trumpeted abroad what we never ought to have divulged; it has taught other nations the secret of their own self-dependence; it has induced them to seek new avenues of commerce, and when we are ready again to trade with them, it is greatly to be feared that they will not leave their new to return to their old customers.

The gentleman from Virginia (Mr. GILES) thinks the embargo may be considered as a fortunate measure; that the people in his part of the country are contented with it; that the interior is improving; that Philadelphia has increased, and so have Georgetown and Washington; that the condition of the farmers of his neighborhood is ameliorated; they cultivated too much land before; they now raise less produce, but they are better situated. If this reasoning of the gentleman be sound, pursue the amelioration still further, and he will find his countrymen becoming exceedingly wealthy when they possess nothing at all. I am glad, however, to hear that any part of our country is in a prosperous situation. I should rejoice were the country whence I came similarly circumstanced. With us, industry is paralyzed; our produce is rotting on our hands, and real estate has become nearly unsaleable. This may in part arise from the difference in the nature of our produce. The principal products of Virginia are, I believe, wheat, corn, and tobacco. The gentleman says our exports are beef and fish. These are among the principal. Cattle cannot be sold while beef cannot be exported; and must, therefore, be killed and lost, or kept on hand for better times, at an expense perhaps exceeding its value. In little more than twelve months the fish must return to the ocean in a much more worthless state than it was received from it; while the tobacco of Virginia for a time

improves from age, and the grain, with care, may be kept two or three years without essential injury.

The gentleman from Virginia also says that the Constitution of the United States has mostly benefited the Eastern States; that it is immaterial to the Southern and Western States who are the carriers of their produce; the discriminating duties in favor of American shipping are nothing to them; that the Northern States hold the public debt; and, I understood him to say, that the Southern States protect them.

The Constitution, sir, was a matter of compact; the partners to which, like the parties to all other contracts of the kind, probably surrendered something of their individual advantages for the general benefit.

Have the Middle and Eastern States surrendered nothing? For what reason is it that Northern citizens, on the floor of the other branch of the National Legislature, have not an equal representation with Southern citizens? It is because it was part of the compact; it was a concession made by the Eastern States; and for what? for the protection of their commerce. How was this expectation expressed at the time of the adoption of the Constitution? Emblematical representations of commerce and navigation, ships in miniature, were drawn triumphantly through the streets of all the principal seaports in the Eastern States, as indicative of the expected protection to commerce from its adoption. Without American navigation, how would Southern produce have found a market for the last ten years?

As to the public debt, it has nothing to do with the question, unless you wish to criminate those who showed most confidence in the stability of your Government.

With regard to protection, sir; against whom do the Northern States want protection? They have no internal enemies nor enemies on their frontiers, against whom they cannot protect themselves. The assistance of the Southern States may be useful in protecting their commerce from European enemies. If this can be done, and they can have an open trade, it is all they ask.

The drawing parallels of the different degrees of suffering in the different sections of the Union is an unpleasant task; but, in my opinion, my duty requires it. I cannot believe, with the gentleman from Virginia, that any part of the United States is prospering under the present state of things. No, sir; we are all suffering too much. He does not agree with other Southern gentlemen, and among them with his colleague. I think he stated that Virginia, he believed, suffered as much as the Eastern States. This ought to be understood. For a national object our sufferings ought to be nearly equal. I will, therefore, make a short statement, to show how the State of Virginia and the State I in part have the honor to represent, (Massachusetts,) are relatively affected by our present situation. They are both great States.

By the returns from the Treasury Office, it appears that, in the year ending September 30, 1807,

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Virginia exported of foreign produce	
to the amount of - - - -	\$367,713
Massachusetts - - - -	13,926,377
Virginia exported of domestic produce	
to the amount of - - - -	4,393,521
Massachusetts - - - -	6,185,748

Thus, then, Massachusetts exported, of domestic produce, half as much again as Virginia, and more than thirty times as much foreign merchandise.*

But, sir, take another view of it. Large as it may be, take no account of the whole amount of the exports of Massachusetts, as above stated, about twenty millions of dollars; retain in the account all the exports of Virginia, about five million of dollars; taking it in this confined point of view, which suffers most?

The inhabitants of Massachusetts, in general, cultivate a soil which yields to their unremitting industry the necessaries of life, but affords none of the great staples of the Southern States; still they envy not their Southern brethren the possession of a happier climate, or a more fertile region. They do, however, consider the ocean, which the bounty of the God of nature has spread before them, as in some degree their property; they consider the use of it as their birth-right, as an inheritance bequeathed to them by their ancestors. Those of them who live on the seaboard look to it as the principal means of their subsistence; their vessels are, therefore, to them what his farm is to the Virginian.

Of the whole tonnage of the United States, Massachusetts possesses more than one-third. She has 450,000 tons; Virginia has 69,000 tons. Deduct these 69,000 tons, and estimate the residue at two dollars per ton a month, which is about the common rate of charter in times of active employment, and it will give upwards of nine millions of dollars for a year. Discard from this statement nearly one-half the sum on account of the embarrassments on our foreign commerce, which might remain after the embargo was raised; for the remnant of the coasting trade which is yet prosecuted; for occasional want of employment, and for other incidental deductions, and there will then be left a sum, lost to the owners of navigation in Massachusetts, not much less than the entire amount of the exports from Virginia, as stated in the returns; with this differ-

*How far the coasting trade may vary this statement is uncertain, as there are no documents before Congress specifically showing the state of it. On the one hand, a considerable quantity of the produce of Virginia is shipped from the seaports of other States; while, on the other, Massachusetts also ships to the same ports very large amounts of India and European merchandise, as well as considerable quantities of domestic produce and manufactures. And the India and China trade from Massachusetts alone, must amount to at least two millions of dollars more than their proportion of the amount as stated in the documents, owing to the principal part of that trade being prosecuted with specie, which is not included in the returns.

ence, that the produce of Virginia yet remains, and one-half, or one-third, or a greater proportion of its value may be now had, or may be obtained when the embargo shall be raised. Not so with the produce of navigation; that is totally lost; it does not exist nor remain on hand like cotton or tobacco.

I regret, extremely that the situation of different parts of the Union is, to my view, so different, and that a sense of my duty to my more immediate constituents requires me to make the contrast; but, be it what it may, the independence of the country is to be preserved at all hazards; and the people of Massachusetts will, I trust, always manifest a love of order and of patriotism which will carry them through every danger which menaces them, and through every danger which menaces the Constitution.

Gentlemen opposed to the resolution say, that those who have brought it forward propose no substitute for the embargo; and the gentleman from Virginia says, that I in particular have given no intimation on this head. I have no reserve in my opinion on the subject. I am free to say, remove the embargo, suffer the merchants to arm their vessels, put the nation in a state of defence, and assert your well-established and indisputable rights, or perish in the contest.

When Mr. LLOYD had concluded—

Mr. MILLEDGE observed that as he had but this day taken his seat, and had always been in favor of granting time to others, he wished that its further consideration should be postponed till Monday next. Agreed to without opposition.

MONDAY, November 28.

Mr. THURSTON, from the committee to whom was referred the bill to reward Andrew Joseph Villard, for an invention of public utility, reported an amendment; which was read; and ordered to lie for consideration.

On motion, by Mr. WHITE,

Ordered, That the report of the Secretary of the Treasury respecting roads and canals, made the 4th of April last, together with the memorials of the President and Directors of the Delaware and Chesapeake Canal Company, of 1st December, 1805, and 10th January, 1807, be referred to Messrs. WHITE, REED, MITCHELL, ANDERSON, and POPE, to consider and report thereon by bill or otherwise.

THE EMBARGO.

The Senate resumed the consideration of the motion made on the 11th instant for repealing the "Act laying an embargo on all ships and vessels in the ports and harbors of the United States, and the several acts supplementary thereto."

Mr. S. SMITH rose and addressed the Chair as follows:

Mr. President: When I last had the honor to address the Senate upon the subject now under consideration, to wit, the repeal of the laws laying an embargo, I took occasion to observe, on the transit duty, or tribute laid by Great Britain,

on certain articles, the produce of the United States, when exported to the countries where they are usually consumed on the Continent of Europe. It may not be improper for me to pursue that subject so far as the said tribute is imposed on all the articles usually exported from the United States to the Continent of Europe. I then spoke from memory, but find I was correct as to the amounts on the articles mentioned. I observe, however, a mistake by one of the stenographers, in the word *sterling*, in the article wheat, when I meant the *currency* of my country. By the act of Parliament, of the 28th March last, duties on exports are laid to carry into effect the Orders of Council. I shall not notice any but those charged on the products of the United States. It will be recollected that I have already stated that none of the products of the United States can be carried to the Continent of Europe without being subject to capture by British cruisers, unless they shall first be carried to, and landed in Great Britain, and there pay a transit duty, or tribute; of course, all articles the produce of the United States are subjected to that tribute on their way to the countries, so far as they consume the same. On the following articles, those duties or tribute attach, to wit:

American Produce.—Indigo, 45 cents per lb.; Pitch, 95 cents per bbl.; Tar, 95 cents per bbl.; Turpentine, 78 cents per cwt.; Rice, 45 cents per cwt.; Tobacco, per 100 lbs. \$3; Cotton, 16 cents per lb.; Timber, staves, and lumber, a prohibitory duty; Ashes, \$2 22 per cwt.; Corn, 15 cents per bushel; Wheat, 28 cents per bushel; Flour, \$2 per bbl.; Fish, 90 cents per cwt.; Pork, \$6 86 per bbl.; Beef, \$3 33 per bbl.

What amount would cargoes of some of those articles pay of tribute?

A ship carrying 1,000 bags of cotton, will pay a tribute of \$50,000, being about the value in South Carolina; to which add merchants' commission, and other charges of port, of \$2,000.

A cargo of 400 hhds. of tobacco will pay, of 1,000 weight each, \$11,100.

A cargo of 3,000 bbls. of flour will pay \$6,650.

A cargo of fish, as I am informed, (for I am unacquainted with the number of quintals carried by a ship of 300 tons,) will pay from \$3,500 to \$4,000.

Double insurance, double premium, double merchants' commission, insurance, and other charges not noticed—I leave that for the calculation of others.

It is true the King may suspend or alter any part of the act as he shall see proper, and the continuance of the act is only to the end of the next session of Parliament. It is to be hoped that England will see the error which she has committed, as well as it affects her own interest, as also the deep wound inflicted on the honor and interest of her most useful customer. But, sir, if we retract from the stand which we have taken, will she not think, from the instability of our councils, that she may proceed in her system of monopoly, until every branch of our commerce shall be extinguished? But, Mr. President,

does the British nation lay similar duties of export on similar articles from her own colonies or her allies? She has heavily taxed the colonial produce carried in American ships in her ports on exportation, but her own coffee, sugar, and other colonial articles, are still exported free of duty; thus enabling her to undersell in the ports of Europe similar articles carried there, the property of Americans. But, says the gentleman from Connecticut, (Mr. HILLHOUSE,) this tribute is a nullity of itself, for the decrees of France caused all goods that have been landed in England to be seized and condemned on their arrival; of course, he presumes that none will go there: he is mistaken, Mr. President; if the articles shall promise a profit on the Continent, men will be found (and many will do it) that will pay the tribute in England, (and this the English Minister knows,) and who will contrive ways and means of admittance. Is this visionary? No, sir; what has been done, and is done every day, will be pursued when profits sufficient offer the temptation; what then has been done? American ships arriving in the port of London have been chartered (unknown to their owners) to proceed to Holland with a cargo of British coffee, sugar, and other goods, at an enormous freight. The American crew, except the captain, is discharged; a new crew of Englishmen taken on board, to each of whom a promise is made, beside the usual wages, of a large sum, perhaps 50 or 100 guineas, to be paid on the performance of the voyage. They are told that they must declare, if questioned, that the vessel has come direct from America, that she has not been visited by any British cruiser, and has not touched at any British port. Papers forged in England—for the English, Mr. President, are great manufacturers, and have a manufactory of all the papers and documents usually necessary for an American ship. Every paper, even to the merchant's oath, that the property is his, that no foreigner is either directly or indirectly concerned therein; the Consular certificates of origin, of the French or Spanish Consul, as the case may be, showing that the cargo on board had been imported into the United States from some French or Spanish colony; every seal of office so completely imitated, that no man can know the difference. The ship thus provided proceeds to Holland. The Dutch, Mr. President, are hostile to those decrees of France; all are willing to countenance this trade; very little inquiry is made there; the trade is winked at by all the officers of Government, and thus carried on with security. Now, Mr. President, as this trade can thus be carried on, I will ask the honorable gentleman from Connecticut, whether the temptations being great, it will not be carried on by our people, and the tribute paid, for without paying that they cannot escape the vigilance of the British cruisers; they will go into England, they will pay the tribute, and pursue their voyages; and what right shall we have to say they do wrong in so doing? What right has Government to expect individual patriotism, when opposed to individual interest, when the Government itself

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sacrifices the honor and independence of the nation to sordid interest? Take off the embargo, Mr. President, and will not men say, our Government has acquiesced in the tribute, laid upon commerce by Great Britain? We therefore do no wrong in paying it; we do what every prudent man will do, make our property as safe as possible, and pursue our trade; for we well know that if we do not stop and pay the tribute in England, our ship and cargo must fall a prey to British depredations. We will therefore go into England, pay the tribute, and take our chance to evade the decrees of France. Yes, Mr. President, and it will become such a trade as will in a very short time meet with security by insurances, and that at no very high premium. Again, those vessels returning with articles for the consumption of the United States must stop in England, (or subject themselves to capture,) there land their cargo, and pay tribute, before they can proceed to their own country. Is this a state to which the gentlemen wish to reduce their country? Are they willing to pay tribute to Great Britain? If they are, take off the embargo, and you encourage further aggressions, and further exactions. Sir, there will be no end to them; we had better have remained colonies than submit to such a state of degradation.

Let us take a view of some of the principal articles thus charged, that we may know in what countries they are usually consumed. *Cotton*, an article of such importance, that its value may be considered as amounting to nearly one-fourth of the value of all the exports of the produce of the United States. Two-thirds, some say less thereof, is required for the English manufactures, when in full work; and one-third for the Continent of Europe. Under the Orders of Council, that one-third, or twenty millions of pounds of cotton, are prohibited from proceeding to its usual place of consumption; of course that one-third must either remain on the hands of the planter, or be shipped to England, where it cannot be consumed, and thus reduce, by so large a surplus, the price of the whole.

Flour.—This article is seldom wanted in France, for France exports the article; nor in England, for home consumption, except when there is a defect in the harvest. It is principally exported to Spain, Portugal, and Italy—to those countries we are forbid to carry it, by the Orders of Council, unless we submit to pay two dollars on each barrel, which two dollars must necessarily be taken off the price in this country, and thus operate as a tax upon the farmer of two dollars per barrel.

Tobacco.—This article is consumed principally on the Continent of Europe—only about one-seventh thereof, or 14,000 hogsheads per annum, is believed to be consumed in England; the residue, or 76,000 hogsheads, per annum, usually consumed in Germany, Holland, and France, must either remain in the tobacco houses of Virginia and Maryland, or go to rot in the King's warehouses at London; or, if removed from thence, subjected to a duty of three dollars per hundred pounds. This is peculiarly hard on the State of

Maryland, for of the 14,000 hogsheads exported by that State, not more than 500 or 600 hogsheads is believed to be consumed in England; the residue, say 13,500 hogsheads, can alone find a market in the ports of Holland and Germany, to which countries the English say we shall not carry it; therefore, the taking off the embargo would operate no relief to the numerous and respectable body of planters of the State which I have the honor to represent.

Fish is consumed only in France, Spain, Portugal, and Italy. To these countries we are forbidden to go with this article. It is not candid in gentlemen to state to the Senate, that the embargo compelled the owners of fish to keep that article to rot upon their hands, when it is well known that many vessels were compelled, after having made their voyage to the coast of Europe, to return home with their cargoes of fish, the English not permitting them to enter the ports of their destination. It is true a small portion of the fish caught by the people of the United States is consumed in the West India islands. Gentlemen may be deceived by looking at the report of the Secretary of the Treasury, when they see the large amount stated to be shipped to Great Britain, of the products of the United States. Almost all our business passes, in some way or other, through the hands of British merchants, either by consignments or remittances. By shipping to their address, the American merchant is permitted to draw bills of exchange for a proportion of the amount on the British merchant. The ship proceeds to Cowes or Falmouth, and there receives the order of the London merchant to proceed to the country where the best market can be obtained for their articles; and in this way the export to England is swelled to a large amount, when, in truth, the consumption is in other countries.

The gentleman from Connecticut (Mr. HILLHOUSE) says that the embargo tends to demoralize our people. I fear, Mr. President, that the payment of tribute in England, and the perjury employed to evade the decrees of France, will not only demoralize and degrade them in the eyes of all Europe, but also in our own estimation.

When I was last up, I took a view of the exports still left to the people of the United States, not implicated either by the decrees of France or the orders of England. In answer, the gentleman from Delaware (Mr. WHITE) has stated that (the decrees of France and Orders of Council notwithstanding) there would still be an export free to the United States of four-fifths of the amount exported therefrom. The gentleman from Massachusetts, (Mr. LLOYD,) more cautious, has stated that there would be still important branches of commerce left open to us. The gentleman from Delaware has given us the countries to which the four-fifths of our exports could go, to wit: Sumatra, Africa, Java, China, Northwest of America, Spanish possessions and islands, Sweden and her colonies. On examining the report of the Secretary, I find that to those countries and some others, we can export as follows, viz:

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Spanish colonies, Florida, Main, and Cuba	\$2,617,348
Portuguese ditto, say Madeira, Western Isles, Cape de Verd, and Brazil	570,303
Morocco and Barbary Powers	8,358
China	84,022
Africa	369,924
South Seas	3,385
Northwest Coast	10,777
Sweden and colonies	472,666
	<u>4,136,783</u>

To those countries (and they are the only ones to which we could have exported under the Orders in Council) it appears that the total amount of exports is only \$4,136,783. I have admitted Sweden and her colonies to please the gentleman, although I understand them to be subject to capture under the French decree. A large item is to St. Bartholomews, a Swedish island, serving only as an entrepot. But we are told that Great Britain, in her great goodness, has lately permitted us to trade with Spain and Portugal, and that the Orders of Council no longer attach to those nations. I am of a different opinion, and I derive my opinion from the document now in my hand, viz:

"The Lords of the Committee of Council for Trade and Foreign Plantations having authorized us to make public the following answers to certain questions proposed by us to their Lordships, we publish them for the information of all whom they may concern.

"THOS. BARING.

"A. GLENNIE.

"THOS. MULLETT.

"LONDON, 15th August, 1803."

"*Question.* His Majesty's Orders in Council of the 4th July, 1808, having ordered, that all hostilities against Spain on the part of His Majesty shall immediately cease, and that the blockade of all the ports of Spain, except such as may be still in possession, or under control of France, shall be forthwith raised—

"Can an American vessel proceed from a port in the United States of America, with a cargo, the produce of the United States, or Colonial produce, direct to any port of Spain or Portugal, not being in the possession of the enemies of Great Britain, and return back to a port in the United States direct, with a cargo the growth or produce of Spain or Portugal, without being liable to capture and condemnation, under the Orders of Council of the 11th and 12th of November, 1807, and the several acts of Parliament passed to carry them into effect?

"*Answer.* American vessels may proceed from a port in the United States of America, with a cargo, the produce of the United States, or Colonial produce, provided such produce be not the produce of the enemies' colonies, direct to any port of Spain or Portugal; such port not being in the possession, or under the control of the enemies of Great Britain, and return back to a port in the United States direct, with a cargo the growth or produce of Spain or Portugal."

[Here Mr. WHITE explained, and said, that a proclamation had been issued declaring the ports of Spain and Portugal, not in possession of France or her allies, open to the admission of American vessels, with the produce of their own country, or

of the colonies of the two nations; but they must return direct to their own country.]

Where the gentleman has got that proclamation, said Mr. S., I know not. I never have seen it, or heard of it. I am, however, of opinion that the Orders of Council do still attach to Spain and Portugal; and that this is only a bountiful relaxation of His Britannic Majesty, which he can change at pleasure, being authorized by the act of Parliament to repeal or alter, as he may see fit. It is a well known fact, that prior to the Orders of Council, we could trade with the Colonial produce of those countries. These regulations of the Lords Commissioners of Trade and Plantations, do not permit such commerce; of course the Orders of Council attach, and should Bonaparte get possession of any port of Spain, and an American vessel be bound to such port, she would, under the Orders of Council, be seized and carried into England—in which case I do not believe the honorable gentleman from Massachusetts would insure for ninety per cent., against condemnation in the courts of Great Britain.

Pursuing the idea of the gentleman from Virginia, (Mr. GILES,) that the regulation of the Board of Trade and Plantations, if submitted to, will reduce us to a state of colonization—I beg leave to observe, that this same Board of Trade regulated our commerce when we were colonies. We were then permitted to go direct to the ports of Spain and Portugal with our flour, Indian corn and lumber, and might return direct to America with salt; but, if we wished to bring wines or fruits, we were compelled to proceed to England, land them, and then proceed to this country. What are the regulations now made for us by the Lords of Trade? Why, sir, we are permitted to proceed to Spain and Portugal, with the produce of our country, but we must return therefrom direct to the United States. If we turn to the right or left hand, we come under the Orders of Council, and are good prize. We are forbid to carry any of the produce of those countries to their colonies, although they permit the trade. And why, Mr. President? Because the British thereby secure that advantage to their own ships. Again, sir, when colonies, Great Britain compelled us to carry our tobacco, indigo, and rice, to England, and there land the same, but permitted us to re-ship those articles, free of any duty, to the countries where they were consumed. Even in time of war, tobacco was re-shipped to France. Now, Great Britain, although we are independent of her power, (perhaps not of her influence,) orders all the produce of our country to be landed in England, and prohibits the re-shipment, until we pay an enormous duty; when, at the same time, the produce of her colonies may be re-shipped, even to her enemies, free of duty. Where is the difference, in principle, between the regulations made for us when colonies, and those made for us at this time? Does not Great Britain still assume the same rights over us, to wit, to regulate our trade in the one instance as well as in the other? We are, in either case, completely in the situation of colonies. It cannot be misunderstood. The Lords of

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Trade emphatically say, what trade we shall, and what trade we shall not pursue. Nay, in England, I have little doubt, that many people will consider it as excessive impudence in us to complain, when put upon a footing with their own colonies. They forgot that we are independent—I trust, Mr. President, that we shall not also forget it. But let us indulge the gentleman, and add our exports to Spain and Portugal—to what amount are they? To Spain, Teneriffe, and the Floridas, we export annually \$1,381,327; to Portugal; \$829,313, making, together with the \$4,136,783, already stated, the sum of \$6,347,323, being, as stated in a luminous report of a committee of the House of Representatives, less than \$7,000,000, free of danger from the decrees of France and the orders of Great Britain. So that the gentleman's four-fifths appear, by public documents, (which cannot be controverted,) to be reduced to an amount little more than one-eighth of the native exports of the Union; the total amount being \$48,699,592. Shall we, for this pittance, relinquish our independent rights as a nation?

The trade to China gives an export of only \$84,000 per annum. It employs an exportation of dollars to near \$4,000,000. Nankeens is the object in return of principal value, an export whereof to Europe we are now cut off from. If this trade should be pursued, under this oppression, I will venture, without the spirit of prophecy, to believe that every dollar in the United States will be shipped therefrom. The law prohibiting the importation of slaves has completely destroyed the trade to Africa, so that the item to that country can no longer be counted.

We are told that the sufferings of the commercial States are insupportable, and, from the discussion in the Senate, it would appear as generally admitted that the four New England States are the only commercial—comparisons are generally disagreeable—they appear however necessary upon the present occasion, to show the relative state of commerce among the States. I am warranted also, by the example set me by the gentleman from Massachusetts, (Mr. LLOYD,) in making the comparison which I intend to present to this House. In doing it, I pray I may be understood, as not meaning any offence to any State, nor to any individual thereof. New Hampshire cannot be considered a commercial State; judging from the Treasury Report, the products of its labor and agriculture go, I presume to swell the amount of exports from Massachusetts, for their export of native products is only \$365,950. Rhode Island may be considered commercial in proportion to her numbers. I have ever admired the industry and enterprise of her citizens, and have been gratified in the extension of her commerce; but their commerce does not exceed the proportion which is due to their numbers—the amount of export of their products is \$741,988. But Connecticut, Mr. President, is she commercial? Every American traveller that visits the Eastern States, returns highly gratified with that State; he states with exultation and pleasure, the delightful fields thereof; its high state of agriculture; its smiling

villages; and the content and happiness that beams on every human countenance; but does this arise from its external commerce? No, sir, we must give to Connecticut a higher rank; she is agricultural, and will also be a great manufacturing State; her citizens who annually emigrate, to swell the numbers of other States, will be induced to remain at home, and, by their labor and ingenuity, extend and promote the manufactures of their native State. Her port of export is probably New York; with what State, as a commercial State, shall I compare her? not with Georgia, for that State, though with only half her population, exports more than double the amount of Connecticut. With South Carolina? No, sir, that State spares of her products, to swell the exports of Baltimore, Philadelphia, New York, and Boston, an amount equal to the whole of the exports of the native products of Connecticut. With Maryland? No, sir, with a population very little greater, Maryland exports to near three times her amount. With what part of the Union shall I then compare her commerce? It assimilates nearly to that of the District of Columbia, its export being \$1,363,352, when that of Connecticut is \$1,519,083.

Massachusetts—yes, sir, Massachusetts—is really commercial, but not more so in proportion to numbers than many other States; nay, not equal to some. For instance, South Carolina with half her number exports \$7,129,365, when Massachusetts exports of native products only \$6,185,748. New York, whose population is the same with Massachusetts, exports \$9,957,416—being half as much more as that exported by Massachusetts. Maryland exports \$4,016,699—being in full proportion to the exports of that State. Nay, sir, New York alone exports more than all the New England States together, their whole native exports being only \$8,812,769. But we may be told (what is true) that the trade of a country does not consist alone in its native exports. We may get some information by examining as well its native as its foreign articles of exportation. Let us examine it in that point of view. It will be found that New York alone, who appears to approve of the embargo, if we are to credit their Governor's Speech, and the answer thereto of both branches of the Legislature, does export of all articles, foreign as well as domestic, to a greater amount than all the New England States together; for her exports are \$26,357,963, when the total exports of those States amount only to \$24,074,438. Nay, sir, Maryland exports an amount equal to three-fifths of the whole of the New England States, her general export being \$14,298,984. I have deemed it not unprofitable to take this view of the subject, to show the commerce of the United States, as they compare with each other.

The gentleman from Massachusetts (Mr. LLOYD) has told us, and told us truly, that the tonnage owned by the citizens of that State is one-third of the whole tonnage of the Union; that the want of employment thereof causes an annual injury to the amount of six millions of dollars. My calculation, Mr. President, does not make it near so

much. But, sir, suppose the fact, is this attributable to the embargo? I think not, sir. On the contrary, that the owners of these ships ought to bless the wisdom and firmness of those who laid the embargo, and thus saved this immense tonnage from British depredation and condemnation under their Orders of Council, and from French burning and destruction under the infernal decree of Milan. For it has been truly said, by an eminent merchant of Salem, (Mr. Gray,) that not more than one vessel in eight, that sailed for Europe within a short time prior to the embargo, ever reached her port of destination. My own experience, however, has taught me the truth of this remark; and, as a further proof, I have in my hand a list of fifteen vessels which sailed for Europe, and were insured in an office in Baltimore. They sailed between the 1st September and 23d December, 1807. Three arrived, one was captured by the French, one by the Spaniards, one was seized in Hamburg, and nine carried into England. But for the embargo, the ships of the United States that would have sailed for Europe would have shared a fate at least as bad—in my opinion much worse—as that of those fifteen. Not one in twenty would have arrived; for those vessels that sailed in September might well have arrived before the date of the Orders in Council (the 11th November) or the decrees of France. I say, again, let the ship-owners return thanks to their best friends—to those who laid the embargo. As one whose property has thereby been saved, I pray you to accept mine. But, sir, let us compare, in order to know the sufferings of each, whether the other States do not suffer, as to their tonnage, in proportion to the New England States. I take leave to submit the tonnage of the Eastern and a few of the other States.

STATES.	Tonnage.	
	Registered.	Licensed.
New Hampshire - - -	20,606	3,493
Massachusetts - - -	304,357	134,603
Rhode Island - - -	28,715	6,523
Connecticut - - -	26,022	20,000
Totals - - -	379,700	164,619
New York - - -	131,047	
Pennsylvania - - -	86,723	
Maryland - - -	71,648	
South Carolina - - -	48,156	
Total - - -	337,574	

By this, it will appear that the States of New York, Pennsylvania, Maryland, and South Carolina, own, of ships engaged in foreign trade, nearly the same number of tons as the four New England States. Thus, then, the loss to those States, in point of tonnage, is nearly equal to that of the other four; and, in addition, they suffer the loss sustained by having on hand a greater amount of native products. In fact, the State of Massachu-

setts suffers less, because she has an immense tonnage employed in the coasting trade, which renders its usual profits and usual employment for her sailors, when those other States have not the same advantage. This advantage applies more particularly to Connecticut than to any other State in the Union; for, of her 46,000 tons of vessels, 20,000 are actually employed in the coasting trade. So that, as to the use of ships, she suffers less than any other in the Union. Her trade by land and water to the other States still continues in full vigor, and renders to her advantages not known to any other State.

We are told that the embargo is a measure injurious only to ourselves; that our fish, beef, pork, flour, tobacco, and cotton, remain to perish on our hands. I have already stated that the fish finds its greatest consumption only in Spain, Portugal, Italy and France, from which countries we are excluded by the Orders of Council; of course the embargo cannot be chargeable with its loss, nor with that of tobacco, when not more than one-seventh thereof as already stated can go to the places of consumption without being subject to British capture. The gentlemen from the States which produce cotton, do not appear to be alarmed at the danger presented to their view, arising from that article being produced in Guiana and Africa. For they well know that it will require population and men well acquainted with the culture of that article to enable those countries to enter into competition with them. They know that cotton cannot be produced in the quantities required by the British manufacturers in any reasonable time, so that they feel confident that a sufficient supply cannot be obtained from any other country than their own. But no man can, no man will believe that any supply from any other country can be brought forward to prevent a stoppage taking place of the looms of Manchester.

We are told, that when the British islands are accustomed to receive their supplies of live cattle from the Main, that Connecticut will lose that valuable branch of their commerce. Yes, Mr. President, if Bonaparte should conquer Spain, her colonies will forever be lost to the mother country—they will become independent—they will be open to the trade of the world; and if cattle can (as the gentleman has truly told us) be procured at their own door by the British planters for two or three dollars per head, it will very soon become unfashionable to go to Connecticut, and there to pay thirty to sixty dollars. But will this be chargeable on the embargo? Certainly not. The gentleman has also attempted to alarm us, lest the Spanish colonies should supply the islands with breadstuffs. No impossibilities stand in his way. The sugar planter will turn his sugar land into corn grounds, and no longer take his supply from the United States. Yes, sir, this will be done, when the gentleman, (Mr. H.) can prove that men will prostrate their own interest. The idea is an idle one, and does not merit an answer.

We are told that the embargo, as a coercive

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measure, has had, and can have no operation, either on England or on France. I differ with the gentlemen.

France, Mr. President, will feel its operation on the loss of their islands of Martinique and Guadeloupe, (which must fall a pray to the British fleet and army, now about to attack them,) for want of those supplies of provisions they usually derived from the United States—by the famine and distress that will ensue in the Isles of France and Bourbon. Those valuable possessions were formerly supplied from the Cape of Good Hope; but for years have relied entirely upon the United States, and will therefore be in the greatest possible distress, when cut off therefrom. They cannot now obtain supplies from the Cape of Good Hope—for that colony is in possession of the British. France will feel its effect, and the consequent loss of our trade at home. She loses an immense revenue, heretofore collected by the duties on the sugar, coffee, pepper, tobacco, and other articles imported into her ports by our ships. Her people can live without the articles; but the want of the revenue will be severely felt by her Government. New sources must be resorted to, which her subjects will be distressed to meet, being completely deprived of any sale for their brandy, wine, and other valuable articles drawn from France by Americans, and distributed by them to every quarter of the world. France will be made to feel by a want of money. Holland can no longer, in so great a degree as formerly, supply that want. Cut off from commerce, what is Holland? If the Emperor's system is pursued, the grass will be seen growing in the streets of Amsterdam. The German Kingdoms, subject to his power, will be so reduced by the want of sale for their linens, and the want of commerce in the Hanse Towns, that they will be able to render him no aid in money. From the extremes of his power, it will press upon him even to the centre of Paris, and will knock with violence at the doors of his palace.

England, it is true, with her great navy and all-powerful fleets, might preserve herself from feeling the effects of the want of bread, provided that the ports of the Baltic were open to her; but shut out as she is, from every country which has usually exported wheat, where will she find the quantity necessary to enable her to afford supplies to Spain and Portugal, now struggling for their liberties; for their West India islands, and for their immense fleets and armies now employed in foreign countries? From the coast of Barbary we are told! Yes, sir, Barbary, under a good government, could supply all the wants of Europe. But, sir, that Government, immediately it finds that the farmer has gotten his land into a high state of cultivation, the hand of power is laid upon his property, and the man, with his family, flies to the mountains. Nor is this all, the Dey lays such a duty on the export, as leaves but a small pittance, say 20*l.* sterling per bushel, to the cultivator. From thence no important supply can be derived, and this is well known in England. But is the want of breadstuff the only

suffering that Great Britain must endure? No, sir; she will feel our embargo in the immense loss of revenue, resulting from the importation of our tobacco, cotton, rice, and other valuable products. Her cities will feel the loss of the non-arrival of our ships, which afforded to them a large revenue for the town dues, employment for the various mechanics and manufacturers employed about ships, the want of commissions derived to their merchants, and from other causes not necessary to enumerate. Liverpool, which owes its rapid rise, in a great proportion, to the American commerce, will feel the loss thereof in a manner that may make them be heard in the Councils of the Kingdom. Is it possible that that nation will not deplore the loss of their exports to us, amounting to twelve millions of pounds sterling per annum? Will gentlemen believe they have no value therefor, when they know that they sent large fleets and armies to La Plata, not to conquer the country, but to force a trade—to compel the Spaniards to receive their manufactures? And what trade? Not more than one million, or, at the most, two millions sterling per annum. What ridiculous policy must that be that can induce a nation to go to an immense expense of blood and treasure to secure two millions of trade, and at the same time wantonly throw away a trade of twelve millions, arising to them without expense of either blood or treasure? Will they long shut their eyes to such a scene of folly and wickedness? No, sir, a non-intercourse will open the eyes of the nation to such ridiculous conduct on the part of their rulers. Is this all, Mr. President? The sugar planters of their West India islands (and they most deserve it) will be made severely to feel; they will not starve, perhaps, but they will have to pay three or four times the price for every article of provision which they, or their slaves consume, and ten times the price for staves and other lumber. Heretofore, they have paid for such supplies in what I call the offal of their plantations, in rum and molasses. Those articles must remain on their hands unconsumed, for none but Englishmen and their descendants make use thereof. We import from the British islands 350,000 gallons of molasses, per annum, value on the spot \$87,500; of rum, 5,590,000 gallons, value about \$2,412,500. Will gentlemen believe that the want of sales, (and the consequent loss of their value) to the annual amount of two and a half millions of dollars, will not be felt by the British planters? Yes, sir, it has already been felt, if I am rightly informed, to wit: that the Government has been obliged to grant large aid in money to support the West India planters. But I shall fatigue the Senate with details of this kind. My duty, however, has compelled me to present my ideas on this part of the subject to the Senate.

The gentleman from Delaware (Mr. WHITE) feels all alive for the present rulers of the United States; he asks, where are we to get revenue, and with an air of triumph, tells us that we shall not have a dollar in the Treasury at the next meeting of Congress. We were told the same

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story last year, and thousands of handbills had been distributed throughout the Union asserting that fact. Yet, sir, when we met we found fourteen millions of dollars in the Treasury. We found our receipts more than in any preceding year. The gentleman is alarmed lest the present party in power shall be prostrated, as he thinks that was to which he belonged, by the necessity of laying a direct tax. He is mistaken; they were dismissed, because the tax after tax, duty on duty, that was laid by them, were dissipated, the people knew not how, and because the people thought their system would lead the nation imperceptibly to monarchy.

I feel greatly obliged to the gentleman for the tender feelings which he has expressed on the subject, but I am not alarmed. The present Administration have pursued a course unknown to the last, to wit: the payment of the public debt, averaging for some years past, five millions of dollars per annum. From this payment we are now relieved, because the law permits us no longer to make payment thereof, except by purchase of the stockholders; we cannot compel them to receive. Besides, sir, having paid off thirty-three millions of dollars of the public debt, we have relieved ourselves thereby from the payment of an annual interest of two millions of dollars. Those two items, making together seven millions of dollars, will operate in effect for any purposes now required as so much received. But, sir, we have other resources. It will be recollected, that the law of last session authorized the articles of sugar, coffee, teas, pepper, and certain wines, to be deposited in the public stores until wanted for exportation. Those articles will now be required for consumption, and presuming that as much thereof will be consumed as in former years, we may fairly count on the following duties being collected thereon, to wit:

On sugar	- - - - -	\$1,843,199
Coffee	- - - - -	867,259
Teas	- - - - -	966,686
Pepper	- - - - -	250,000
Wines, under 23 cents duty	- - - - -	41,377
		<u>\$3,968,521</u>
On the public lands	- - - - -	700,000
Making together	- - - - -	<u>\$4,668,521</u>

Nor is this all; it is a well known fact, which will not be contradicted by the gentleman from Massachusetts, (Mr. LLOYD,) that the importations from India and China have, in the present year, been equal to that of any preceding year. The bonds (for the duties on which) will become due in the next year; nor has the importation of dry goods from England during the present year been so much less than former years as materially to affect the revenues. On the whole, Mr. President, I believe that the receipts for the year 1809 may with safety be calculated upon, as at least twelve millions dollars, from which nothing being payable toward the principal of the public debt,

we may count the actual supply to the Treasury as equal to any preceding year.

Let us take a view of the customary expenditures of the Government for the year 1809.

Civil expenditure	- - - - -	1,000,000
Barbary Powers and Foreign inter-	- - - - -	
course	- - - - -	200,000
Military Department	- - - - -	1,280,000
Naval ditto	- - - - -	1,020,000
Interest on Louisiana debt	- - - - -	675,000
Interest on old debt and reimburse-	- - - - -	
ment	- - - - -	3,500,000
New regiments	- - - - -	1,000,000
		<u>\$8,675,000</u>

If the gentleman from Delaware (Mr. WHITE) will not admit any other of my calculations, he will certainly admit that if we have fourteen millions now in the Treasury, and expend only \$8,675,000, that we certainly shall have some money in the Treasury at the next meeting of Congress, even should the embargo continue all that time; and in case of war, if the people do consume as much as usual, ways and means will be found to introduce the articles on which the duties have heretofore been collected. It must be admitted, however, that our revenue does sustain, and has sustained, a material injury resulting from the Orders of Council of Great Britain. On articles heretofore imported from the Continent of Europe, we derived a revenue equal to three millions of dollars, the importation of those articles is now prohibited by Great Britain. That gentleman may correct me if I am wrong. I will take a view of the articles annually consumed, to wit:

French brandies, 2,739,711 gallons,		
duty thereon	- - - - -	\$821,913
Ditto wines	- - - - -	31,133
Goods ad valorem, from France and		
her allies	- - - - -	1,000,000
Hemp, iron, glass, cordage, and other		
articles	- - - - -	250,000
Three and a half per cent. retained on		
drawback, and advantages from neu-		
tral trade	- - - - -	1,000,000
		<u>\$3,103,046</u>

This item is a serious sum cut off from our revenue, by the orders of Great Britain. On the whole, Mr. President, I am, however, of opinion that we safely can calculate on a surplus, after paying the usual expenses of Government, of a sum not less than sixteen millions being in the Treasury, at the next meeting of Congress, or at the disposal of Government provided war shall ensue. But do gentlemen calculate nothing upon the credit of the United States. It is now known to the world, that whatever party may be in power, the faith of the Government, as it relates to the payment of its debts, has been held sacred. It will be recollected, that it was charged against the present ruling party, that when they got into power, all respect for public credit would be lost, and the property in our public funds would

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be in jeopardy. These, with other charges of a similar nature, having been found to be false, and that the present rulers are as tenacious of public credit, as their predecessors, all fears on that account, have ceased. The public credit will be admitted to be good, and there can be no doubt that any sum of money that may be required for a war, may be had by loan; either in our own country or abroad, without having recourse to a direct tax. So that I pray the honorable gentleman from Delaware to quiet his tender feelings on this subject.

The Seamen.—We at length find the gentlemen are alive to the interest of this useful class of citizens. It may be considered a novelty to them. They tell us that our seamen have abandoned their country and gone into foreign employ. Will the gentleman from Connecticut (Mr. HILLHOUSE) say in his place, that the sailors of Connecticut have deserted their country to take refuge on board British ships of war? No, sir, he knows the abhorrence of his fellow-citizens to that kind of service. The seamen of this Union have fathers, uncles, brothers, friends, with whom they find employment. They will be found in the public works of the extensive manufactories which have been established, and among the farmers of the United States. I will not believe that any American sailors have left their country, except some worthless, drunken men. I well know whence this idea has arisen. To avoid the complaints of Great Britain, the navy, prior to the embargo, had discharged all British deserters; they also discharged all British seamen found on board their ships of war—those, together with foreign seamen employed in the merchant service, have been collected by the British Consuls, (who have found that their numbers did not equal their expectations,) and by them have been sent out of the country. That they may never return must be the sincere wish of every lover of his country! We should thereby silence the complaint of Great Britain, to wit: that we employ their subjects, and take from that Government the pretext of impressing American seamen under the presumption that they are their own. The vacancy made by their thus abandoning our country will very soon be filled up by our own citizens—of whom sufficient for all the purposes of navigation will soon be found.

Gentlemen whose feelings are now so tender with respect to American seamen showed little of this when their fellow-citizens were seized, put on board British ships of war, and compelled to fight their battles against nations with whom theirs was at peace. Nay, sir, we find some of them offering apologies in behalf of the British Government for this violence offered to the liberties of our fellow-citizens and to our independence as a nation. I have in my hand a public letter, and, therefore, I may use it, where the writer, a Senator from Massachusetts, (Mr. PICKERING,) says "I will close this long letter by stating all the existing pretences, for there are no causes for 'a war with Great Britain,' &c. &c.

"1. The British ships of war, agreeably to a

'right claimed and exercised for ages—a right claimed and exercised during the whole of the Administrations of Washington, of Adams, and of Jefferson—continue to take some of the British seamen found on board our merchant vessels, and with them a small number of ours, from the impossibility of always distinguishing Englishmen from citizens of the United States. On this point, our Government well know that Great Britain is perfectly willing to adopt any arrangement that can be devised, which will secure to her service the seamen who are her own subjects, and at the same time exempt ours from impressment."

Gracious God Mr. President! can that man feel for American seamen, who can say and write, deliberately, that the impressment of five thousand Americans by Great Britain is no real cause, but a pretext only? Will any man believe that a person making use of such expressions can have any feelings whatever for the sufferings of our seamen? I wish Mr. President, we had before us the able discussion held by the same gentleman, (Mr. PICKERING,) on the subject of impressment of American seamen, with Mr. Liston. In that we should see our rights maintained by a strength of argument drawn from our just complaints. He did not then call our remonstrances on that subject pretexts. No, sir, he thought as every American will think, that they were grievous, intolerable, and such as no free and high-spirited people ought to submit to. In what estimation are we to hold the future opinions of a gentleman, who, in 1806, did by a solemn vote in Senate approve the following resolution in Senate, which advised the President to send a special mission, "to demand a reparation of wrongs, and particularly as it related to the impressment of American seamen," when we see a public letter in 1808, from the same gentleman, calling the complaints on that subject—pretences, and not just causes!

"Resolved, That the President of the United States be requested to demand the restoration of the property of their citizens, captured and condemned on the pretext of its being employed in a trade with the enemies of Great Britain, prohibited in time of peace; and the indemnification of such American citizens, for their losses and damages sustained by those captures and condemnations; and to enter into such arrangements with the British Government, on this and all other differences subsisting between the two nations, (and particularly respecting the impressment of American seamen,) as may be consistent with the honor and interests of the United States, and manifest their earnest desire to obtain for themselves and their citizens, by amicable negotiation, that justice to which they are entitled."

Let us cast our eyes back to the session of 1805-6, and we shall recollect the memorials presented from the merchants of all the great seaports, praying Congress to adopt measures for the obtaining redress of the wrongs sustained by them from depredations committed on their property by the British, under the pretext "that they were carrying on a trade not permitted in times of peace," although it was acknowledged, that our

commerce was carried on conformably to a convention solemnly made between Lord Hawkesbury and Mr. King. The memorial from Boston advised a special mission; that from New Haven, Connecticut, pledged their lives and fortunes in support of such measures as Government might adopt to obtain redress and reparation for past losses. The Senate, alive to those remonstrances, advised the President to demand reparation for the past, and security for the future. The President, in obedience to this advice and in respect to the memorialists, did send a special mission; a treaty was made. It was sent back by the President. Why? It redressed not our wrongs. It requested us to tax our exports, so as to put them on a footing with the British, as to their war charges in similar articles. It made no provision for that grievance to which the Senate had particularly directed the attention of the President, to wit, the impressment of our seamen, and before it was possible that the President could receive it, the British issued a new order for plunder, to wit, to seize all our vessels, without any previous notice, found trading from one port of their enemies to every other port of her or her allies, by which order fifty or sixty American vessels were seized, together with cargoes to the amount of near two millions—this was followed up by other orders, until our commerce is entirely cut off from all its usual course, as well by British as by French decrees. Government took a stand, I think an honorable stand, and now we find those same memorialists, indeed I may say the gentlemen in Senate who advocated the advice to the President, telling us, that truly they had no cause of complaint, that a pittance of trade may yet be pursued, (the orders or decrees to the contrary notwithstanding;) and to pursue this miserable pittance they demand that Government should tread back their steps, shall make this nation contemptible in the eyes of all Europe, shall repeal the embargo laws before they have taken any other step, or adopted any other measure. The honor of our country forbids it, and that Senate which gave the advice, will not meanly retract their own act, or bend the neck to any Power on earth. We know our power, and fear not that of our enemies.

In 1806, the Senate passed the resolution already quoted. In addition to the wrongs then complained of, wrong upon wrong had been heaped upon us, prior to the date of the public letter already mentioned. Who could have believed that the gentleman from Massachusetts, (Mr. PICKERING,) at such a moment, after having recorded his vote on our Journal, against the claim set up by Great Britain, would have written and published the following justification in support thereof:

"The merchant vessels of France, Spain, and Holland, being driven from the ocean, or destroyed, the commerce of those countries with one another, and with their colonies, could no longer be carried on by themselves. Here the vessels of neutral nations came into their aid, and carried on nearly the whole commerce of those nations. With their seamen thus liberated from the merchant service, those nations, in the present and preceding wars, were enabled to man their

ships of war; and the neutral vessels and seamen supplied their places, became in fact, though not in name, auxiliaries in war. The commerce of those nations, without one armed ship on the sea appropriated for its protection, was intended thus to be secured under neutral flags; while the merchant vessels of Great Britain, with its numerous armed ships to guard them, were exposed to occasional capture. Such a course of things Great Britain has resisted, not in the present only, but in former wars: at least as far back as that of 1756. And she has claimed and maintained a right to impose on this commerce some limits and restraints; because it was a commerce which was denied by those nations to neutrals in time of peace; because it was a commerce of immense value to the subjects of her enemies; and because it filled the treasuries with money to enable them to carry on their wars with Great Britain.

What did the people of Salem, of Boston and of New Haven mean, when they pledged their lives and fortunes in support of any measures that Government might take to obtain redress of the wrongs that this nation had endured? They meant that there was cause, and that they were prepared to go to war. And yet the gentleman from Massachusetts (Mr. PICKERING,) has written gravely, when other oppressions were added to those then complained of, that truly, "there were pretences, but no real causes of complaint against Great Britain."

Hostility to commerce—Yes, sir, I have seen a charge of that kind against the party in power, in newspapers, and in town-meeting speeches. I believed it to be used for party purposes. I did not believe that any man of respectable standing, would have asserted such a fact. The honorable gentleman from Connecticut (Mr. HILLHOUSE) has now declared that he verily believes that there is a serious intention to break down commerce, and to raise manufactures upon its ruins. And what are his proofs? That he did at the last session prophecy, that such would be the course of conduct. In ancient days, Mr. President, there were prophets—there were false prophets, who went through the land prophesying falsely to deceive the people. And I trust, Mr. President, the prophecy of the honorable gentleman may be ranked with them. I challenge the gentleman to produce one act—one solitary act—to prove his assertion. He cannot produce one. He may report conversations with individual gentlemen, who might suppose that commerce had been too much favored; and such opinions are entertained, not only by gentlemen from the South, but also by gentlemen from the interior of the North and the East. Yet, sir, I have never seen any of those gentlemen predicate any act hostile to commerce thereon. It may not be unprofitable to take a view of the acts which I have considered as expressive of sincere friendship toward commerce. The statute books are filled with laws establishing light-houses along the whole extent of our coasts, and a chain of lights are now to be seen extending from St. Croix to St. Mary's. No new duty charged therefor, has ever been proposed by any member to be imposed on the tonnage of the United States. The duty on tonnage has re-

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mained the same from the first law passed thereon. It is small and not felt. The coasting trade of the United States is countenanced in a peculiar manner. It is confined to our own vessels and free of charge. Early after the adoption of our Constitution, Congress passed a law, levying a heavy duty on foreign tonnage, for the promotion of our own; and charging, on all goods imported in foreign vessels, a duty of ten per cent. on the duty imposed on similar goods when imported in American ships. This system secured the carriage of all goods imported into the United States, to our own vessels, and tended greatly to the immense tonnage now possessed by the merchants of the Union. This advantage was necessary to promote our navigation, when in its infancy, but, being now in its manhood, I should have no objection to admit foreign ships on the same footing with our own, to such foreign nations as would admit us on terms of reciprocity into their ports; for, on equal terms, I have no fear of the enterprise of any nation being superior to our own. A system was adopted, and has been continued, highly just in itself and proper, which conduced to the immense neutral trade carried on by the merchants of the United States. I mean the system of granting drawbacks on re-exportation of foreign goods—by which system the nation has been greatly enriched, and thereby aided in the payment of the national debt; but which agricultural men may permit themselves innocently to believe, has contributed to conduct the United States to the present crisis. We, the merchants, ought, therefore, to be cautious how we charge agricultural men with hostility to commerce. Had Congress been justly chargeable therewith, they had a fair opportunity of showing it in 1806, when your tables groaned with memorials from the seaport towns. They might then have said, What have the agriculturalists to do with your neutral commerce? We will protect the commerce carried on in native exports, but will not entangle the nation with those of foreign origin. Did they do so? No, sir; they, as well from the South as from the North, did declare their willingness to support and protect all the fair commerce of the Union. They treated the memorials with respect, and this House acted thereon.

Of thirty Senators present, only seven members voted against the resolution of advice to the President. Three of those were from the East, two from the South, and two from the West. Those gentlemen feared that we should be implicated in war for that trade which the supporters thereof now wish us in a great measure to relinquish. For were the embargo off, it could no longer be pursued to any port of Europe.

But, say gentlemen, protecting duties have been laid on foreign goods to benefit the manufactures of the Union. I sincerely wish there had been, but know of none, except on shoes and on ship-building; this latter I presume commercial men will not complain of. The duties therefore laid were to obtain revenue, not to protect manufactures. Nor did I ever until now hear any

gentleman from Connecticut complain or oppose any aid contemplated for our manufactures. The complaint is novel to me, for I should suppose if any State in the Union is in a situation to benefit by manufactures, Connecticut, from her population being full, will be that State. Some small duties have been laid to protect our agriculture, such as on hemp, indigo, and sugars, and a protecting duty laid on fish imported from foreign countries, to secure the consumption of our own country to the labor of its own fishermen, to which little opposition was made by agricultural men. In truth, Mr. President, there has been no act of hostility shown by Congress to the commercial interest, and much, very much of real friendship has been apparent in all the acts of that body.

I have in my hand, Mr. President, a report of a committee made to Parliament in June last. The object of which was to point out what aid could be afforded to their sugar planters of the West Indies. In this report it is recommended "vigorously to blockade the colonies of their enemies," to prevent any sugar, coffee, or other colonial produce being brought to the United States from thence, to compel us to go to their islands for the supply of all our wants of sugar, coffee, rum, and molasses, and be subject there to whatever high price they may charge thereon, and to whatever duty on the exportation thereof they may think proper to impose. This system, which will be to us a system of taxation, has already commenced, as may be seen by the blockade lately declared of all the French islands. It will be continued, sir, and, if the embargo were off, we should find ourselves completely excluded from the benefits which gentlemen have promised themselves by a trade thereto. Retract our present measures, Mr. President, and we submit to every species of taxation and oppression on our commerce that Great Britain or France may think proper to impose thereon. They will think you a degraded people, fit only to be hewers of wood and drawers of water for them. Nor is this visionary; six years ago the British Parliament taxed you in company with their own colonies, (for they still consider you as colonies,) with a duty on all goods exported from Great Britain, of four per cent., when to all other nations they charge but one-and-a-half per cent. Thus imposing on the United States an annual tribute of one million of dollars. We submitted to that imposition, and this has encouraged them to proceed with other and heavier oppressions.

The gentleman from Connecticut (Mr. HILLHOUSE) has observed, that, were the embargo off, merchants would buy the produce of the land, the farmer would be relieved, and the loss arising from capture by the belligerents would fall upon the merchants. Why should we take care of them, said he, let the merchants take care of themselves. Is this the language used when the memorials were presented? Did we then tell the merchants to protect themselves? And is this the tender friendship the gentleman from Connecticut means to show to the commerce of the

Union? Had such language come from a Southern gentleman, the honorable gentleman from Connecticut would have good right to call it hostility to commerce. The same gentleman has told us, that, although France had interdicted our commerce with England, before the passing of the embargo law, yet insurance did not rise five per cent. on that account. The gentleman is correct—it did not rise at all, for no merchant apprehended any danger from French capture under the Berlin Decree; for the explanation given to General Armstrong by the French Minister of Marine gave full security against every capture on the high seas by the cruisers of France; for not one vessel was taken under that decree on the high seas; of course insurance never rose on that account in America, nor in England, as appears by the examination of merchants before Parliament, except for a short time. The moment the explanation given to General Armstrong came to London the insurance fell to its usual rates, and this will account why insurance did not rise in America prior to the passage of the embargo law. But, sir, it would be very different were the trade open and our vessels subject to capture under the Milan Decree. Privateers of France, knowing that our trade was unprotected, would swarm upon the ocean, and capture all that would be left from the depredations of Great Britain.

Should the resolution to repeal the embargo prevail, I have very little hesitation in saying, that the premium of insurance on vessels bound to England would, in a short time, rise to twenty or twenty-five per cent. against capture by French cruisers; and that no premium would induce the offices to underwrite vessels bound to the Continent of Europe against British cruisers.

We are told by the gentleman from Massachusetts, (Mr. LLOYD,) that one of the belligerents makes war upon the world for universal dominion, and the other for her *natale solum*. For my part, Mr. President, I cannot conceive why the United States should take part with either. Our policy has been "entanglements with no foreign nation." I hope, sir, we shall never turn Don Quixotes in support of one nation whose object is universal dominion on the land, nor in favor of the other, whose object (more injurious to us) is tyranny and universal dominion on the seas. The same gentleman has told us of immense fortunes being made in Canada, by the advantages deriving to the merchants there, from our embargo. I believe there have been evasions in the articles of pot and pearl ashes, which went to Canada, but I cannot think it could amount to the quantity insinuated. The principal trade to that colony has been the export of specie, where bills of exchange on London have been purchased at five per cent. below par, and sold at Boston and New York at seven and a half per cent. above par. The profits resulting therefrom has been to the merchants of those cities. The injury to the nation has been the export of its specie. Measures, no doubt, will be taken to prevent such injury.

The gentleman has said that, if the embargo were off and we were brought into a war by her

conduct, that Great Britain would sorely repent it, for that the loss of Canada and perhaps of Nova Scotia would be the consequence. The same gentleman has told us that Great Britain will be able to obtain timber and lumber of all kinds sufficient for her wants from Norway and Sweden. He is mistaken; for Norway belongs to the Dane, from whose King the British plundered at Copenhagen sufficient for their navy for some time, and Sweden cannot supply Great Britain with staves and other articles of lumber. I agree with the gentleman that our ships are our farms; that our Government is as much bound to protect them as they are to protect terra firma; and, sir, it was for their protection, and not for the protection of the land, that the embargo was laid, and that purpose has most effectually been obtained.

Great Britain will also feel severely the want of our commerce to her East India possessions; nay, sir, it has already been felt there—our imports from thence amount to about four millions annually, for which we make payment in Spanish dollars; the goods we purchase are inferior to those made for the India Company. The want of such vent for so large a quantity of goods will be felt; it has been, for the prices thereof fell twenty-five to thirty-three and a third per cent. in Calcutta, the instant they were informed of the embargo. And, sir, the Government of India will feel it as well, arising from the complaints of those who manufacture, as in the want of the annual supply of four million dollars. Indeed, sir, I am informed by a respectable gentleman just arrived from Calcutta, that the Government of India, and English subjects residing there, were greatly distressed when they were informed that an embargo had been laid in the United States—they consider it as a measure peculiarly injurious to that Government.

It may not be improper, before I conclude, to take a view of the dangers which would result to our commerce in case the resolution should obtain. All American vessels bound to Great Britain or any of her possessions in the East or West Indies, or in Europe, would be subject to capture by French cruisers under the decrees of France.

All American vessels bound to Russia, Denmark, Hamburg, Bremen, Holland, France, Italy, the Turkish dominions, Austria, or any part of Spain or Portugal, in possession of French troops, would be subject to capture by British cruisers under their Orders of Council, enforced by an act of Parliament. In this state of insecurity and danger to our commerce, I cannot give my consent to adopt the measure under consideration.

I will terminate by making use of an observation of Mr. Canning, which I conceive equally applicable to us in our present situation:

"Character is power. To lose our character is 'to lose a material part of our power;' again: 'Not a doubt shall remain, to distant times, of our determination and of our ability to have continued resistance; and that no step which could even mistakenly be construed into concession, should be taken on our part, while it can be a question, whether the plan devised for our de-

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'struction has, or has not, either completely failed, or been unequivocally abandoned.'

When Mr. SMITH had concluded, the Senate adjourned.

TUESDAY, November 29.

The Senate resumed the consideration of the motion for the reconsideration of the vote of the 25th instant, for receiving and reading the instructions of the Legislature of the State of Massachusetts to their Senators on the subject of the embargo; and on motion, by Mr. ANDERSON, the motion for reconsideration was withdrawn, and the instructions were read.

Mr. GILES gave notice that he should, to-morrow, ask leave to bring in a bill appropriating a sum of money to enable the President of the United States to call into service the seamen authorized by the act of the 5th of March, 1807, not exceeding five hundred.

THE EMBARGO.

The Senate resumed the consideration of the motion made on the 11th instant, for repealing the "Act laying an embargo on all ships and vessels in the ports and harbors of the United States, and the several acts supplementary thereto."

Mr. HULLHOUSE rose and addressed the Senate as follows:

Mr. President: When I offered the resolution for a removal of the embargo, and submitted my remarks to the Senate, I was impressed with serious apprehensions for our country's welfare, on account of the embarrassments so forcibly described, and which have been painted in such vivid colors, by the gentleman from Virginia, (Mr. GILES.) It was because I felt anxious that we should extricate ourselves as soon as possible from those embarrassments, that I came forward thus early with my resolution. I had been led to believe, and still believe, that the way to extricate ourselves is, to explore the causes of our difficulties, to examine into the truth of facts, and to have a candid and impartial inquiry into the policy and expediency of our present measures; that if, unfortunately, we should be found in an error, we may retrace our steps, and not, by an obstinate perseverance therein, involve our country in ruin. Little did I expect that I should be charged with having proposed a tame submission to foreign aggression, or a disposition to abandon our neutral rights, or surrender the independence of my country—much less, with having forgotten the spirit and policy of '76, which carried us safely through the Revolution, and achieved our independence. I confined myself to general remarks, and was not, perhaps, so particular as I ought to have been, to make myself understood. I shall, therefore, now take the liberty of stating what was the spirit and policy of '76; and I shall be able to show, from public documents and records, that, as long as that spirit and policy were pursued, they secured us in the enjoyment of our independence, and caused our maritime rights to be respected. Unfortunately for our country, it was a departure from that policy that has brought us

into our present situation. It is not surprising that many mistakes should be made respecting the spirit and policy of '76 by those who must have derived their information from tradition, and not from their own personal observation. I have noticed that many of those who say most on that subject, were either not born, or were in their cradles, or have since migrated to the United States, to enjoy the fruits and blessings of that Revolution.

The patriots and statesmen who guided our public councils at the commencement of the Revolution, believing our rights were invaded, and our liberties endangered by the arbitrary and unwarrantable claims of the British Parliament, resorted first to respectful petitions and remonstrances to induce the British Government to abandon their unjust claims, and adopt such measures as would secure our rights and liberties. But, when these means were found to be ineffectual, they nobly dared to make their appeal to arms, and to declare themselves a free and independent nation. And, though we were without a regular organized Government, and had neither Army nor Navy, they dared, in defence of their just rights, to wage war with a powerful nation. They did not tell us that we must abandon our right to navigate the ocean, or yield up any other right because of surrounding dangers. The maxims then were that, rights which were not worth defending, were no rights; that, to be respected, we must convince others that we would not tamely submit to insult; and that, to preserve peace, we must be prepared for war. This spirit and policy carried us safely through the Revolutionary war, established our independence, and secured our sovereignty, one essential attribute of which, is the right to navigate the ocean. In 1783 we obtained an honorable peace. In 1793, war having commenced between France and England, our maritime rights were invaded by the latter, and our vessels were captured and condemned under the memorable November orders. An attempt was then made to introduce the same policy, to defend our rights and vindicate our honor, which is now, and for some time has been, in the flood tide of experiment. The famous resolutions proposing duties of discrimination between foreign nations, the entering into a commercial warfare with England, and propositions for a non-intercourse law, and sequestration of British debts, will be remembered. The Journals of that session of Congress contain a record of them, and will show who were the friends and advocates of that policy.

Fortunately for the nation, we then had a Chief Magistrate who was actuated by the spirit, and well knew, and was determined to pursue, the policy of '76. He boldly came forward, and put an end to all those projects by nominating an Envoy Extraordinary to the Court of Great Britain, to remonstrate against the wrongs, and demand satisfaction for the injuries we had sustained. That Minister was not sent out with a non-importation or non-intercourse act in his hand, which, the President well knew, would have been understood

and considered by Great Britain in the nature of a threat, or an attempt to coerce, and would defeat the object of the mission. He was in reality sent with the olive branch, on the principle of a fair and honorable negotiation.

In the meantime, knowing that a failure of the negotiation must result in war, or an abandonment of our rights, every preparation to meet the event which it was in the power of the country to make, was made. Laws were passed for fortifying our ports and harbors; to provide a Navy; to erect arsenals, and provide magazines; for raising artillerists and engineers; for directing a detachment from the militia; to prohibit the exportation of arms and ammunition, and to encourage the importation of the same; to build or purchase vessels to be armed and equipped as galleys, or otherwise; and for making further and more effectual provision for the protection of the frontiers of the United States. These several acts were passed in the short space of about ten weeks, and, not only found their way into the statute book, but were promptly carried into execution; and, being laws of a mere municipal nature, providing for our internal security and defence, they gave no umbrage to Great Britain. Yet they spoke a language she well understood. What was the consequence? Great Britain admitted our claim, revoked her orders, and made satisfaction for the injury; and a treaty was concluded, under which our citizens have received millions of dollars for the losses they sustained by the capture and condemnation of our vessels. And, since it went into operation, as the gentleman from Virginia candidly admits, the United States have enjoyed unexampled prosperity.

France, still at war with England, had expected that the differences between England and the United States would involve the two countries in war. Dissatisfied, therefore, with the treaty, France manifested an unfriendly disposition towards our Government. In 1797, the spoliations committed under the outrageous decrees of France were such as could no longer be tolerated consistently with our national honor and interest, and the French Government had, moreover, refused to receive our Minister.

It was once more fortunate for the nation that our then Chief Magistrate, and the Councils of our country, were still under the influence and guidance of the spirit and policy of '76. Envoys Extraordinary were sent to remonstrate against the injuries we were suffering and to demand satisfaction—not accompanied by non-importation laws, or any other acts or resolutions which could wound the pride of that nation. At the same time, Congress provided means of defence, so that the nation might be prepared to avenge its wrongs, and vindicate its honor, in case of a refusal on the part of France to do us justice. Laws were passed, prohibiting the exportation of arms and ammunition, and for encouraging the importation thereof; to provide for the defence of the ports and harbors of the United States; to authorize a detachment from the militia, and to provide a naval armament.

France did refuse to treat, and rejected our Ministers. What was the result? Not long, detailed, diplomatic correspondences, further remonstrances, and paper resolutions. A negotiation of a different nature commenced. We spoke a language not to be misunderstood. We spoke from the mouth of the cannon. Our treaties with her were annulled; all intercourse prohibited; our merchant vessels authorized to arm, and defend themselves against French privateers; an army was raised, and our little Navy equipped, manned, and sent out to protect our commerce and capture the armed vessels of France. A war, not of offence, but defence, was commenced. Naval conflicts soon ensued, and a French frigate was taken, after a hard fought battle, by an American frigate commanded by the gallant Truxtun. The French privateers and piratical boats which had annoyed our trade were swept from the ocean, our commerce resumed its wonted activity, and our vessels again navigated in safety every sea. What was the conduct of France? A declaration of war? Far from it. Though she had before treated us with indignity, the manly attitude we assumed in defence of our rights and national honor commanded her respect, and she proposed and entered into a negotiation, which ended in a treaty that was ratified by both Governments, and was finally promulgated by a proclamation of the President of the United States, on the 21st of December, 1801. At this period the American flag was respected in every sea, and the American name and character were honored by all nations.

Since that period, unfortunately for our country, a different policy has prevailed in the public councils, founded, no doubt, on the idea that "a just nation is trusted on its word, while wars are only necessary to nations of an opposite character." A policy calculated on to save the necessity of ships of war, and exactly comporting with some of the modern ideas of economy. In pursuance of this policy, our Navy has been suffered to decline, and some of our ships have, for years, been moored, to rot, in the mud of the Eastern Branch of the Potomac.

Many efforts have been made, but in vain, for removing our little fleet into the salt water to protect our commerce, at least on our coast, and to secure us from being insulted within our own jurisdiction, by the armed vessels of the belligerents. We were told that if our ships went out, and should meet with foreign vessels depredating on our commerce, or insulting our Government, they would fight, and we should have war. That our ships would fight, on proper occasions, I have no doubt.

Though the discouragements which have been thrown in the way of our naval prosperity have greatly tended to depress the martial spirit, it still exists, and, if an opportunity presents, will be drawn forth into action. Believing this, I confidently rely on our being ultimately able to extricate ourselves from the perplexing and distressing situation described by the gentleman from Virginia. That this opinion is correct, the conduct of our naval force in the Mediterranean sea sur-

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nishes ample proof. The war with Tripoli has afforded the only active and honorable employment which our Navy has had since the Treaty with France; and in which, the gallant deeds of our little band of heroes, deeds worthy of the American name and character, have commanded the admiration and applause of surrounding nations; and the recollection thereof will be cherished by the American people, when yonder marble monument, erected in honor of those heroes who fell before Tripoli, shall be mouldered into dust.

The question recurs, What is the cause of our present embarrassments—what has brought us into our present sad dilemma? For a sad one it is, if it be true that we are reduced to the alternative of a war with both belligerents, or the continuance of the present embargo system. Surely they could not have originated in party newspaper publications, or the electioneering squabbles of the *ins* and the *outs*. The effects of these are greatly overrated. Though they produce much excitement and noise here, they make but a small impression on the other side of the water. The public documents on our table—those furnished last session of Congress, and information in possession of the Senate—show that our difficulties arise from our having forsaken the spirit and departed from the policy of '76, and in lieu thereof adopted that retiring policy which recommends the abandonment of our right to navigate the ocean, because our commerce is exposed to danger from the illegal attacks and depredations of the belligerent Powers. The spirit of '76 induced us to face danger to secure that right, and would not the same spirit prompt us to hazard something in its defence?

It is a painful task to me to undertake to point out the impolicy and impropriety of our present system of measures; but I see no other way of avoiding those evils which the gentleman from Virginia has so forcibly described, (to remove which I would most cordially co-operate, or to effect that union in our public councils which he so ardently desires, and which I most devoutly wish for,) than by going into the inquiry, to discover where the error lies.

I will go no further back than to 1806, the date of the memorials of the merchants of New Haven, and the great cities and towns on the seacoast, now introduced by the gentleman from Kentucky. (Mr. POPE.) They complained of aggressions on their commerce by Great Britain, and prayed that the protecting arm of Government might be extended for their relief. The Boston memorial suggested a special mission. They expected, no doubt, that the Envoy would be sent, as heretofore, to attempt a friendly negotiation of differences; not to hold out a *non-importation act* for an olive branch, or to be bound by instructions to demand as an *ultimatum* that the American flag should protect all persons on board our merchant vessels; which the British Government contended could not be granted, because, they said, it would tend to unman their navy, and cripple that important means of defence against a powerful and

enraged foe. And as they disclaimed all right of impressing American seamen, they supposed that our claim, in its utmost extent, might be considered a measure calculated to withdraw from their service their own seamen, rather than to protect real American seamen. This had been the subject of negotiation, as well under the former as the present Administration, and the point had been pressed as far as could be of any avail. The like answer was given to both Administrations—the principle cannot be admitted.

The gentleman from Virginia has read a resolution, declaring that there had been a violation of our neutral rights, and an encroachment upon our national independence, by the capture and condemnation of our vessels under the Orders of the British Government; which resolution passed in February, 1806, by the unanimous vote of the Senate—a vote that does honor to that body, as it exhibits to the nation, and to the world, that whatever may be the collision of party on subjects of minor importance, whenever it is a question in regard to the defence of our own rights, and the interest of a foreign Power, we are an undivided people. Yet, notwithstanding this unanimous expression of the opinion of the Senate, and the appointment of an Envoy, which took place at this time, no measures of defence were adopted. A non-importation act was passed and relied upon for maintaining our claims. This was declared in public debate; and, being made known, could not be concealed. It was wasted to England before our Envoy could reach her shores. So far from being able to use that act for the purpose of enforcing our claims, to prevent its being an insuperable bar to negotiation, our Ministers inform the Secretary of State, in their letter of September 11, 1806, that, in speaking to the British Minister of that act, they mentioned it in these terms: "After a short vindication of the act, in the course of which we did not omit to represent it in connexion with the special mission which grew out of it, as manifesting the friendly sentiments and views of our Government towards that of His Majesty."

Although the mission failed of success, have we not reason to believe, from the documents laid before Congress, that, if the instructions had been as liberal, and the negotiation had been conducted in the spirit and policy of 1776, as was that of 1794, which doubtless was expected by those merchants, it would have had a like favorable termination; an intimation having been previously given, by the British Minister, of a disposition (which, in diplomatic proceedings, is tantamount to a direct offer) to renew the former treaty—under which we had enjoyed ten years' peace, and (to use the expression of the gentleman from Virginia) unexampled prosperity—to remain in force two years after the termination of the present war. The overture was not accepted, from an apprehension, perhaps, that our dexterity in managing a negotiation, aided by such measures as the present policy might dictate, would enable us to obtain better terms. That the non-importation act did not aid, but tended to obstruct, a

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friendly adjustment, is manifest from the following note of Lord Holland and Lord Auckland, addressed to our Ministers:

DOWNING STREET, Sept. 4, 1806.

GENTLEMEN: We have received a copy (sent by you at our request) of the act of Congress to prohibit, from and after the fifteenth of November, the import into the territories of the United States of a very large description of goods, wares, and merchandise, from any port or place situated in Great Britain or Ireland.

On a full consideration of that act, we think it our duty to express our earnest hope and expectation that some means may be found to suspend the execution of a measure so opposite in its temper and tendency to the disposition and views with which our pending negotiation has been commenced and is carrying on.

The measure, unless suspended, will take effect, if not before our discussions can be closed, at least before it is possible that their result can be known in the United States, and would obviously lead to the necessity of proposing to Parliament similar steps on the part of this country, by which mutual irritation would be excited, and fresh impediments created in the way of such a final adjustment as we trust is mutually desired.

We rely on you for taking such immediate steps in this business as may best contribute to a happy termination of our treaty, and to a cordial and permanent friendship between His Majesty's subjects and the citizens of the United States.

We have the honor to be your faithful, humble servants,
VASSAL HOLLAND,
AUCKLAND.

Our Ministers did recommend a suspension of the act, and it was accordingly suspended.

The effects usually produced by a policy which attempts to coerce, by threats addressed to an independent Power, were exemplified in the correspondence of our Minister at the Court of Madrid, appointed soon after the commencement of the present Administration. After protracted diplomatic discussions, in which our Minister labored to convince the Spanish Government of the justice of our claim, and the propriety of their acceding to it, and this appeal to their reason had proved ineffectual, a last attempt was made, in a pompous, gasconading note, in which (as well as I remember, from having heard the correspondence once read) our Minister informed the Government of Spain that the United States were a great, powerful, and high-spirited nation, who would not submit to injury or insult, and concluded by telling the Spanish Minister that there were only two modes of settling controversies between nations—arbitration or war. The Spanish Minister returned for answer, that the King his master had commanded him to inform the American Minister he should not choose arbitration.

Thus has the matter rested, and our claims are still unsatisfied.

When it was discovered that the United States had abandoned the spirit and policy of 1776, and placed their dependence on acts of Congress, paper resolutions, and diplomatic remonstrances, as their system of defence, what was the consequence? Repeated violations of our neutral rights, and the capture and condemnation of our vessels.

Long and elaborate reasonings have been gone into to establish our rights, and induce a change in the conduct of those Powers, and to cause them to respect our rights, but all to no purpose. Evils have been accumulating upon us to that degree, that we are now told, that, to save our independence and honor, and secure our rights, we must agree to a continued embargo—"a permanent suspension of commerce"—that is, to preserve our rights, we must abandon them altogether. Logie, this, which I do not understand! If there be wisdom or policy in the measure, it is beyond my comprehension. Had this been the spirit and policy of 1776, should we ever have achieved our independence? should we now occupy these seats, under the Constitution of the United States? Our rights are attacked on the ocean; we are called upon to abandon them. If our shores should be invaded, would not this retiring policy invite us to flee to the mountains?

On my mind, there rests not the smallest doubt, that if our public councils had been undeviatingly guided by the spirit and policy of 1776, we should neither have had war, nor been under the necessity, in obedience to our own laws, of abandoning the ocean, and submitting to the loss of a commerce second only in importance to that of any nation on the face of the globe: whereby we are called upon to make a sacrifice of property greater than the whole expense of all the armaments and other defensive measures adopted under both the former Administrations for the protection of our commerce and the vindication of our national honor. In point of real economy, then, we are losers to a vast amount. And to what extent these privations and sufferings are to be carried, and how long to be continued, cannot be foreseen.

Gentlemen who oppose the repeal of the embargo tell us that Great Britain has obtained the complete dominion of the sea; that she is proud, haughty, avaricious; and that her object is to obtain the commerce and carrying trade of the world. After having secured the quiet possession thereof, will she peaceably suffer us to become her rival? Will she not tell us, you voluntarily abandoned, and shall not again assume, them? And would it not be attended with more danger, expense, and difficulty, to regain them, than to hold fast the possession?

In vain should we address her from that retirement recommended by the gentleman from Virginia, as dignified; a retirement in which would be dissipated the resources and wealth of the nation. In vain, I say, should we address her with arguments the most forcible to prove our right to navigate the ocean. In vain should we ask her consent, though we were to employ the persuasive eloquence of that gentleman, to permit us to resume our extended and profitable commerce. We should come forth from our dignified retirement under great disadvantages to commence a new conflict for our right to navigate the ocean. The enemy with whom we shall have to contend may have made peace with her rival, and we be left alone to maintain the conflict.

Or perhaps we may have to contend with an

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enemy all powerful on the land, and who may become formidable on the sea; with a Power that has for a long time cast a wishful eye towards the fair fields of America, and has almost kept up continual claim to a large portion of the United States, which was once within her embrace, and which was wrested from her by the war of 1756. Then may we expect to see adopted the ancient Roman policy—the turning out of the old proprietors of the soil to make way for military adventurers. Then might we expect the feudal system in all its ancient rigor.

The gentleman from Virginia has told us that his brother farmers must raise less produce, and turn their surplus labor to improve and beautify their farms. Is there not some danger that even this may serve as a lure to tempt the cupidity of some foreign nation; and if the same timid, retiring policy should prevail, will they not be emboldened to attempt to possess themselves of those very farms and improvements? Nor should we be secure, were we to assume the savage garb and manner of life. Mr. President, if a conflict should be necessary to maintain our right to navigate the ocean, I wish it may happen while some of the revolutionary patriots of '76 are still living, who can reanimate their countrymen with their spirit. Some of the present generation may acquire that spirit by inheritance; but none, I fear, by education.

It has been insinuated more than once, that the opposition to the present system of measures (and to that system no one has been more opposed than myself) proceeds from party feelings and disappointed ambition. That this is unfounded, will appear by a resort to the journals of Congress, our statute books, and to well known public transactions. At the commencement of the struggle for our liberties and independence, from a full conviction of the rectitude of the cause, I engaged on the side of our country, with the ardor natural to a youthful mind. And those who know me best will not accuse me of having declined, through the whole Revolutionary war, any exposure or sacrifice which the call of my country required. In 1794 I voted for all those efficient measures of defence then adopted, and opposed the paper resolution policy then brought forward, the same substantially which for some years has been pursued, and is now urged upon us. In 1797–8 I voted for the naval and military preparations then made. Under the present Administration, I have uniformly voted for all such measures of defence as appeared to me to have efficacy, or to comport with the spirit and policy of '76; though the gentleman from Virginia would seem to imagine I was smarting under the unpopularity of my former votes for armies and navies; measures which are supposed to have gone far in effecting a change in the Administration. I am happy, however, in the reflection, that if those votes lost me my popularity and political power, they contributed to save my country's rights and honor. I shall also be found uniformly to have opposed a timid, humiliating policy, which must ever end in war, or an abandonment of our na-

tion's rights and honor. A Senator of the United States is unworthy of that high and responsible station, and to be intrusted with the destinies of his country, if, upon questions of great national importance, involving our rights, honor, and independence, his vote could be governed by his attachment or dislike to a Chief Magistrate, or others in power.

The gentleman from Kentucky, in referring to me, has used the expression "the gentleman in Opposition," meaning, I suppose, to have it understood, that I am an opposer of the present Administration. I do not admit that I am, or ever have been the opposer or the favorite of any Administration. I avow myself to be the opposer only of such measures as in my judgment will not promote the public good. [Mr. POPE rose to explain, and said he meant only to refer to the opposition of Mr. HILLHOUSE to the embargo.] Mr. H. declared himself satisfied.

The gentleman from Kentucky has also announced (he does not say officially) that the Presidential electioneering races for the present season are over, and calls upon the several riders to dismount their hobbies; not reflecting that I am not one of the jockey club, nor had a card of invitation to the race ground, without which none were admitted. Neither I, nor any member from Connecticut, was invited to attend the famous caucus which was convened for the purpose of manufacturing the great officers of State. We were not emulous of that honor, being content with the mode pointed out by the Constitution of the United States, for choosing President and Vice President.

To preserve our independence, and avoid tame submission, we are gravely told by the gentleman from Virginia, and also in a report pronounced by the gentleman from Maryland (Mr. SMITH) to be the most luminous production ever submitted to Congress, (the result probably of the combined wisdom of the whole Administration,) that "there is no other alternative but war with both nations, or a continuance of the present system." The idea of going to war, at the same time, with the two great belligerent Powers, is as novel and surprising to me, as the idea of a permanent embargo for a measure of defence. Suppose the warfare be on the land; in what manner, let me ask, would the three belligerents, each hostile to the other, array their forces for action, and conduct the battle? Would it be in the form of a triangle, each firing alternately, first on one enemy and then on the other? Or suppose the fleets of two of the belligerents, say French and American, meet on the ocean; and after a bloody conflict, for I have no doubt both nations would fight bravely, the American fleet, for I would always incline to our own side, cripples and captures that of their enemy; a British fleet then comes up and takes both, though inferior perhaps before the action, to either? The idea is too ridiculous to merit serious attention.

When two nations have a common enemy, they are inclined to cultivate a friendly disposition towards each other. If we were to declare war

against England, France, no doubt, would revoke her decrees, give us a friendly reception into her ports, and afford us all the aid and protection in her power both by sea and land. England would do the like, if we were to declare war against France. Such unquestionably would be the fact; and it is in vain to shut our eyes against the truth. There was a strong proof of this exhibited in the conduct of England and France in 1794, and 1798.

Is it not national antipathies, more than foreign predilections, that produce crimination and re-crimination of an English party, and a French party, of English and French influence? For the honor of my country I hope it is; for I should be sorry to think so meanly of the American people as to believe they would prefer the interest of any foreign nation to that of their own. Should we unfortunately be brought to make the experiment, by being engaged in a just and necessary war, (and none other I hope will ever be made by the United States,) I am confident we shall find a union of sentiment and action. These are, however, unnecessary speculations; for I see no necessity of declaring war against any nation.

To permit our merchant vessels to arm, under proper restrictions, and to equip, man, and send out our public ships, to defend those maritime rights which are clear and indisputable, is not war, nor will it necessarily involve us in war. Every nation on earth would respect us for defending our essential rights. I do not agree with the gentleman from Kentucky, that the commanders of merchant vessels can commit the peace of the nation, if the Government do not countenance and uphold them in their wrong, but promptly disavow the act. Vessels bound up the Mediterranean sea, and to the East Indies, have always been allowed to arm; and I have never heard that they have, in a single instance, committed the peace of the nation.

In answer to the inquiry, what good has the embargo done? the gentleman from Virginia says, that it has saved to our citizens one hundred and fifty millions of property, which would have been captured and carried into France or England; and to our country fifty thousand seamen, who, instead of being in captivity in a foreign land, are placed in the bosom of their families. This, if true, is an important consideration; but I doubt the fact. Not that I question the veracity of the gentleman: were he to declare a fact as of his own knowledge, I should have a most perfect reliance on it. But in this case the gentleman's declaration being but an expression of opinion, not supported by any one fact within his knowledge, he must excuse me if I cannot yield my assent to it; more especially as circumstances, some of which are within my own knowledge, lead me to a different opinion. It is a fact, that most of our vessels which escaped the embargo, or have since gone out under permits from the President of the United States, have returned in safety, and made good voyages, from which the seamen "have returned to the bosom of their families," and with something to administer to their wants and comfort; not, as in the other case, empty-handed

from our dismantled ships, to share the distresses of their little households, and to hear their children cry for bread. Many of our vessels which were out when the embargo was laid, have remained out, avoiding the inhospitable shores of their own country, as they would a land infected with pestilence. Those vessels have been navigating the ocean under the American flag, with as much safety as before the embargo was laid, and have constantly been employed in the carrying trade to vast profit.

Having, at the commencement of this debate, submitted my observations on the supposed possibility of starving England or destroying her manufactures; and the gentleman from Massachusetts, (Mr. LLOYD,) better informed on the subject of commerce than myself, having exhibited the facts to the Senate in a manner that must carry conviction, I shall not trespass on the patience of the Senate with any further remarks on that point.

Nor shall I add to what I have already said to prove that one object of the embargo was to put down commerce, for the purpose of raising up manufactures, than to adduce the authority on which my opinion rests; which was not, as has been insinuated by the gentleman from Maryland, common-place observations, and party newspaper publications, but the declarations of the President of the United States, not in an ordinary correspondence, but in an answer to an address from the Legislature of New Hampshire, a New England State, participating in common with the other New England States in the benefits of commerce. Speaking of the embargo, he says: "It gave us 'time to make a last appeal to the reason and reputation of nations. In the meanwhile I see 'with satisfaction that this measure of self-denial 'is approved and supported by the great body of 'our real citizens; that they meet with cheerfulness the temporary privations it occasions; and 'are preparing with spirit to provide for themselves those comforts and conveniences of life, 'for which it would be unwise ever more to resort 'to distant countries.'" In another answer to an address, this sentiment is expressed, that the agriculturist and manufacturer shall be planted down side by side, so as to receive, at our own doors, those comforts and conveniences of life, which we have been accustomed to seek on the ocean. No such effects could be produced by the embargo, nor can it answer any such purpose, unless made perpetual, or continued for a great length of time.

The gentleman from Virginia has thought proper to go into a consideration of the commercial advantages which he imagines are enjoyed by the people inhabiting the North in comparison with the Southern States, under the Constitution and laws of the United States, and has indulged himself in remarks respecting a disposition in the people of New England to *insurrection, rebellion, and disunion*; but these are topics on which I shall say nothing, as I do not think it expedient to discuss them at this time.

The *intimations* of the gentleman from Kentucky and the gentleman from Georgia, (Mr. Crawford,) about *amputation and military coer-*

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cion, I shall also pass by without further notice, than to assure those gentlemen, that in New England they will produce no *intimidation*, if they should excite any attention.

It was particularly unfortunate for the gentleman from Virginia, that he should feel himself under the necessity of making remarks that may be construed into a denunciation of a certain description of our fellow-citizens as demagogues, and as having attempted to excite sedition and rebellion, because they doubt the expediency of the embargo, and question the policy of some of the measures of the present Administration. That gentleman, I imagine, will hardly consent that to doubt the policy and oppose the measures of an Administration, shall be the criterion for deciding who are the demagogues of our country; for surely, if that is to be the rule of decision, the conduct of that gentleman during the first Administration under the Constitution of the United States, and the ability and perseverance with which he maintained his opposition to it, would give him a pre-eminent claim to rank high on the list of demagogues. I extremely regret those remarks on another account. I know many of the most venerable characters of our country, men who were patriots of '76, men who made great sacrifices, and risked their lives in our struggle for liberty and independence, men who have acquired a well-earned fame, which has never been tarnished, who doubt the policy of the embargo, and decidedly disapprove the measure, as being altogether inefficient as it regards foreign Powers, and ruinous to ourselves.

The gentleman from Virginia is peculiarly unfortunate also, in ascribing the failure of the embargo, to produce the desired effect on foreign nations, to party misrepresentations, and newspaper electioneering publications, describing the embargo as an unpopular measure calculated to excite general discontent, and bring about a change of rulers, which, he says, reached England between the 22d of June and the 29th of July, and produced a sudden change in the conduct of the British Minister, and in his disposition to a friendly accommodation. I could hardly have expected, even in the heat of debate, such a declaration from a gentleman so well acquainted with the British character and Government. The ministry there know full well how to appreciate party publications, and the representations of the *ins* and the *outs*.

Those party misrepresentations, as the gentleman is pleased to call them, and those newspaper electioneering publications, would have had but little effect in England, and still less weight with the ministry, if they had not had an official stamp of truth put upon them, by the Proclamation of the President of the United States. With the indulgence of the Senate, I will read the Proclamation.

"By the President of the United States a Proclamation."

"Whereas information has been received, that sundry persons are combined or combining and confederating together, on Lake Champlain and the country thereto adjacent, for the purpose of forming insurrec-

tions against the authority of the laws of the United States, for opposing the same, and obstructing their execution; and that such combinations are too powerful to be suppressed by the ordinary course of judicial proceedings, or by the powers vested in the Marshals by the laws of the United States:

"Now, therefore, to the end that the authority of the laws may be maintained, and that those concerned, directly or indirectly, in any insurrection or combination against the same, may be duly warned, I have issued this my Proclamation, hereby commanding such insurgents, and all concerned in such combinations, instantly and without delay to disperse and retire peaceably to their respective abodes; and I do hereby further require and command all officers, having authority, civil or military, and all other persons, civil or military, who shall be found within the vicinage of such insurrections or combinations, to be aiding and assisting, by all the means in their power, by force of arms or otherwise, to quell and subdue such insurrections or combinations, to seize upon all those therein concerned, who shall not, instantly and without delay, disperse and retire to their respective abodes; and to deliver them over to the civil authority of the place, to be proceeded against according to law.

"In testimony whereof I have caused the seal of the United States, to be affixed to these presents, and signed the same with my hand. Given at the City of Washington, the 19th day of April, 1808, and in the sovereignty and independence of the United States the thirty-second. "TH. JEFFERSON.

"By the President,

"JAMES MADISON, *Secretary of State.*"

The Senate will recollect that the last session of Congress was closed on the 25th of April; and, although the Proclamation was dated the 19th of that month, no intimation thereof, or of the state of the country to which it referred, was given to Congress by the President of the United States. The Proclamation was published in Vermont, April 30, and in the National Intelligencer, printed at the Seat of Government, on the 13th of May. Here was an official document, issuing from the same high authority that recommended the embargo, declaring to the nation, and to the world, that there existed so great uneasiness and discontent on account of the embargo, as to induce the forming of unlawful combinations to resist its execution, too powerful to be suppressed by the ordinary process of law, and which required the employment of a military force. Superadd to this, that our small standing army, and the whole naval force in actual service, were put in requisition, to aid in its execution.

These circumstances present a melancholy view of our situation. An embargo recommended under the influence of the great popularity of the President, and professed to be laid for preserving in safety our vessels, our seamen, and merchandise, and saving the honor, and vindicating the rights of our country, had become so unpopular, before the close of the session of the Congress which imposed it, that in the President's opinion, it could not be executed by the ordinary process of law, and through the mild medium of courts of justice; so that it had already become necessary to call in the aid of an armed force.

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I could have hoped it would not have been found necessary to employ the American navy to cruise against our own commerce; and little did I expect that the army I had so recently voted to raise, for the purpose, as I supposed, of opposing foreign aggression, would be required to point their bayonets at the breasts of their fellow citizens.

When Mr. HILLHOUSE had concluded, the Senate adjourned.

WEDNESDAY, November 30.

The Senate resumed, as in Committee of the Whole, the amendments reported by the select committee to the bill to reward Andrew Joseph Villard, for an invention of public utility; and the President having reported the bill to the House amended, on the question, Shall this bill be engrossed and read a third time? it was determined in the affirmative.

THE EMBARGO.

The Senate resumed the consideration of the motion made on the 11th instant, for repealing the "Act laying an embargo on all ships and vessels in the ports and harbors of the United States," and the several acts supplementary thereto.

Mr. PICKERING rose and addressed the Senate as follows:

Mr. President: The ample discussion already given to the resolution on your table, leaves me nothing to detail on the effects produced by the embargo, in regard to France, to England, or ourselves. On the two great belligerents, practical men, who knew the characters and resources of those nations, foresaw and pronounced that it would make no impression. This we all now know to be the fact, while we ourselves severely feel its pressure. Why, then, not remove it? Because, as we are told, those two nations have violated our neutral maritime rights; and, seeing that to compel their respect for these, we imposed the embargo, and they treat the measure with contempt, to remove it would be submission. So we will endeavor to conceal our mortification, and, because we cannot injure them, we will continue to punish ourselves. To renew our commerce while their decrees and orders remain uncanceled, would, we are told, "be abject and degrading submission; and, that we have but this alternative, "to make war with both nations," or, "continue and enforce the present suspension of commerce."

It has been justly remarked by the gentleman from Connecticut, (Mr. HILLHOUSE,) that to run away and abandon our rights, is abject and degrading.

To make war on both the belligerents is the most strange, Quixotic idea that ever entered into the head of a statesman. I suppose, as we have a thousand and a thousand times declared, that we have maintained an impartial neutrality towards those nations; so, to verify our declarations, we must now make war upon both *impartially*! And, as their injuries are said to be equal, (or, we will not inquire which has done us "the most harm,") so we must measure out to each an

equal quantity of resentment, and give to each an equal number of blows.

In respect to our violated rights, so far as Great Britain is concerned, those presented by the Administration in the front of our claims, are

1. An exemption from impressment of all seamen on board our merchant vessels.
2. A free trade with the colonies of her enemies.
3. An exemption from capture of our vessels destined for any port of her enemies not actually blockaded.

I am aware, sir, of the consequences of advancing anything from which conclusions may be drawn adverse to the opinions of our own Administration, which, by many, are conceived to be indisputably just. Merely to state these questions, and to mention such arguments as the British Government may, perhaps, have urged in their support on her side, is sufficient to subject a man to the popular charge of being under British influence, or to the vulgar slander of being a "British Tory." He will be fortunate to escape the accusation of touching British gold. But, sir, none of these things move me. The patrons of the miscreants who utter these slanders know better, but are, nevertheless, willing to benefit by the impression they may make on the minds of the people. From an early period of my life I was zealously engaged in every measure opposed to the attempts of Great Britain to encroach upon our rights, until the commencement of our Revolutionary war, and during its whole continuance, I was uninterruptedly employed in important civil or military departments, contributing all my efforts to bring that war to a successful termination.

I, sir, am not the advocate of wrong-doers, to whatever country they belong, whether Emperors, or Kings, or the Administrators of a Republic. Justice is my object, and Truth my guide; and, wherever she points the way I shall not fear to go.

Great Britain has done us many wrongs. When we were Colonies, she attempted to deprive us of some of our dearest birth-rights—rights derived from our English ancestors, rights which we defended, and finally established, by the successful conclusion of the Revolutionary War. But these wrongs, and all the wounds of war, were intended to be obliterated and healed by the treaty of peace, when all enmities should have ceased.

Great Britain wronged us in the capture and condemnation of our vessels under her orders of 1793, and she has made reparation for these wrongs, pursuant to a treaty, negotiated on practical principles by a statesman who, with liberal views and real candor, sought adjustment and reparation.

At subsequent periods she has committed wrongs, and if reparation had been demanded in the same spirit of candor and firmness which were manifested in 1794, that distinguished precedent authorizes the opinion, that like equitable adjustment and reparation might have been obtained. But after a four years' negotiation, in which volumes of essays and letters have been written, it has, like the seven years' negotiation with Spain,

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been brought (in the language of the President) "to an issue of some sort:" that is, every subject of dispute remains as far, probably farther from adjustment, than when the negotiations were begun.

It is this disastrous issue which now enters into our deliberations. According to the statements of the Administration, we are brought into a situation from which we cannot advance without war, nor retreat without dishonor. Their negotiations with France have also terminated in mortification and defeat.

On the two questions of the impressment of seamen on board our merchant vessels, and a trade with the enemies of Great Britain prohibited in time of peace, the gentleman from Maryland (Mr. SMITH) was pleased to read some parts of a letter written by me last Winter to the Governor of Massachusetts, to be laid before the Legislature; and on the latter (neutral trade) he also read the Journal of the Senate, which exhibited a unanimous vote declaratory of our right to that trade; and then the names of the Senators (mine being one) who voted to request the President to demand and insist on reparation for the injuries done us in violation of that right, and for this purpose to enter into amicable arrangements with the British Government.

On these two questions, I should add nothing to the observations made yesterday by the gentleman from Connecticut, but for the apparent intention of the gentleman from Maryland, to exhibit an inconsistency between my votes in the Senate and the observation of my letter on the same subject.

It is sufficient for me to remark, that in the passages recited by the gentleman from my letter, my object was to show, by exhibiting in a few words, to the view of my immediate constituents, and through them to the people of Massachusetts, some of the reasons which might have influenced Great Britain not to relinquish her ancient usage of impressing her own seamen; nor to consent that neutrals should carry on (as we and other neutrals were carrying on) the whole trade between the countries of her enemies in Europe and their colonies; to show, I say, that as much was to be said on both sides, those rights, as claimed by the United States, were not to be considered so clear and indisputable as to justify a war with Great Britain; into which the proceedings of the Executive, in a variety of ways, seemed calculated to plunge us.

Before I quit this subject, I will make one more observation. It appears to be generally supposed that the rule respecting the colonial trade adopted by Great Britain, and usually called the Rule of 1756, which it seems she has considered as "the ancient and established principle of maritime law."* was peculiar to Great Britain; and Mr. Madison says, "it is well known that Great Britain is the only nation that has acted upon or otherwise given a sanction to it."† He also mentions this

rule as having been introduced, for the first time, in the war of 1756; as having been in operation only a few years in that war; and not afterwards acted upon until 1793. Let us examine the subject.

In Valin's celebrated work on maritime law (a book in the Secretary of State's office) is a regulation of Louis the Fourteenth, in 1704, from which I will recite some passages.

The title of the regulation is remarkable: it is, "Concerning Prizes made at Sea; to secure the navigation of neutral States and allies during war;" implying that this regulation was intended to abate the rigor of maritime law before that time practised towards neutral commerce.

After observing that propositions had been made to him by the Deputies of the Council of Commerce, the French King expresses his approbation of them, "seeing he finds in them the means which he has always sought of procuring equally the advantages of the subjects of neutral Princes and French cruisers." He adds: "The subjects of neutral Princes will thus find the care which His Majesty has taken to preserve for them the same extent and the same liberty of commerce which they have been accustomed to enjoy during peace."

I will now read such of the articles of this French regulation as relate to the question under examination.

"Article 1. His Majesty forbids French privateers to stop, or bring into the ports of His Kingdom, vessels belonging to subjects of neutral Princes, going from the ports of their dominion, and laden on account of the owners or other subjects of the said neutral Princes with merchandise of the growth or manufacture of their own country, to carry the same directly into any other States, whatsoever, even those with which His Majesty is at war; provided nevertheless, that there be not in the said vessels any contraband goods.

"Article 2. They are in like manner forbidden to stop vessels belonging to subjects of neutral Princes, going from the ports of any State whatsoever, even of those with which His Majesty is at war, and laden on account of the owners or other subjects of the said neutral Princes, with merchandise which they shall have received in the same country or State whence they shall have departed, to return directly into the ports of the dominion of their sovereign.

"Article 3. He also forbids them to stop vessels belonging to the subjects of neutral Provinces, departing from the ports of one of the States neutral or allied to His Majesty, to go into another State alike neutral or allied to His Majesty; provided they are not laden with merchandise of the growth or manufacture of his enemies; in which case the merchandise shall be good prize, and the vessels shall be released.

"Article 4. In like manner His Majesty forbids privateers to stop vessels belonging to subjects of neutral Princes departing from a State, allied to His Majesty or neutral, to go to a State the enemy of His Majesty; provided there be not on board said vessel any merchandise contraband, nor of the growth or manufacture of the enemies of His Majesty; in which cases, the merchandise shall be good prize and the vessels shall be released.

"Article 6. Vessels belonging to subjects of neutral States which shall depart from the ports of a State the

* Mr. Madison's letter of March 25, 1808, to Mr. Erskine.

† Same letter.

enemy of His Majesty, and there have taken their lading, in whole or in part, to go to the States of any other Prince than their own, whether allied to His Majesty, neutral, or enemy, may be stopped and brought into His Kingdom, and shall be declared good prize with their lading, even although laden on account of the subjects of His Majesty, or of an allied or neutral State."

The regulation of Louis XIV. in 1704, (he being then at war with England and Holland,) was re-enacted by Louis XV. in 1744, (France being again at war with England,) with some exceptions in regard to those neutral nations with whom France had formed treaty-stipulations incompatible with that regulation.

In these five articles we have, if I mistake not, the whole doctrine of the British rule of 1756. The direct trade to and from neutral ports and the enemy's ports being permitted, but not the trade to and from the ports of one allied or neutral State, with the ports of another allied or neutral State, if the lading of the neutral vessel consists of merchandise, the productions of the enemy's country; much less to carry the same from one port of the enemy to another port of the enemy.

The principle of the British rule, and of the French regulation, appears to be to prevent neutrals coming in to aid the enemy in the commerce of one part of his dominions with any other part thereof, or in procuring a market for the enemy's productions in any other country than that of the neutral actually transporting the same, and for its own use and consumption.

It appears, moreover, by the preamble to the French regulation, that the restrictions on neutral commerce, which we are now examining, instead of commencing in 1756, were in exercise by the English and Dutch antecedent to that regulation, and with greater rigor; the French King professing to ameliorate the condition of neutral commerce by that regulation.*

* But, Great Britain has admitted that the vessels of the United States might carry on an indirect trade from the European dominions of her enemies to their colonies, and from those colonies to their parent countries in Europe; and in both cases, the trade has been considered indirect when carried on through the United States—that is, when the cargoes laden on board American vessels, in the ports of the enemies of Great Britain, have been first imported into the United States, and carried thence in the same, or other American vessels, to the enemy's countries or colonies respectively. But the facts which should constitute an indirect trade not having been definitively declared—on the contrary, as they have been several times varied, either by the orders of the British Government, or by the decisions of her Courts of Admiralty—much vexation and injury have thence accrued to the commerce of the United States.

But the treaty negotiated by the President's Ministers, (Messrs. Monroe and Pinkney,) and signed by them, with the British Commissioners on the 31st of December, 1806, comprehended a definitive provision on this head. Such trade, between the parent countries and colonies of the enemies of Great Britain, was to

On the subject of blockade, when vessels of war were not so stationed before the port declared to be blockaded as to constitute what is called an actual blockade, undoubtedly abuses have taken place.

To form an actual blockade of a port, ships destined for that object must be "sufficiently near to produce an evident danger in entering." But these words by no means imply a certainty of capture, by the blockading ships, of the vessel so attempting to enter. What degree of risk from blockading ships will amount to a lawful blockade, may sometimes be a disputable question. Would the chance of capturing three vessels out of four, or seven out of eight, exhibit such an "evident danger in entering," as would constitute an actual blockade—that is, when to insure their entering in safety would be worth a premium of from seventy-five to ninety per cent.? This must remain a question of some difficulty to adjust.

On these points, sir, and all others in dispute with Great Britain, my opinion remains unchanged, that they are yet proper subjects of negotiation, to be undertaken in the real spirit of conciliation and adjustment. That the embargo will not induce her to yield to our demands we have ample proof, not only in the answer of the British Government to our Minister in London, but in the certain ability of that nation and her colonies to supply all their own wants. That she possesses the means, I think, has been demonstrated by gentlemen who have spoken before me. We have heard much of the patriotism and patient endurance of our fellow-citizens under the distresses of the embargo, and, gentlemen speak confidently, that this patience will hold out until Great Britain shall be brought to our feet. At the same time they calculate on the distresses which they fondly imagine the embargo will inflict on the people of Great Britain and her colonies, to excite discontents and insurrections sufficiently alarming to induce that Government to abandon usages on which she relies to maintain her maritime ascendancy, and, at this time, her independence as a nation. But, why should it be supposed that the people of Great Britain will be less patient under sufferings than the people of the United States? Theirs would arise from causes beyond their con-

be considered indirect, when the articles of the growth, produce, or manufacture of Europe, were first carried to the United States, and, on re-exportation remained, after the drawback, subject to a duty of one per cent. on their value. In like manner, all articles of the growth and produce of the enemy's colonies, being first brought to the United States, and there entered and landed, and on re-exportation remaining subject to a duty of two per cent. on their value, might be re-laden and freely exported to any country in Europe. The duties, in both cases, to be paid into the Treasury of the United States.

This arrangement was calculated to prevent any further dispute between the United States and Great Britain, about the trade between the countries of her enemies in Europe and their colonies. But the President thought fit to reject this treaty, without laying it before the Senate.

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rol; ours from some cause or causes operating on our rulers, but which the people can neither see nor understand. Within four months after the embargo was imposed, the President himself, by a proclamation, announced to us and to the world the existence of one insurrection occasioned by the embargo; and the provisions made in the supplementary acts to compel obedience at the point of the bayonet, show how apprehensive the Government were of discontents and resistance. These extraordinary provisions for the execution of a specific measure demonstrate that it was considered as opposed to the general sense of the people; and, in a free country, such a measure cannot long be carried into execution. The votes of approbation of the embargo by public bodies, and other assemblies of citizens, so ostentatiously displayed, while they manifest the force of party, are, to say the least, but equivocal indications of the general sense of the people, or even of the individuals composing those assemblies. Those votes have always had fewer hearts than voices.

Mr. President, the gentleman from Maryland mentioned the extreme danger to which our commerce would be exposed, while the French decrees and British orders remain unrepealed. It has been often said, and perhaps oftener insinuated, in newspapers and pamphlets, that if our vessels were permitted to go to sea, all would be taken. What escaped the French, would be captured by the English; and what escaped the latter, would fall a prey to the former. There is a want of truth in all this. The same gentleman quoted a statement made by an eminent merchant of Massachusetts, [Mr. Gray, of Salem,] that of eight or ten vessels which sailed about the time the embargo was laid, only one had reached the place of her destination. I remember seeing a statement of that sort; and I think, also, that I saw a detection of its fallacy. If they had not reached their destined ports, it did not follow that they were captured and condemned.

The same merchant has expressed his decided opinion, "that, notwithstanding the French decrees and British Orders in Council, if our embargo was off we should have more trade than would be enjoyed by us, if all the world were at peace, and the respective nations should monopolize as much of their own commerce as usual." Another eminent merchant [Mr. Thorndike, of Beverly] expressed, at the same time, the same opinion.

But, without resting the question on opinions, we may appeal to facts. I have sought information of the risks which have attended our foreign trade, within the present year, from the two principal districts of Massachusetts.

By the statement in my hand, lately received, and which is of unquestionable authority, I find, that at one insurance office in Boston, 43 policies have been written, on vessels engaged in foreign voyages, since the first of January, 1808. Of these,

5 were undetermined.

1 vessel (the *Neutrality*) bound from Marseilles

to Boston, captured and condemned at Gibraltar, for violating the blockade declared by the British Orders in Council.

37 arrived safely. In all 43.

It is stated, that there were three policies on the *Neutrality*; and that possibly there might be more than one policy on one vessel among the 37 safe arrivals.

At another office in Boston, out of 75 risks, principally to the West Indies,

3 vessels were captured by the French, of which the British re-captured 2.

1 captured by the British, supposed to be French property.

16—about this number are undetermined; and the rest, about 55, have ended safely. In all 75.

At another office in Boston, out of somewhat more than 100 risks,

4 vessels were captured by the British, of which 2 were condemned for breach of Orders in Council; 1 probably enemy's property, and 1 remained under adjudication.

1 captured and condemned by the French; and, 1 seized by them at Alicant, while they had the power there.

25 risks were undetermined; and the remainder ended safely.

The premiums of insurance have been about eleven per cent. to and from the West Indies, for the whole voyage.

7 per cent. from the West Indies, with cargo on board.

9 to 10 per cent. from Europe, if not violating British orders.

4 to 5 per cent. from Europe against French capture only.

By a statement received from Salem, on the correctness of which I can rely, I find that in the district of Salem and Beverly, 22 vessels sailed, by the President's permission, between the 5th of April and the 10th of August. Of these vessels, 1 sailed to Sumatra, 1 to Senegal, and the rest to different ports in the West Indies. Of the whole number,

1 returned leaky, and remained at home.

12 returned in safety; and,

9 remained undetermined; but it was not known that any of them had been detained or condemned by any foreign Power.

In all 22.

The insurance on the Sumatra voyage, out and home, was 14 per cent.

Martinico, Havana, and Surinam—the voyage out and home, 9 to 10 per cent.

Havana, at and from, 5½ per cent.

The premium of insurance from Calcutta to the United States, the last Summer and Autumn, has been 8 per cent.

Thus, Mr. President, we see that the risk on our foreign trade has been very little increased since the issuing the French Decree of Berlin, and the British Orders in Council.

The gentleman from Maryland (Mr. SMITH) asks, What would have been the insurance on an American vessel bound to France? I am not informed. Perhaps 75 to 90 per cent., though it is

not probable that our merchants would hazard their vessels on such a voyage, or that the underwriters would insure them. But what does this prove? Why, that the risk, under the British Orders, is so great, in attempting to enter a port in France, as perhaps to amount to an actual blockade.

I now beg leave, sir, to communicate the information I have recently received from the latter of the two merchants before referred to.* Having requested of him the data on which his opinion before-mentioned was founded, he has sent me an answer, dated the 23d instant, from which I will read the material parts. He says:

"Respecting the comparative trade of profound peace, and the present moment, if the embargo should be removed, and the decrees and Orders of Council remain, it is a subject about which it is difficult to go into that detail which will show satisfactorily an exact result; because, if you resort to the exports of a year in time of profound peace, and compare the aggregate with a year in war, the prices being so different, the difference in amount will not give the exact data we want. And to take the quantity of each article of export will not be satisfactory; because in different years we export more of the same article to the same market, and in proportion to the quantity raised, or goodness or badness of the crop. But of the fact I have no doubt, that our trade would be much greater and more productive, if the embargo were removed, than it can be in time of peace; because when the colonial trade of the European Powers is confined as usual, we cannot carry any kind of provisions to the colonies of any of them, without being subject to a heavy duty, nearly equal to a prohibition. And we are not allowed to bring away anything but rum and molasses; and of course we lose the whole of the colonial trade, so far as respects importing any articles with a view of exporting them again; excepting only from the Isle of France, and Bourbon, which has generally been free. But we may be shut out there. The trade to the colonies is now free for all exports and imports with small duties. And if the largest and most natural European markets for the sale of colonial produce are occluded, still we have open to us, all that the British have, and we can carry those articles to Sweden, Spain, Portugal, coast of Barbary, Turkey, Sicily, Sardinia, and Malta; the three last of which are ports at which the articles sell high, and are bought for the purpose of smuggling over to the Continent, where they are sent in great quantities."

The following statement is then given, of the amount of our exports from the 30th of September, 1806, to September 30, 1807, (taken from the report of the Secretary of the Treasury) to countries and places other than those in Europe, which are under the government or control, or in alliance with the French Emperor; all which are considered as shut up by the British Orders of Council:

"Domestic exports (or of articles of the growth, produce, or manufacture of the United States - - - - -"	
States - - - - -	\$36,109,991
Foreign goods exported - - - - -	24,140,495
	60,250,486

* Mr. Thorndike.

To this may be added Spanish dollars, exported to India and China, and which are not noticed in the report of the Secretary of the Treasury, and may be estimated at least at - - - - - 6,000,000

Whole amount - - - - - 66,250,486

"This amount may be exported without being subject to the British Orders of Council, and the extra premiums against French captures would not exceed the following rates, viz:

"To Sweden, 2 per cent.; Swedish and other West Indies, and the Spanish Main, 5 do.; Cape of Good Hope, 4 do.; England, Scotland, without the Channel, say Liverpool, Greenock, Ireland, &c., &c., 4 do.; and within the Channel, 6 do.; Guernsey, Jersey, &c., 5 do.; Gibraltar, 3 do.; Spanish ports in the Bay of Biscay, 6 do.; Spanish ports on the Atlantic, 3 do.; Spanish ports on the Mediterranean, 5 do.; Madeira, the Canaries, Fayal, and other Azores, 3 do.; Portugal, 3 do.; Cape de Verd, 3 do.; Sicily, 5 do.; Malta, 6 do.; China, 4 do.; Sumatra, 3 do.; Spanish and Portuguese America, 3 do.; Calcutta and the coast of Coromandel and Malabar, 8 do.; Africa, 4 do.; Arabia, and Red Sea, including Mocha and Muscat, 4 do.; Manila, 4 do.; Northwest coast of America, 2 do.; Halifax and Newfoundland, 1 do.

"In time of profound peace, our trade might be fairly estimated thus:

Domestic exports - - - - -	\$48,699,592
To which may be added specie to China and India - - - - -	6,000,000
	54,699,592

Foreign exports, nothing.

"In time of peace these must be so very inconsiderable as to be unimportant in this statement."

This is supposing the same domestic articles as were exported in 1806, and allowing them to be at the same prices: so that the comparison stands thus:

Our exports, if the embargo were removed, would be - - - - - \$66,250,486
Free from any embarrassment from the British Orders in Council.

If peace were to take place and the European nations assume their trade as usual; and the prices of our domestic articles remain at the average prices in 1806, (which they would not,) we should export - - - - - 54,699,592

Leaving - - - - - 11,550,894

less export trade in time of peace than we might now enjoy, and which amount is to be twice water borne, once in importing it from the places of growth, and again carrying it to the consumers; and of course would employ shipping appertaining to the carriage of one freight, equal in amount to more than twenty-three millions one hundred thousand dollars.

"As an evidence of the correctness of this statement, it will be seen by a recurrence to the statement of the Secretary of the Treasury, for the year 1803, that the exports had fallen, in that short peace, from \$93,020,513, to \$55,800,032.

"It is to be observed, that we might now enjoy a trade to South America, and the Spanish Main, which might be estimated at least at from four to five millions of dollars, a considerable part of which would be again exported to Spain and Portugal, and which has never

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made any part of the Secretary's report; because the trade to those countries has been prohibited until lately. It may also be remembered, that the export trade does not show the whole advantage of the colonial trade which we might now enjoy; because all we import for our own consumption ought to be added."

[Here Mr. LLOYD stated that, in his opinion, the value of the trade which might now be prosecuted from the United States, considering the present circumstances of the great nations of Europe, would be as extensive as could be carried on after a general peace, and the adoption, by the European Powers, of their restrictive colonial systems.]

On this clear and interesting view of the commerce which the United States might carry on, were the embargo out of the way, no comments are necessary. The observations of the writer of the letter are evidences of his being master of the subject.

Mr. President, the gentleman from Virginia (Mr. GILES) has been pleased to attribute the discontents, in New England, especially in Massachusetts, relative to the embargo, solely to the arts of demagogues, who wish to get into office.

The gentleman from Connecticut noticed this reproach; but as it appeared to be levelled chiefly at leading citizens in Massachusetts, I feel it to be my duty further to remark, that of all the citizens of the United States, none stand more aloof from, none more detest the character of demagogues, than those to whom the gentleman referred. I know those men who reprobate the embargo, and who, in conversation, and in newspapers, express their sentiments about it, or patronize those who do. They are not seeking for offices—many of them could not be persuaded to accept the best office in the President's gift—but to save their country from the effects of measures, in their view, alike ruinous and disgraceful. They are men, sir, whose age, whose experience, whose knowledge, whose wisdom, whose virtue, place them in the first rank of citizens. They are men, sir, ten of whom, had they been in Sodom, would have saved that city from destruction. Among them was the immortal Ames, than whom a purer spirit never left the earth. He wrote while he had strength to hold a pen. He died on the anniversary morning of the nation's birthday—and this was among his last prayers: "Oh, save my country!"

Gentlemen have said much about insurrection and rebellion; and, in language not very conciliatory, pointed all their allusions to the people of New England. Other rulers pronounced them rebels, more than thirty years ago; while many then unborn now wish to cover themselves with their mantle, and to share the honors of the patriots of 1776.

But, why should gentlemen be surprised that great discontents prevail in that country; and that the Legislatures, with a deliberation and solemnity which should command attention, have pronounced their opinions of the embargo? Gentlemen will recollect that there the Revolution began, of which Boston was the cradle. And if

they will turn to the Declaration of Independence, they will find one of the reasons for the Colonies separating themselves from Great Britain, and renouncing the Government of the King, was, their enacting laws "for cutting off our trade with all parts of the world."

Mr. President, in a public document on our tables, we are told, that "after a period of twenty-five years of peace, hardly interrupted by transient hostilities, and of prosperity unparalleled in the history of nations, the United States are for the first time, since the treaty which terminated the Revolutionary war, placed in a situation equally difficult, critical, and dangerous."

That our country has enjoyed such unexampled prosperity, I readily agree: but the present is not the first time that these States have been placed in a difficult, critical, and dangerous situation.

The gentleman from Connecticut yesterday noticed the most difficult crisis. In 1793, it required all the firmness and immense popularity of President WASHINGTON, to stem the torrent of popular delusion, that was hurrying the United States into the vortex of the French Revolution.

In 1794, the same steadiness, the same undeviating pursuit of the public welfare, in spite of popular clamor and formal opposition, were necessary to institute a mission to Great Britain, to negotiate and settle with that Government questions of the highest moment to these States, and which, if they remained much longer unsettled, might endanger the peace of the nation. That negotiation, committed to the conduct of a statesman, than whom our country has produced not one more firm, more wise, or more upright, was, by his candor, ability, and decision, brought to a happy conclusion, in fewer months, than some more modern negotiations have occupied years, without being brought to any conclusion; unless their utter failure may be called a conclusion.

In 1795, the United States were agitated to their centre, by the opposition to the British Treaty. Artful and aspiring demagogues seized upon the known prejudices of the people in regard to the two great contending nations; and exerting all their faculties to keep up the popular delusion, hoped that, by the loud and extended clamor, the President would be deterred from ratifying the treaty which Mr. Jay had so happily concluded. Here again were displayed the firmness and patriotism of WASHINGTON. Always determined to pursue the true interests of the people, although at the hazard of his popularity, he ratified the treaty. Here it was presumed, all opposition would cease. But it again appeared, and with a more formidable aspect, in the National Legislature. But I will not dwell upon it. The treaty was finally carried into execution. It had, however, one more enemy to encounter.

Revolutionary France, wishing to involve us in a war with Great Britain, which this treaty, merely of amity and commerce, had prevented, pretended that it was equivalent to a Treaty of Alliance with Great Britain. And seizing on this pretence, at once to vent her resentment, and gratify the rapacity of her rulers with the plun-

der of our citizens, she let loose her cruisers upon our commerce.

We urged the obligations of treaties, violated by these captures. She answered, that she found only a real disadvantage in those obligations; and continued her depredations. Repeated missions of respectable Ministers to Paris endeavored to propitiate her rulers, and prevail on them to put a stop to such enormities. But they were deaf to the voice of justice. Then it was that our Government authorized an armed commerce, and equipped a small but gallant navy for its further protection; and made other defensive preparations, such as have been stated by the gentleman from Connecticut.

If, sir, our country is now placed in a situation more "difficult, critical and dangerous," than at any of the periods to which I have adverted, though I am very far from adopting that opinion, where shall we look for the cause? If in 1794, when England had powerful associates in her war with France, and the latter had been, comparatively, but little extended beyond her natural limits; the United States, with perhaps two-thirds of her present population, and less than half her present revenue, were able to induce England to accede to their just demands, and to close all differences by an advantageous treaty; how has it happened that the present Administration, with all the accession of power from an increased population, and a more than doubled revenue; when, too, gigantic France wielded the force and the resources of continental Europe; and England, single-handed, was left to meet a world in arms; how has it happened, that with these superior advantages and more powerful means, all the negotiations of the present Administration with England, one excepted, of local rather than general application, and which I need not explain, have failed? Had they been conducted with equal candor, ability, and dignity, must they not have produced as early, and at least as advantageous results? Was this a cause of their failure, that points of questionable right, because not settled by the universally acknowledged law of nations, and therefore of doubtful, or hopeless attainment, were pertinaciously insisted on?

Mr. President, to find a remedy for evils, as well in the body politic as in the natural body, it is necessary to investigate their causes.

Nearly eight years have elapsed since we were told, by the highest authority in the nation, that under the auspices of the Federal Government, the United States were then "in the full tide of successful experiment." And the report on our tables, to which I have before alluded, declares, in grave and solemn language, that during a period of twenty-five years, which brings us down to the embargo, the United States have enjoyed a "prosperity unexampled in the history of nations." Yet during the whole of this period of unequalled prosperity, arising from the active pursuits of commerce and agriculture, each giving life and vigor to the other, that commerce has been exposed to the aggressions of the belligerent nations. For those of Great Britain, up to near the close of

1794, compensation was made, pursuant to the provisions of Mr. Jay's treaty. For the like aggressions by Spain, the like indemnity was given by virtue of the treaty with that Power, concluded in October 1795. For French spoliations during the whole period of her revolutionary war, spoliations which have been estimated at not less than millions of dollars, we have received nothing? Nor have we obtained any reimbursement from Spain for the spoliations committed by her cruisers, after she became the ally of France.

Captures and condemnations, however, more or less extended, have never ceased; notwithstanding all which, and the continued imprisonment of seamen from our merchant vessels, the same unexampled prosperity has attended us; until suddenly, and to the astonishment of the nation, this flowing tide of successful commerce and agriculture was stopped by that fatal measure the embargo. The shock was aggravated by the concealment of its real cause. Sir, I hazard nothing in asserting, that to this day that cause has not been satisfactorily declared. Allow me time to justify this assertion. I bring together facts and circumstances, and then gentlemen will judge whether my conclusion be erroneous or just.

On the 14th of December, 1807, the despatches brought by the *Revenge*, from our Minister in Paris, were delivered to the Secretary of State. On her arrival at New York, reports brought by her stated, that the French Emperor had declared that there should be no neutrals. The sources of information, and the character of the Emperor, rendered those reports worthy of credit; and though afterwards publicly and stoutly denied, they were believed; and no gentleman here will now be inclined to doubt the fact. These reports, and the mystery which surrounded the recommended embargo, naturally excited suspicions and alarms.

Of the French papers supposed to be brought by the *Revenge*, none were communicated to Congress, save a letter dated September 24, 1807, from General Armstrong to M. Champagny, and his answer of the 7th of October, relative to the Berlin decree; and a letter from Regnier, Minister of Justice, to Champagny, giving the Emperor's interpretation of that decree. These three papers, with a newspaper copy of a Proclamation of the King of Great Britain issued in the same October, were all the papers communicated by the President to Congress, as the grounds on which he recommended the embargo. These papers, he said, "showed the great and increasing dangers with which our vessels, our seamen, and merchandise were threatened on the high seas and elsewhere, from the belligerent Powers of Europe."

As to the Proclamation of the King of Great Britain, requiring the return of his subjects, and particularly the seamen from foreign countries, it was no more than every government has a right to issue, and commonly does issue, in time of war. This Proclamation contained no evidence of increasing danger to "our seamen;" on the con-

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uary, if I mistake not, (for I have not the Proclamation by me,) there was a solemn, public injunction to his naval officers to conduct impressments with increased caution and care. So that impressments would probably rather be diminished than increased.

Let us now examine the three other papers, all of which, as I have noticed, and as gentlemen remember, related to the decree of November 21, 1806. This decree was issued at Berlin, by the French Emperor, at the moment when, inflated with more than ordinary arrogance and pride, he was sitting in that capital of the Prussian monarchy, just then subverted by his arms.

The first articles declared all the British Isles in a state of blockade. This, according to its terms, subjected to capture and condemnation all neutral vessels bound to and from British ports; but it seems to have been held in a state of suspense. But another article, declaring "all merchandise belonging to England, or coming from its manufactories and colonies, (although belonging to neutrals,) to be lawful prize," was to be carried into execution. Such was the decision of the Emperor as stated by his Minister of Justice on the 18th of September, 1807, in his letter to Champagny. This decision coming to the knowledge of General Armstrong, he, on the 24th of September, wrote to Mr. Champagny, and asked "whether it was the Emperor's intention to infract the obligations of the treaty subsisting between the United States and the French Empire." Mr. Champagny, in his answer of the 7th of October, inclosing the letter of the Minister of Justice, with wonderful assurance, tells General Armstrong that it was easy to reconcile the execution of the decree with the observance of treaties; although nothing was more obvious, (as Mr. Madison, on the 8th of February last, wrote to General Armstrong,) than that it violated as well the positive stipulations of our treaty with France, as the incontestable principles of public law.

In the European ports, under the Emperor's control, and even in neutral ports, the decree was rigorously executed. And, although it is said there was no formal decision in the French Council of Prizes, condemning American property, under the decree, until the 16th day of October, 1807; yet, Mr. Madison states, as early as the 22d of May, 1807, (in his letter of that date to General Armstrong,) that "there were proofs that the French West India privateers had, under color of the edict, (the Berlin decree,) committed depredations" on our commerce. And, moreover, that Spain "avowedly pursuing the example and the views of the French Emperor," had issued a similar decree, and even in broader terms, which, "if not speedily recalled or corrected, would doubtless extend the scene of spoliations already begun in that quarter."

Such were the French papers in this case. And now let us see the amount of "the great and increasing dangers which threatened our vessels, our seamen, and merchandise."

In the letter of February 8, 1808, from Mr. Madison to General Armstrong, speaking of the

Berlin decree, and the Emperor's decision thereon, Mr. Madison says: "The conduct of the French Government, in giving this extended operation to its decree, and, indeed, in issuing one with such an apparent or doubtful import, against the rights of the sea, is the more extraordinary, inasmuch as the inability to enforce it on that element, exhibited the measure in the light of an empty menace." And in his letter of the 25th of March, 1808, to Mr. Erskine, Mr. Madison, speaking of the same decree, says "that France was without the means to carry it into effect against the rights and obligations of a neutral nation."

Thus, then, we see the President's "great and increasing dangers with which our vessels, our seamen, and merchandise, were threatened on the high seas and elsewhere," and its extended operation, rested on what he, through his Secretary, Mr. Madison, has since pronounced "an empty menace," a project "which France had no means to carry into effect."

Shall I be told, Mr. President, of the British Orders of Council? and that they were comprehended in the President's view of the great and increasing dangers to which our commerce was exposed? If that were the fact, was it not his duty to give such information of them as he possessed, to the Senate? He gave none. I know that those orders were afterwards pressed into his service to justify the measure; and still later it has been confidently said, "that those orders stood in front of the real causes of the embargo;" and yet they were invisible to the Senate. What! the great, the operative cause of the embargo, "before which all other motives sunk into insignificance," not seen, not known to the Senate! Not glanced at by the President in his Message, nor intimated to any of the members who were honored with his confidence, and by them to the Senate!

But, from reasoning, I will recur to written proofs, furnished by the President himself, and now on our tables.

In Mr. Madison's letter to Mr. Pinkney, the President's Minister in London, dated December 23, 1807, the next day after the act laying an embargo was passed; and this, after it had undergone three days of earnest opposition in the House of Representatives, during which it behooved the father of the measure, and his friends, to furnish every possible argument to silence opposition, and to satisfy the nation of its expediency and necessity; after all this, Mr. Madison, in that letter, tells Mr. Pinkney that "the policy and the causes of the measure are explained in the Message itself." The contents of the Message (comprehending the papers it referred to) I have already stated; and the statement demonstrates, that they were not the causes or motives of the embargo; for an "empty menace," a decree without the means of carrying it into effect, could be no cause, no motive for a measure, whose avowed object was "to save our vessels, our seamen, and merchandise, from great and increasing dangers."

Sir, let all the documents laid on our tables by the President be examined, and you will not find

one in which he hazards the assertion, that the British orders of November 11, were known to him at the time he recommended the embargo, or that an expectation of them determined his recommendation. It was not until the 2d of February, when they had been officially communicated by the British Minister, that he offered them to Congress "as a farther proof of the increasing dangers to our navigation and commerce, which led to the provident measure of the act laying an embargo." And Mr. Madison, in his letter to Mr. Pinkney of February 19, 1808, cautiously avoids ascribing the origin of the embargo to the British orders; though, he says, the probability of such decrees was among the considerations which "enforced" the measure; the language of the British gazettes, with other indications, having, he said, left little doubt that such orders were "meditated." And he adds, that "the appearance of these decrees (meaning the British orders) had much effect in reconciling all descriptions among us to the embargo."

But I must notice the change of language in Mr. Madison's last letter. In that of December 23 to Mr. Pinkney, he says, "the policy and the causes of the embargo are explained in the President's Message." But in his letter of February 19, he says, "my last (that of December 23) inclosed a copy of the act of embargo, and explained the policy of the measure;" leaving out "causes," and introducing the unknown British orders as among the considerations which enforced it.

The President, too, in his answer to the Boston petition for suspending the embargo, says, not that the British orders were known to exist at the time when the embargo was laid; but only that they were in existence at the date of the law; from which the unwary reader might suppose that they were known to exist at that date.

From all these considerations, it appears to be demonstrated, that the British Orders in Council of November 11, 1807, were not known, and that the newspaper rumors concerning them never entered into the views of the President and Congress, as a motive for laying the embargo. And here the well-known maxim applies, *de non apparentibus et non existentibus eadem est lex*. Although the British orders were in existence, yet, as they were not known to exist, they were, as to the embargo, nonentities.

The conclusions resulting from the facts and circumstances which I have collected and compared, are serious and alarming. They demonstrate that the representation, in the President's Message recommending the embargo, was delusive, calculated to lead Congress into the belief that the situation of the United States, in relation to France and England, was extremely perilous, requiring the instant adoption of the measure recommended. And as Congress did adopt it, enacting the law recommended, it must be presumed that they believed an embargo was necessary to preserve our vessels, our seamen, and merchandise, from the great and increasing dangers with which the Message stated that they were threatened.

It also follows, as no subsequent disclosure has been made of other dangers known at the time the Message was communicated, that the real cause or motive for the embargo has been, and yet is, veiled from the eye of Congress and the nation.

M. Champagny's letter of October 7, (one of the papers communicated with the President's Message,) requires examination. But I should first remark that, during the years 1806 and 1807, in order to reduce England, by destroying her commerce, the French Emperor, in execution of, and in the spirit of his Berlin decree, ordered all English merchandise to be seized and confiscated in every place on the European continent, enemy or neutral, occupied or which should be occupied, by the French armies. For this purpose, and as one instance among many, his troops took possession of Hamburg, a city with which American merchants carried on a large and valuable commerce, and which, as neutral, was entitled to the same exemption from hostile violence as the territory of the United States, and by the Emperor's orders, Bourrienne, his accredited Minister to that free city, addressed a note to the Senate, in which, having stated that every person who traded on the Continent in English merchandise, seconded the views of England, and ought to be considered as her accomplice; and that a great portion of the inhabitants of Hamburg were in that predicament, and notoriously attached to England; the Emperor caused possession to be taken of their city, and his Berlin decree to be carried into rigorous execution. Accordingly, that Minister, in obedience to the Emperor's orders, among other outrages, declared, "all English merchants that may be found in the city, in the harbor, or on the territory of Hamburg, no matter to whom they belong, shall be confiscated." This was done so early as the 24th of November, 1806, only three days after the Berlin decree was issued.

With equal atrocity the Emperor caused to be seized and sequestered the vessels and cargoes of neutrals which were brought into, or voluntarily resorted to, the ports of France for purposes of lawful trade. And we know, from a source which will not be questioned, that their liberation was hopeless; because they were worth eighteen or twenty millions of dollars!

Of the vast property thus plundered, a large portion belongs to citizens of the United States. On the 15th of January last the Emperor's Minister, Champagny, wrote to our Minister, General Armstrong, that their property would remain sequestered until a decision should be had thereon; and this decision depended on our associating or refusing to associate ourselves with him and his allied States in their war with Great Britain. Indeed the Emperor was willing to save us the trouble of considering and deciding for ourselves: he declared war for us. "War exists then in fact between England and the United States," are the words of Champagny, in the letter just mentioned! What measures ought to be kept with such a Power? While we are yet independent,

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he undertakes to prescribe the line of conduct we shall observe, on pain of confiscation of all the property of our innocent and unsuspecting merchants within his grasp! And this monstrous outrage upon our honor and independence, the Secretary of State, with very exemplary meekness, says, "had the air, at least, of an assumed authority!"

Where his armies did not thus penetrate and plunder, the French Emperor sent to the several Powers on the Continent, whether Emperors, Kings, or petty States, requiring (or, which from him was equivalent to a command, inviting) them to shut their ports against the commerce of England; and, Sweden excepted, (between whom and the French armies lay a narrow sea guarded by Swedish and British ships,) all obeyed. Even the Emperor of Austria, though at peace with England, shut against her his two or three little ports at the head of the Adriatic Sea.

The Prince Regent of Portugal, whose country for more than a century had lived in friendship with England, was the last to obey. But, though he shut his ports, national faith and gratitude towards his friends, forbade his arresting Englishmen and English merchandise. By shutting his ports, he hoped to appease the Emperor, and save his kingdom. But his fate had been determined; although Portugal had for many years been paying a heavy tribute to France, and been, moreover, anxious to observe the duties of a neutral nation. To save himself and family from disgrace and bondage, the Prince quitted his kingdom; finding an asylum in his American dominions.

Thus we have seen the French Emperor not only shutting his own ports and those of his allies, but even those of neutral States, against British commerce; and seizing and confiscating the merchandise proceeding from England and her colonies, although belonging to neutrals, and on neutral territories; and that this unexampled scene of devastation commenced within four days after the Berlin decree was issued.

It was after she had witnessed all these atrocities, and seen the deadly weapon aimed at her vials, that England issued her retaliating orders of November 11th, 1807.

I now recur to Mr. Champagny's letter of October 7, to General Armstrong, in answer to his inquiry, "whether (in executing the Berlin decree) it was His Majesty's intention to infract the obligations of the treaty now subsisting between the United States and the French Empire?" The answer to which has been already recited.

Allow me to repeat, that this letter of Champagny was one of the four papers communicated by the President with his Message recommending the embargo, and one of the two which, after being read, was not then suffered to remain on the files of the Senate, but was returned to the President, together with General Armstrong's let-

ter to which it was an answer, agreeably to his request. Subsequent events drew it from the Cabinet. Gentlemen will also recollect, that the concluding paragraph of the President's Message, in which he desired a return of those two letters, was ordered by the Senate to be omitted; so that no evidence of the existence of those letters could appear on the Senate's Journal, or in the printed copy. In this letter of Champagny, the views of the French Emperor were but too clearly indicated. To render his decree of blockade "more effectual" (that is in destroying the commerce of England) "its execution must be complete." But as it could not be complete while the vessels of the United States (then with those of England carrying on, almost exclusively, the commerce of the world) continued their extensive trade with England, we were, in language sufficiently intelligible, invited to fall into the imperial ranks, with the maritime Powers of Europe, whom the French Emperor had marshalled against England, and "to unite in support of the same cause;" that is, to destroy the commerce of England. But the people of the United States would have been shocked at an open proposition to shut their ports against the English commerce, at the command or invitation of the French Emperor; they would not have endured it. The measure could be accomplished only by an embargo, and that wrapped up in the mystery which I have endeavored to unfold.

The letter of Champagny must have arrived in the *Revenge*; and General Armstrong's despatches by her, reached Washington, as Mr. Madison informs us, on the 14th of December; and on the 18th the embargo was proposed and recommended! Four days gave little enough time to digest and mature such a plan!

These, sir, are my views of the origin of the embargo; the result of a careful, and I trust, an impartial investigation. The material facts are on record. Of my reasonings and conclusions gentlemen will judge. If these be correct, the course to be pursued must be obvious. The nation's honor is compatible with the repeal of the embargo. The welfare of our country is not to be sacrificed to the views or feelings of those who have brought it into its present situation.

Let then, the resolution before us be adopted and the embargo removed. As the British Orders in Council were not the cause of the embargo, the honor of the United States is not pledged for their previous repeal.

When Mr. PICKERING had concluded, the Senate adjourned.

THURSDAY, December 1.

The following Message was received from the PRESIDENT OF THE UNITED STATES:

To the Senate and House of Representatives of the United States:

I transmit to Congress a report from the Surveyor of the Public Buildings, of the progress made on them during the last session, of their present state, and the

* Mr. Madison's letter of May 2d, 1808, to General Armstrong.

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expenditures incurred, and of those that may be requisite for their further prosecution.

TH. JEFFERSON.

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The Message and report were read and ordered to lie for consideration.

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The Senate resumed the consideration of the motion made on the 11th ultimo, for repealing the "Act laying an embargo on all ships and vessels in the ports and harbors of the United States," and the several acts supplementary thereto.

Mr. ANDERSON addressed the Chair as follows:

Mr. President: Two considerations had determined me to give a silent vote upon the resolutions before the Senate; one is, that my sight has been very much affected by an inflammation which I have long had in my eyes, in consequence of which I have not been able to give the necessary examination to the documents which have been published, that have a particular relation to this subject; the other is, that the very able and luminous discussion which has been given to the subject, both in a political and commercial point of view, by the gentlemen who have spoken against the adoption of the resolution, had left little if anything to be said. But, sir, the speech which the gentleman from Massachusetts (Mr. PICKERING) read in his place yesterday, has determined me to endeavor to answer him. In following the gentleman, I was obliged to take very hasty notes, for his speech being written, he was not obliged to make those pauses which are usually made in public speaking, and which afford time to take more copious notes. I shall, therefore, be obliged to answer the gentleman almost entirely from memory.

In discussing this subject, sir, I think it totally unimportant to inquire whether France or England has done us the most injury, or which was the first aggressor upon our neutral rights. It is admitted by all, that both have given us ample cause of war, and that each has done us much more injury than we are ever likely to receive reparation for. It is our business, therefore, to pursue that course that we conceive will produce the best effect upon both those nations, without evidencing the least partiality for either the one or the other. If, sir, they should both see that we united against them, every measure we adopt would have its proper effect; but if either of those nations should discover that they have any apologists among us, and more particularly in the councils of our nation, every measure we adopt against such nation, must lose full half of its effect. Having made these preliminary observations, I will proceed to consider the arguments of the gentleman from Massachusetts, (Mr. PICKERING,) which he has offered in support of the resolution. He has said that no cause whatever existed for laying the embargo; and then proceeds to state the Message of the President and the papers which accompanied it. Those papers, he tells you, were a proclamation of the King of England, requiring the return of his subjects, and particularly the

seamen from foreign countries—a letter from General Armstrong to Champagny, and his answer, dated 7th October, relative to the Berlin decree—and a letter from Regnier, Minister of Justice, to Champagny, containing the Emperor's interpretation of that decree.

As to the proclamation, says the gentleman, it contained no evidence of increasing danger to our seamen, for it contained a solemn injunction to the naval officers to conduct impressments with increased caution and care; so that, says the gentleman, impressments would probably rather be diminished than increased. With respect to the construction of the proclamation, Mr. President, I differ greatly with the gentleman. In my opinion, it was intended to extend the arbitrary right of impressment; it speaks a language that cannot be misunderstood; it authorizes any subaltern officer who might be sent on board of merchant vessels to impress all such of their crews as might be taken, or mistaken, for British natural born subjects, those officers being the sole and absolute judges in the case; and the proclamation has expressly directed the officer to pay no respect whatever to certificates of citizenship from any foreign State. I will read a part of the proclamation: "And whereas our natural born subjects have been induced to accept letters of naturalization, or certificates of citizenship, from foreign States, and have been taught to believe that, by such letters, or certificates, they are discharged from that duty of allegiance which, as our natural born subjects, they owe to us—Now, we do hereby warn all such mariners, seafaring men, and others, our natural born subjects, that no such letter of naturalization, or certificate of citizenship, do, or can in any manner divest our natural born subjects of the allegiance, or in any degree alter the duty which they owe to us, their lawful sovereign." Can the gentleman, for one moment, believe, after hearing this language of the British proclamation, that it was intended (as he has said) to diminish impressments? I think it impossible. It is evidently intended to extend impressments, not only to seamen, as such, but to every citizen of the United States who has been naturalized since the acknowledgment of our independence by Great Britain, and who might perchance be found on board a merchant vessel. And would not this extensive kind of search render our native American seamen much more liable to be taken than before the issuing of this proclamation? For the gentleman himself has, upon a former occasion, said, that the British and American seamen were so much alike in their manners, habits, and language, that it was no easy matter to distinguish one from the other. And is it not highly probable, sir, that if so great a likeness has been discovered by one of our own citizens, that at least as great a likeness would be discovered by a British officer who might want seamen, and who had been directed by the proclamation to pay no respect to certificates of citizenship, which had often heretofore protected our citizen seamen against impressments, but which were now all prostrated by the British proclama-

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tion? It is rather singular, Mr. President, that Great Britain should set up this claim to naturalized citizens, when by her own statute laws she declares, that "any foreign mariner, or seaman, who serves on board a British man of war, any British merchant vessel, or privateer, during the time of war, for the term of two years, shall, to all intents and purposes, be deemed, and taken to be, a natural born subject of Great Britain." And this nation, the gentlemen has told us, is so firm, that she never recedes from any ground she has taken; hence we are to conclude, that every American citizen whom she can thus metamorphose into a British subject, she will never give up. If then, sir, American citizens are impressed and put on board British vessels in time of war, and remain on board two years during a time of war, according to the statute law of Great Britain, such American citizens become British subjects, and, as such, are never to be given up; and yet no British subject can become an American citizen by our statute laws; for, says the British proclamation, no letter of naturalization, or certificate of citizenship, from any foreign State, do, or can in any manner divest our natural born subjects of the allegiance they owe us, their lawful Sovereign. Does not this proclamation show great and increasing dangers to our seamen? To my mind it does.

I will now examine the other papers which the gentleman has taken notice of, which accompanied the President's Message. These relate to the Berlin decree, passed the 21st November, 1806; this decree was not put in force against neutral vessels for near a year thereafter.

On the 24th of September, 1807, General Armstrong, in a letter to M. Champagny, said that he had learned that a new and extensive construction, highly injurious to the commerce of the United States, was about to be given to the Berlin decree, and asks for an explanation of the Emperor's views in relation to the subject; and on the 7th of October receives for answer, that since His Majesty had not thought proper to express any exception in his decree, (with respect to neutrals,) there was no ground to make any in the execution with respect to anything whatever. This exposition of the Berlin decree, by the Emperor of France, placed in jeopardy all our vessels which might infringe its provisions, and showed the great danger from thenceforward accruing to our commerce. M. Champagny also tells General Armstrong, in the reference he makes to the explanations of the Procureur General of the Council of Prizes, that His Majesty has not decided the question, whether French armed vessels may possess themselves of neutral vessels going to or from England, although they have no English merchandise on board. The doubting manner in which the French Emperor speaks upon this subject, evidently shows his intention, and, of course, the increasing dangers to our ships and merchandise; and the state of things which has since taken place in Europe tends completely to show the well-timed wisdom of laying the embargo.

But, Mr. President, there was another consideration which presented itself at the time, serious and imposing. Shall I be told, says the gentleman from Massachusetts, (Mr. PICKERING,) of the British Orders of Council? I answer by assuring him, that he will be told that the British Orders of Council had a very imposing influence in laying the embargo; they were in many of the public papers, and published in such a manner, and under such circumstances, as could hardly leave a doubt of their having been actually signed by the King on the 11th of November, as stated in the *National Intelligencer*: and here I hope I may be permitted to take the same ground to prove the fact, that the gentleman has himself taken upon a former occasion; he has said, that the *National Intelligencer* is considered, and generally believed to be, the Government paper; and that any publication which appears in it as emanating from the Administration, is considered as true. Now, sir, I shall only ask of the gentleman to grant me as much with respect to the British ministerial paper—I think called the *Sun*—from which paper the *National Intelligencer* had taken the British publication respecting the Orders of Council, and which stated that those orders had been agreed upon by His Majesty, in Council, on the 11th November, and that they were to be signed by the King on the fourteenth. Thus, then, Mr. President, if the gentleman gives as much credit to the publication of a British ministerial paper, with respect to the transactions of the British Cabinet, as he has thought proper to give to the publication of what he calls our own Administration paper, he must admit that the British publication respecting the Orders of Council was true, and, of course, entitled to credit. But if any doubt yet remains with the gentleman with respect to the British Orders of Council being known here before the Message of the President was sent to Congress recommending the embargo, I will refer him to the evidence given before the British House of Commons, the authenticity of which, I expect he will not doubt.

It is stated by Mr. Martin, an eminent merchant, that on the 12th of November he wrote a circular letter to his American correspondent, which letter was received in America on the 12th or 13th of December, but he believed on the 12th. In this letter, he says that he stated—"It is strongly reported that it is the intention of our Government to extend the system of blockade to France, and the respective States on the Continent under her influence, prohibiting from entrance into any of their ports all vessels whatever, unless such as have last cleared from Great Britain and her dependencies."

Mr. Kinder, another eminent merchant, produced a New York paper, dated the 15th December, in which it was stated, that "the English Government have not issued their proclamation declaring France and her dependencies in a state of siege, and prohibiting all intercourse with them, except direct from a British port, it not having received the signature of the King. A private letter from a member of Parliament,

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'mentions that it would be published in the *Gazette* on the 14th." There are several other proofs made before the House of Commons of a similar character, which I do not think necessary to produce; those which I have adduced, tend most fully to prove, that the British Orders of Council were well known in America some days before the embargo law passed; that they were in fact published in the British ministerial paper on the 14th of November, (as stated in the *National Intelligencer*, they were to be,) being the very day on which the private letter from the member of Parliament stated that they were to be published. I now trust that the gentleman from Massachusetts will admit, that the British Orders of Council were fully known in this country, known to every member of Congress who had attended to the reading of the newspapers; that he will not say they have been pressed into our service, but that they are fairly proved to have been known, and have had an imposing influence in laying the embargo. But, says the gentleman, if those orders were comprehended in the view of the President, was it not his duty to give such information of them to the Senate? Sir, I do not believe it was his duty to communicate officially, unofficial information. The gentleman well knows, that as President, he is responsible for all his communications, and that he ought to have the most unequivocal proof of every fact which he communicates for our information: and such I believe are the impressions of the gentleman himself—for it will be recollected, that although the British proclamation which accompanied the Message of the President appeared to have every mark of authenticity, (and had been officially published by the British Government,) yet as it had not been officially made known to our Government, the gentleman appeared to be of opinion it ought not to have been communicated by the President; and I am induced to this belief by the gentleman's own showing, for in his letter to Governor Sullivan, in mentioning the papers received from the President, he says, that one of them, meaning the proclamation, was cut out of a newspaper—thereby evidently inferring, that no information but such as the President had officially received ought to have been communicated. If then, Mr. President, the gentleman was so much dissatisfied with the proclamation being sent, which had been published officially, but not officially made known to our Government, how much more so would he have been, had the President sent us unauthenticated publications taken from the newspapers? Besides, the newspaper information was in everybody's hands, and the Senate are not foreclosed from availing themselves of information, from any extraneous source, upon every subject on which they are called to decide. That we decided rightly in laying the embargo, is believed by our country and the world; and had we even decided wrong, we erred upon the safe side, for the means of immediate relief was within our own power. But not so, if the embargo had not been laid; then, indeed, would a very great portion of our seamen, ships, and merchandise, have

been wrested from us, perhaps forever: but, sir, happily for our country, the precautionary wisdom of the President, saw, and warned us of our approaching danger; and from the resources that have thus been saved to our country, we are ready and willing to prove to the world, that "we have millions for defence, but not one cent for tribute."

It has been said by the gentleman from Massachusetts, (Mr. PICKERING,) that the embargo has not produced the effect its friends had foretold. He will acknowledge, I expect, sir, that it has had a very unfair trial.

Our Government, Mr. President, being predicated upon and supported by the will of the people, that will, in order to induce a strict conformance to the law, should be correctly informed by those from whom the people have a right to expect correct information, but should never be led astray.

But unhappily, sir, with respect to the law under consideration, this has not been the case. Scarce had the law passed before the gentleman from Massachusetts (Mr. P.) had recourse to very extraordinary means to render it unpopular. He addressed a letter of a very extraordinary character to the Governor of Massachusetts, with intent, as he said, to have it presented to the Legislature, and through them to the people; thereby evidently intending to create an alarm, which was by no means warranted by the passage of the act. What the gentleman's views were, he best can tell. This letter, going from a Senator of the United States, (at a time, too, when Congress was in session,) gave it an imposing influence with the people. It immediately became the life and soul of the Federal newspapers; they sounded it from one end of the Continent to the other. Many weak minds were led astray by it, and it would have done infinite mischief had it not been for the timely appearance of a very able letter written in answer to it, by the gentleman's former colleague, (Mr. ADAMS.) It, nevertheless, had considerable effect upon the immoral, dissolute, and disorderly; it taught them to disrespect the law, being supported by the authority of a Senator, who had written so severe a philippic against it. The tocsin of alarm being sounded against the Administration for having recommended the embargo, and the majority for having passed it, party feelings and prejudices were brought to operate against it; and before it could have a chance of a fair trial as to the effects it might produce, its infringements became numerous, and its operative effects were measurably destroyed. But, sir, I consider the evasions of the law in our own ports but a minor evil compared with those which have been produced by other means. This letter, with all its contingent consequences, was communicated to England, (where, I have been informed, it was considered of so much consequence to that nation as to pass through eight or ten editions,) and by that letter and its accompanying information, the British Government was given to understand, that very great dissatisfaction prevailed among the people. It was, in fact, a notification to that Government to adhere to their Orders of

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Council, in order that the continuance of the embargo might make a more effectual impression upon the feelings and immediate interests of the people, and thereby change the character of our elections, not only in our States and Congressional districts, but upon our great national election also. But, notwithstanding all these means, thus devised and thus executed, we have to congratulate ourselves, that the good sense and patriotism of our fellow-citizens have prevailed, and we yet remain sustained by the commanding voice of the nation.

That impressions of the character to which I have alluded had been made upon the mind of Mr. Canning, is evident from the correspondence; for Mr. Pinkney, in his letter to the Secretary of State, of the 4th of August, says, that on the 29th of June, he had a conversation with Mr. Canning, which had rendered it somewhat probable that the object mentioned in Mr. Madison's letter of the 30th April, would be accomplished, if he, Mr. Pinkney, should authorize the expectation which that letter suggests. This letter from Mr. Madison to Mr. Pinkney says, "the President is authorized, in such event, (that is, the rescinding of the British Orders of Council,) to suspend in whole, or in part, the several embargo laws." It is evident, from Mr. Pinkney's letter, that on the 29th of June, Mr. Canning evinced a disposition to accede to the equitable and liberal views of the President, which I have already explained. But between the 29th of June and the 23d of September, some extraordinary cause had produced a very different disposition in Mr. Canning, as appears by his letter of the latter date. Upon this letter I shall make no comment; it is before the people, and they will, no doubt, judge of it as they ought. But, sir, I would inquire, from what cause did this change in the British Government proceed? Not from the convulsions in Spain, as has been stated, for they were well known in England previous to the 29th June; nor from the trifling disturbances in Vermont, (which some gentlemen have endeavored to magnify, but) which were of too insignificant a character to produce any effect upon a Government so well informed and enlightened as Great Britain, and one so accustomed to experience, and suppress similar trifling disorders among their people. The real cause of this change in Mr. Canning must then be sought from some other source; and, in my opinion, it can only be found in the torrent of unfounded information, which the British Government had received (after the 29th of June,) of the tenor and character I have already described. To this cause may justly be attributed the continuance of the embargo at this time, and, of course, the real reasons why it had not produced its desired effect; for had it not been for the improper and delusive impressions made upon the British Government, from the causes I have stated, we have reason to believe that Mr. Canning would have accepted the liberal offer made by our Government; the Orders of Council would have been rescinded, the embargo would of course have been raised, and our country would at this time

be enjoying the benefits of a lucrative and extensive commerce. Mr. President, I have taken some pains to prove that the President had ample cause for recommending the embargo, and Congress for passing the law; and I have endeavored to show why it has not had its full and desired effect: how far I have succeeded in either, this honorable House will judge.

Upon that part of the subject upon which I shall now speak, (it being entirely of a mercantile character,) I shall not pretend to enter into detail; more especially as the honorable gentleman from Maryland, (Mr. SMITH,) who is a practical merchant, has given us a very satisfactory, able, and extensive view of it. I shall, therefore, be concise, confining my observations to the Orders of Council and the French decrees. I shall take as a postulatam, that all the reasons which operated in laying the embargo, operate with equal, if not greater force, against adopting the resolution for the repeal of the law. I will ask whether any change in our foreign relations has taken place that would now render it more safe to navigate the ocean than when the embargo was laid? The contrary is the fact—for the Orders of Council, which were then only unofficially known, have since been officially communicated to our Government, with all their numerous and appendant explanations, which have rendered the original orders infinitely more complex. Those Orders of Council, with all their modifications, have been confirmed by act of Parliament; and by that act, power is given to the King in Council, further to modify, alter, or extend their provisions at pleasure; so that now we have not even the certainty of those orders, or of the acts of Parliament, upon which to depend, since the King in Council can, and no doubt will, whenever they see cause, adopt a new system of orders, to operate precisely in the manner, and at the time which they might conceive most convenient to themselves, or perhaps most injurious to us; for, from the evidences we have had of the disposition of that Government towards our commerce, we have little indulgence to hope. Those Orders of Council are so susceptible of a variety of construction, so dependent on the will of the Admiralty judge, and the more inscrutable, but not less dangerous will of the King and Council, that an American vessel could scarce hope to make a voyage to almost any port with safety. If our vessels take in cargoes of our own produce, and clear for any port on the Continent of Europe, they are taken by British cruisers and carried to England, for the purpose of paying the transit duty, as it is called, but which, in fact, is a tribute exacted from us, for the privilege of trading to places, to which, as an independent nation, we have a right to go: and this, as has been truly said by my friend from Virginia, (Mr. GILES) is exercising a power over our native exports, which by the Constitution has been denied to Congress. This, indeed, if submitted to, will succumb the best interest of our country, and destroy every attribute of our national independence. Again, our vessels returning from a foreign port, are

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equally liable to be carried into England by British armed ships, there to pay tribute for the privilege of bringing home their cargo, as in the case of the *Sophia*. She had only a few casks of gin on board, merely as ballast, but she was nevertheless taken into England, and compelled to pay several thousand dollars, and to purchase a permit to return to her own country! Can we, as an independent nation, submit to these intolerable impositions? And yet, sir, raising the embargo without some more energetic measures being adopted, would be to tell the world, we are so humble a people, so fond of commerce, that we will prostrate both our honor and our independence for the purpose of obtaining it. Forbid it, the spirit and principles of seventy-six! Young, at that day—scarcely in the gristle—not having reached half our present strength—oppressed by the same domineering Power whose ships now cover the ocean, we indignantly refused to submit to similar impositions, although a pretext then existed for claiming a right to exercise them. We, then, were colonies; we, notwithstanding, resisted—first with mildness, but with firmness; and when they refused to listen to the justice of our cause, we appealed to arms, and trusted to the God of battles. We fought, our cause prevailed, and our rights and independence were acknowledged. Some of us still live who devoted not only the springtide and summer of our days, but often risked our lives to achieve these blessings to our country. They were too dearly bought to be tamely surrendered, nor will my countrymen ever agree to surrender them; yet such would be in fact the case, were we to submit to trade under the restrictions of these degrading Orders of Council. Mr. President, in addition to the operation of the British Orders of Council upon our commerce, we have to add the catalogue of French decrees, some of which have come to our knowledge since laying the embargo; and although those decrees cannot affect our commerce in any considerable degree, proportioned to those of England, yet their provisions are equally hostile to the rights of a free and independent nation. Although they have not said, we shall pay tribute for the privilege of carrying our produce to any foreign country, they have said, that if our vessels are caught carrying our own produce to England, they shall be good prize; and the Milan decree has gone so far as to change the character of an American vessel, if in going to a port not even within the purview of the Orders of Council, such vessel shall have been spoken by an English vessel; thus these two Powers, under the pretext of retaliating decrees against each other, sweep the American commerce upon the ocean, wherever either the one or the other can bring it within the provisions of their respective decrees: and we have seen enough of their effects upon some of our vessels that were upon foreign voyages when the embargo was laid, to know that these decrees of France are like those of England, rigidly executed. We have therefore seen, that even as far as the French decrees can be carried into effect, they tend greatly to injure our commerce, and that

from both England and France, under the operation of their tyrannic decrees and Orders of Council, we have sustained severe and heavy losses. These orders and decrees still stand in full force, and ready to meet your commerce upon the ocean whenever your embargo shall be raised, especially in the extensive manner contemplated by the resolution upon your table, which evidently intends a total repeal of the law, and without any substitute being offered in its place.

I will now, sir, reply to some observations of the gentleman from Connecticut. He has said that our object in continuing the embargo, is to put down commerce; and I have often heard it said, that the Western and Southern members are unfriendly to commerce. This I deny, as it respects myself. But as I have often been opposed to the extension of our laws (and sometimes successfully) relative to that branch of commerce called the carrying trade, I suppose I may be one of those whom the gentleman has said were opposed to commerce. I will, Mr. President, give my views of the subject, and state my reasons why I have not been very friendly to that kind of trade. When I first took my seat as a member of this House, I considered it my duty to endeavor to make myself acquainted with the revenue laws (which it is known are pretty complex) by which I should be the better able to discharge my duties upon this floor, in a national point of view; and if any collisions of interest should happen from the operation of those laws, between agriculture and commerce, by discovering this collision, I could more faithfully and ably guard the true interest of my constituents, almost all of whom are, as well as myself, agriculturists. In examining these laws, I will acknowledge the drawback system did not fully meet my approbation. It appeared to me, sir, to put too much at hazard the peace of our country. I will not attempt to enter into a full and minute detail of this trade, but will take a sufficient view of it to make myself understood. This trade, Mr. President, it is known is carried on almost entirely in foreign articles, which are imported into this country, and entered for re-exportation. The duties upon those articles which are re-exported, amount to but a small sum compared with the immense tonnage engaged in that trade: the tonnage thus engaged amounts to one-third of the whole tonnage of the United States; and yet the duties do not amount to more than one-fifteenth. The whole duties received from this drawback system amount to about one million of dollars a year, and the whole revenue of the United States, say about sixteen millions. This sum of one million of dollars, thus derived from this kind of trade, is in my opinion too small to hazard so much for it as we do. This trade creates a collision of interest between our own shipping and the shipping interest of the great naval Powers, even when the trade is freely permitted; for, in proportion to the quantity of foreign produce our vessels engaged in this trade carry, in so great a degree do they interfere with the shipping interest of those great naval States, whose existence, in a considerable degree, partic-

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larly England, depends upon the support of their navies, and the carrying trade is essential to that support: first, to supply the means of subsistence for immense numbers, who could not be otherwise well supported; and, secondly, by keeping those ships employed in this carrying trade, they create and maintain seamen for the nation, which may and will be wanted in time of war. We do not want this kind of trade, Mr. President, to supply us with seamen for our Navy: our fisheries are encouraged in a sufficient degree for that purpose, and I trust it will be a long time before we shall attempt to establish anything like what may be called a national Navy. From this trade our country is much more liable to be involved in war than we could possibly be by carrying on the whole amount of our own direct and immediate commerce, which nets to the nation, as I have before stated, full fifteen times as much annual revenue as is produced by the carrying trade: and yet this immense commerce, carried on in our own produce, employs but about double the tonnage that is employed in the carrying trade. So extensively, Mr. President, had our merchants engaged in this carrying trade, which although lawful according to the recognised principles of neutrality, predicated upon the established law of nations; yet so great a pressure did it make upon the political views and shipping interest of Great Britain, that she determined to arrest it; accordingly her Courts of Admiralty were directed to declare "that neutrals should not carry on a trade in time of war that was not permitted to them in time of peace, and that they should not be permitted to effect that in a circuitous, which is inhibited in a direct trade." Thus, sir, from the extension of this trade, were we now brought to the eve of war with Great Britain—for under this new principle, thus interpolated, our ships were taken in immense numbers, and few escaped condemnation. In consequence, memorials have been presented to Congress from a principal part of all the great cities in the United States, stating in very strong terms the iniquity and injustice of this new principle, introduced by Great Britain to the almost total annihilation of this carrying trade. These memorials contain a train of reasoning upon this subject, in support of this neutral right, that I think unanswerable: and so much were those merchants engaged at that time in supporting it, that they tendered their lives and fortunes to their country. The right to trade being unequivocally a long established neutral right, the Senate determined to sustain it: accordingly, by an unanimous vote, this body resolved, "that the capture and condemnation under the orders of the British Government, and adjudications of their Courts of Admiralty, of American vessels and their cargoes, on the pretext of their being employed in a trade with the enemies of Great Britain prohibited in time of peace, is an unprovoked aggression upon the property of the citizens of these United States, a violation of their neutral rights, and an encroachment upon their national independence." This resolution is very expressive of the sense of the Senate, but

we did not stop here; we passed another resolution recommending to the President of the United States, "to demand and insist upon the restoration of the property of our citizens, which had been thus captured and condemned;" and requested the President "to enter into such arrangements with the British Government, upon this and all other differences, as might be consistent with the honor and interest of the United States." The negotiation thus recommended, the President has not been able to effect, according to the tenor of the resolution: that is, consistent with the honor and interest of the United States—although he sent a special Minister for that purpose. Great Britain now pretends to sustain this new principle, under the pretext of its being an old established rule, commonly called the rule of fifty-six; and the gentleman from Massachusetts, (Mr. PICKERING,) who formerly voted in favor of the resolutions which I have read, has introduced a book to support this rule of fifty-six, of which I will hereafter take notice. Thus, Mr. President, we see how nearly we have been to a war for the support of this neutral trade, which yields us so very small a revenue. I am therefore of opinion, that the landed interest ought not to be compromised for the support of this trade. I am willing to support it to a certain extent, but not so far as to hazard the peace of my country. I have now given my reasons for not being friendly to this drawback system; and representing, as I do, an agricultural people, I consider it my imperative duty to watch with vigilance over their interests, which they have confided to my care, and which I trust I shall never cease to support while I possess the power of speech, and words preserve their form and meaning. But, Mr. President, I can with confidence say for my fellow-citizens, and for myself, that we are truly friendly to the true American commerce—meaning that kind, sir, that is carried on with the produce of our own country. This will bring us into no collisions, and will give to the farmer his due portion of the profits of his own industry. In this kind of commerce, the interest of the farmer is assimilated to and rendered reciprocal with that of the merchant. The people that I have the honor to represent, are deeply interested in this kind of commerce; we inhabit a fertile country, growing rapidly in population and improvement, and producing cotton, hemp, and tobacco, and every kind of grain in great abundance, besides stock of all kinds: for the surplus of those articles we can only find a market through the medium of commerce. These, I repeat, sir, are my own sentiments and the sentiments of my constituents, upon the subject of a free commerce, and so strongly are we impressed with the importance of it, that we consider agriculture and commerce essential to the existence and growth of each other.

The gentleman from Massachusetts, (Mr. P.,) as I have before stated, did, in 1806, vote in support of our neutral rights, but he now tells us they are doubtful—and why does he tell us so? Why, sir, he has found out an old French book,

which it seems has convinced him that he was wrong when he formerly voted in favor of supporting our neutral rights against the interpolations of Great Britain. He calls the book a celebrated work on maritime law. One valuable trait in the character of this book, and which seems to have rendered it celebrated in the opinion of the gentleman is, that he thinks its doctrines upon the subject of neutral rights support the doctrine of Great Britain, commonly called the rule of 1756. It appears, says the gentleman, to be generally supposed, that the rule respecting the colonial trade adopted by Great Britain, and usually called the rule of 1756, was peculiar to Great Britain. He also says, it seems that she, meaning Great Britain, has considered the rule of 1756 as the ancient and established principles of maritime law: and this the gentleman attempts to prove for her, and for this purpose introduces *Valin's* celebrated work, as he calls it, on maritime law. I shall not enter into a detailed examination of the several articles he has read, which however appear to be essentially different from the rule of 1756, but I shall contest the applicability of these regulations altogether; and I trust I can show to the Senate that they cannot, by any possible construction, be admitted as of any authority, as containing established principles of maritime law.

I would ask the gentleman how he proves the rule of 1756 to be the ancient and established principles of maritime law. Because, says he, it appears by *Valin* that Louis XIV issued a regulation in 1704 respecting neutral rights, and which was re-enacted by Louis XV in 1744, similar in its nature to the rule of 1756 of Great Britain. I shall admit, for argument sake, that those rules of 1756 and regulations of 1704 are similar; but, sir, can this similarity give them any claim to be considered as the established principles of maritime law? Certainly not, sir; for maritime law is considered as the law of nations, particularly with respect to those nations which agree to it; but the gentleman has not shown that the maritime nations ever acquiesced in those French regulations any more than they have in the rule of 1756; and, sir, he ought to have shown that they had, in order to give them the force of maritime law. If those nations had given this sanction, and thereby established the principles contended for by the gentleman, then indeed he would have been correct; and had this been the case, some of the British jurists would no doubt long since have brought them into view, and would have exhibited them as precedents, to support and establish the British rule of 1756.—They seem, however, to have left it for the gentleman from Massachusetts, (Mr. PICKERING,) and their not having done so, is a sufficient proof to my mind that these regulations of Louis XIV and Louis XV, were considered in no other point of view by the other maritime Powers, and by the jurists who have written upon this subject, than the decrees of Bonaparte are now considered by the gentleman from Massachusetts (Mr. P.;) and eighty or a hundred years hence, these decrees of

the French Emperor would form as good precedents, and there would be quite as much propriety in bringing forward these decrees of Bonaparte as the established principles of maritime law, as those regulations of Louis XIV and Louis XV, offered by the gentleman in support of the rule of 1756; nay, Mr. President, there would be much more propriety, because almost all the continental Powers have sanctioned these decrees of the French Emperor, and yet, would the gentleman say that they ought ever to be brought into precedent as the established principles of maritime law? I suspect he would not. If, then, he would not, sir, his rules of 1704 and 1744, cannot be considered as precedents, but must be returned to their archives, there to rest for another century.

One particular object the gentleman seems to have had in view in introducing these obsolete and inapplicable regulations, is to make it appear that Mr. Madison is mistaken in his letter to Mr. Erskine of the 25th of March, in which he speaks of the rule of 1756. Mr. Madison, said the gentleman, says, "it is well known that Great Britain is the only nation that has acted upon or otherwise given a sanction to it," meaning the rule of 1756. Here, Mr. President, I must observe, that the gentleman has not exhibited that portion of candor (in using the quotation) which he has so uniformly declared he possesses; he has taken only a part of a sentence, it would seem, for the purpose of drawing an inference from it, of which the whole taken together is by no means susceptible, but conveys to my mind a very different meaning. Mr. Madison, in his letter of the 25th of March to Mr. Erskine, in speaking of the rule of 1756, says, "and instead of its being an 'established rule or principle, it is well known 'that Great Britain is the only nation that has 'acted upon, or otherwise given a sanction to it.'" Here, sir, the whole sentence taken together, conveys a very different meaning from the one the gentleman has thought proper to give it. Mr. Madison is evidently speaking of it as not being an established rule or principle; those words the gentleman omitted. Now, sir, to give the rule of 1756 the sanction of an established rule or principle of maritime law as the gentleman is pleased to call the regulations of 1704 and 1744, and the rule of 1756, it was absolutely essential that they should have been acquiesced in and formally sanctioned by all the maritime Powers; otherwise they must be considered as mere rules, and cannot, by any possible construction, be entitled to be considered as an established rule or principle; and this, sir, is the distinction evidently taken by Mr. Madison between a mere rule acted upon by Great Britain only, and an established rule or principle sanctioned by the maritime nations. I will, Mr. President, examine this doctrine a little further: the gentleman has said (as I have before stated) that Great Britain has considered the rule of 1756 as the ancient and established principle of maritime law, and this he seems desirous himself to think, if we may judge from the means to which he has had recourse to prove and support it. I find, sir, on examining the memorials

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of the merchants of many of the great towns in the United States, which were presented to Congress in 1806, that they differ very greatly with the gentleman with respect to the antiquity of the rule of 1756. In the memorial from the respectable town of Salem, in the State which the gentleman represents, it is expressly stated "that even the advocates of Great Britain have not pretended to ascertain the existence of the pretended rule previous to the year 1756. To this period they refer for its first establishment; they pretend not to quote any foreign adjudications in point, but rest satisfied that their own courts were competent to establish the law, and to give it binding efficacy on all nations." The memorialists however conceive, and rightly, that it is not within the authority of any nation to legislate for the rest; and that to establish the rule of 1756 as a principle of maritime law, it must, as I have before shown, be acquiesced in by the maritime nations. This has not been the case—for we find that the first attempt which was made to carry this rule into effect was against the Dutch; who, so far from acquiescing in it, protested against it in terms of the warmest reprobation; and the first attempt made to carry it into effect against the United States was in 1801, which was a decree of the Vice Admiralty Court at Nassau, which condemned the cargo of an American vessel going from the United States to a port in the Spanish colonies, with a cargo consisting of articles the growth of Old Spain. Our Minister at the Court of Great Britain remonstrated against this violation of the rights of neutrals, and the subject was referred by the British Government to the consideration of the Advocate General, whose report upon that subject I will read. He says "the sentence of the Vice Admiralty Court was founded in error; that it was now (1801) distinctly understood, and had been repeatedly so decided by the High Court of Appeals, that the produce of the colonies of the enemy may be imported by a neutral into his own country, and may be re-exported from thence even to the mother country of such colony; and in like manner the produce and manufactures of the mother country may in this circuitous route legally find their way to the colonies; that a direct trade not being recognised as legal, and the decision of what was, or was not, a direct trade, was a question of some difficulty, but that the High Court of Admiralty had expressly decided, and the Advocate General saw no reason to expect the Court of Appeals would vary the rule, that landing the goods and paying the duties in the neutral country, breaks the continuity of the voyage, and is such an importation as legalizes the trade, although the goods be reshipped in the same vessel, and on account of the same neutral proprietors, and forwarded for sale to the mother country. This report of the Advocate General was accepted by the British Government, immediately transmitted by Lord Hawkesbury to Mr. King, our Minister at the Court of Great Britain, and by His Majesty's express command, communicated by the Duke of Portland, the principal

Secretary of State, to the Lords Commissioners of the Admiralty, with the information "that it was His Majesty's pleasure that the doctrine laid down in the Advocate General's report should be immediately made known to the several judges of the Vice Admiralty Courts, setting forth to them what is held to be the law upon the subject by the superior tribunals, for their future guidance." Thus our neutral rights were admitted by Great Britain, and the obsolete doctrine of the pretended rule of 1756, after a lapse of nearly half a century, with only one attempt to revive its iniquitous principle, was resisted with success; and this doctrine, by the formal decision of the Advocate General of Great Britain, and sanctioned by the King, was abandoned.

That this doctrine, which had been thus fairly given up, should have been since revived, tends only to prove that whenever Great Britain conceives her interest shall require it, she will exercise her power and forget right. But, sir, it is to me most extraordinary, that after this pretended ancient principle of maritime law first set up by Great Britain in 1756 should have been thus formally relinquished by Great Britain herself, that there should be a solitary citizen of the United States, and still more that a member of this House should attempt to support so hostile a principle to the commerce of his own country; and in order to sustain so unrighteous a doctrine, to offer as a precedent the mere arbitrary regulations of an absolute monarch, and even those unsupported by the acknowledgment of any one single maritime Power.

I now approach, Mr. President, a more serious part of this subject, and I am extremely sorry it has been brought into the debate; but as it has, we must endeavor to meet it. We have been told that the embargo law is peculiarly oppressive and disagreeable to our brethren of the Eastern States, and that whenever the people dislike a law, they will in some way or other get clear of it. We have also been told, that if this law is not repealed, it will in all probability produce disunion. This, Mr. President, is a very serious state of things if the gentlemen are correct; but, sir, in the warmth of argument, our feelings sometimes gain an ascendancy over our reason, and I hope this is the case with those gentlemen. I will not draw any comparison between the sufferings of our fellow-citizens of the East, and those of any other section of the Union—we all experience them. But, sir, I have too much confidence in the patriotism of the people of those States, to believe that they will have recourse to any illegal or violent measures to effect the removal of the law; and less do I believe that they will risk that high character which they so well acquired in contending for the rights of self-government, by using coercive means to destroy that fair fabric, which the united exertions of the whole people, the lives of our heroes, the wisdom of our statesmen, and the firmness and magnanimity of the great Washington have reared for this happy country. And now for what would our fellow-citizens thus commit their characters, and their best interests,

which no time or circumstances could restore? Why, say the gentlemen, to obtain a repeal of the embargo. Sir, it is impossible, that men so enlightened should put so much at hazard, to obtain the repeal of a law which by the common consent of the nation in a Constitutional way, will no doubt ere long cease to exist: and, sir, I think it must be equally unfounded, that our fellow-citizens of the East can, for one moment, seriously contemplate withdrawing from the federal Union: our interest binds us too firmly together to admit of such a supposition. The Eastern and Western people are more strongly united by a common interest than is generally understood; we are entirely agricultural, and inhabit one of the most fertile countries on the globe; our produce, which is already very great, and rapidly increasing, will require a large supply of shipping to carry it to market; that shipping our Eastern brethren have hitherto principally supplied, and will, we trust, continue to supply. Thus, by this union of interest, we find that we are absolutely necessary to each other. The Southern States also supply vast quantities of heavy produce, which our Eastern brethren would always have a preference in carrying while we continued united. But should a separation take place, (which I trust and hope no time or circumstances may produce,) in that event, we should be like two near friends engaged in a serious quarrel, which is always more bitter than between strangers; we should conceive that our Eastern brethren had withdrawn unjustly from us, had greatly sacrificed our interest as well as their own; and our attachment, by which we now feel most strongly bound to them, would, of course, become alienated, having no longer a community of interests to support it, which it must be acknowledged has, in a political point of view, great and decided influence. We should, of course, seek other means and other channels, by which to transport our commodities. The old Government would withal make such regulations with respect to commerce that our Eastern brethren (whose products are infinitely small in quantity compared with those of the middle, southern, and western sections of the Union) would lose an immense portion of those benefits which they now enjoy; and although they would injure us in point of physical strength, in proportion to their numbers to the whole force of the Union; yet, in so great a degree, they must also injure themselves. Our vast importance as a nation must sink with this division, neither portion of it must expect to have much weight in the scale of the political world, nothing would be left untried by the intriguing nations of the old world, to establish and preserve as much as possible collisions of interests and discontents in our respective Governments. Viewed in all its bearings, it excites the most solemn consideration, one that fills the heart with the most melancholy sorrow; and under the view that I have presented, and the catalogue of evils that might be added, I think it impossible that our Eastern brethren can have one serious thought of involving themselves, their

wives and children, and their common country, in all the horrors of anarchy and of civil war.

Mr. PICKERING spoke in favor of the resolution, and in reply to Mr. ANDERSON; when the Senate adjourned.

FRIDAY, December 2.

Ordered, That Messrs. TIFFIN, TURNER, and GREGG, be a committee agreeably to the 22d rule for conducting business in the Senate.

The following motion was submitted for consideration by Mr. GAILLARD:

Resolved, That a committee be appointed to inquire whether any, and what, provision ought to be made in case of the inability of the District Judge of either of the districts of the United States to perform the duties of his office; and that they have leave to report by bill or otherwise.

THE EMBARGO.

The Senate resumed the consideration of the motion made on the 11th of November, for repealing the "Act laying an embargo on all ships and vessels in the ports and harbors of the United States;" and the several acts supplementary thereto.

Mr. GILES rose, and addressed the Chair as follows:

Mr. President: I sincerely regret, sir, to find myself driven again into this debate, whilst every feeling of my heart admonishes me to retirement. I sincerely wish to retire, not only from this debate, but from the political world. I am now acting only in obedience to a sense of duty. I shall, however, limit my remarks to as few objects as may be consistent with this obligation. They will principally relate to facts which, in my judgment, have been incorrectly stated, and, of course, require correction. The first fact to which I shall call the attention of the Senate, is the one stated by the gentleman from Connecticut, (Mr. HILLHOUSE,) and repeated by the gentleman from Massachusetts, (Mr. PICKERING,) that the non-importation act was an obstruction to an amicable adjustment with Great Britain. Both the gentlemen have stated that Great Britain would not treat with this rod suspended over her head. I assert, on the other hand, that she did treat with this rod suspended over her head, and that its suspension was continued at the request of the British Commissioners. Now, sir, let us resort to the evidence. This will be found in the correspondence from Messrs. Monroe and Pinkney to Mr. Madison. Speaking of Lord Holland, these gentlemen tell us he said:

"That in the meantime we could state to our Government, what was unquestionably true, that those with whom we were treating were diligently and anxiously employed in endeavors to devise an arrangement which should be convenient and honorable to us, and at the same time free from improper hazard to Great Britain; that it appeared to him that the actual pendency of the negotiations here, unless their sincerity were distrusted, as he was sure it would not be, would furnish an adequate motive to Congress for merely postponing the commencement of a law which was originally a

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very strong measure, and would certainly, if allowed to go into operation at a moment when Great Britain was affording, in the face of the world, an unequivocal demonstration of her wish to remove every ground of misunderstanding between us, acquire a character of extreme harshness; that it was greatly to be lamented that the discussions in which we were now engaged had not been sooner begun; but that knowing, as we did, to what cause the delay was to be ascribed, we knew also that it was unavoidable."

"To these details we take the liberty to add our opinion, formed upon a careful view of the whole subject, that it would be proper, upon the meeting of Congress in December, to suspend the act for prohibiting the importation of certain articles of British manufacture, so as to afford farther time for the completion of the negotiations which it evidently presumes, and which are now in train."

"The ground which Congress have taken in this just and salutary measure, we are far from wishing to abandon; but to suspend and abandon it, are very different things. The last would wound deeply the honor of the nation, and prostrate the character of the Government; but the first is in perfect conformity with the spirit and purpose of the law, and while it would furnish a signal proof of the equity and moderation of our public councils, would preserve unimpaired that firm and dignified attitude which it becomes us at all times, but now especially, to maintain. The suspensor will be, so far from relinquishing the measure or weakening its effect, that it will distinctly imply a reassertion of its principle and policy, and an unshaken resolution to act upon and enforce it, as soon as negotiation shall have been sufficiently and unsuccessfully tried."

Our Ministers here state that a *suspension of this act* was all that was required by the British Commissioners. We also know that the Commissioners of both sides did go on to negotiate, and that a treaty was concluded on, without its being once intimated that this act formed the smallest obstruction to the negotiation, or had any influence in the smallest degree injurious to the provisions of the treaty. But, sir, I think this act facilitated and accelerated the negotiation. It will be recollected that, before the passage of this act, every effort of our Minister to negotiate had been either avoided or refused, and at the time of passing the law the negotiation was itself entirely suspended.* After its passage, you will find, by attending to the correspondence just read, every disposition was manifested by the British Commissioners to accelerate the negotiations; and every pledge of sincerity on their part to that effect was given, to induce our Government here to suspend the law merely to give time for completing the negotiation. I cannot place my hand on the note of the British Commissioners requesting the American Ministers to furnish them with a copy of the act; but in that note, to the best of my recollection, may be seen the real cause of the anxiety of the British Commissioners for the further suspension of that act. It was the injurious effect the measure was calculated to have upon the commerce of Great Britain, if it once should go into operation; and it was this they

were anxious to prevent. This act appears to have been viewed by the British Commissioners precisely in the light in which it was seen here by the favorers of the measure. Its character and operation answered every expectation. It produced a treaty; and I regret, sir, that the provisions of the treaty were not such as to justify its ratification. I am aware the gentleman told us that he paid but little respect to the representations of our Ministers; but, sir, they certainly ought to be respected, or we ought to abandon the policy of having Ministers at foreign Courts. In this case, however, there was the less reason for disrespecting their communications, because they have been for some time published, and neither disrespected nor contradicted by the British Commissioners. In this case too, sir, it is not necessary to resort to this evidence exclusively in proof of this fact. It is proved by the note of the British Commissioners, read by the gentleman himself. Let us review that note, and see what information it gives:

"SEPTEMBER 4, 1806.

"On a full consideration of that act, we think it our duty to express our earnest hope and expectation that some means may be found to suspend the execution of a measure so opposite, in its temper and tendency, to the disposition and views with which our pending negotiation has been commenced and is carrying on."

Here, sir, is a request merely to *suspend the execution of this act, &c.*, which is the only rod that gentlemen complain so much of here, but which was no further complained of by the British Commissioners. The true reason of their anxiety for this suspension I have before stated. Now, sir, how does this fact stand? Why, that the British Commissioners did treat with this rod suspended over their heads; and, so far from its having had any injurious influence on the negotiations, it probably had a beneficial one. The gentlemen, then, are utterly mistaken in this fact. For, sir, whether it touched the pride or affected the sensibility of Great Britain or not, she unquestionably did treat with the same rod suspended over her head.

The next subject I shall mention is, the attempt to reproach the President for his instructions respecting the impressment of American seamen. This is an attempt, sir, which really excited my astonishment. Let us critically examine the circumstances under which these instructions were given. The basis of our late negotiations at London were laid in the Senate. What did the Senate say to the President upon the subject of the impressment of American seamen? Let me read a part of their resolution upon that subject: "and 'to enter into such arrangements with the British Government on this and all other differences subsisting between the two nations, (and particularly respecting the impressment of American seamen,) as may be consistent with the honor and interests of the United States, and manifest their earnest desire to obtain for themselves and their citizens, by amicable negotiation, that justice to which they are entitled.'"

* See note at the end of the speech.

Here, sir, we find the Senate, not content with intermingling the safety of our seamen with the other objects of the resolution, manifest a laudable solicitude upon this subject, by calling the President's attention to it in a special manner, "and particularly respecting the impressment of American seamen," say the Senate, and both these gentlemen voting in favor of the resolution; and now, when instructions are given in strict conformity with this special injunction, the gentlemen come forward with the most indignant reproaches for this conduct. The ground of objection is stated to be, that the President instructed our Ministers to insist that the American flag should protect all persons sailing *in fact under its protection*; when the gentleman from Massachusetts, (Mr. PICKERING,) with an irascibility of temper the most wonderful, tells us that the President *knew* that the British Government would not accede to the proposition; and then ascribes to the President the unworthy motive of intending thereby to defeat the objects of the negotiation. It is necessary to restrain the feelings in replying to this groundless and unworthy insinuation. But, sir, I will tell the gentleman that the President *knew* no such thing; that the gentleman himself *knew* no such thing, until the experiment was made. Indeed, there was no time, during the negotiation, when there was a great probability that it would succeed. But, sir, whether the proposition would succeed or not, the President, acting upon the recommendation of the Senate, and particularly of this very gentleman, was bound to make the experiment; especially, sir, when he offered the British Commissioners to make their own terms for securing to themselves the service of their own seamen. But, sir, why not make the proposition? Is it because it is not our right? Is it because it is not just? No; that is not pretended; but because the President *knew* that the British Government would not accede to the proposition, just or unjust. Now, sir, for one, I am not disposed to indulge the British Government in this capricious outrage upon our unquestionable rights. But, sir, the President was bound to make the experiment, and was bound never to admit the British pretension, if he thought that the only arrangement competent to the protection of American seamen from impressment. Yes, sir, and if the President had given no instructions upon this point, this same gentleman would have been as liberal in his reproaches as he now is, and they would have been much more merited. This singular freak of passionate invective is, to me, unaccountable. The gentleman from Connecticut (Mr. HILLHOUSE) gives me great credit for my candor, in ascribing the commercial prosperity of the United States to the British Treaty. The gentleman is entirely mistaken in this statement. I admitted the fact of our commercial prosperity, but I ascribed it to its proper causes, to wit, the encouragements given to it by the Government, and the enterprise and talents of our fellow-citizens. I am willing to admit that the British Treaty had not so baneful an effect upon society as to have prevented

this commercial prosperity; but it is the last cause to which, I think, it can properly be attributed. If, however, sir, I had really been convinced, or supposed that the British Treaty had been instrumental in producing that effect, I should have no hesitation in admitting the fact, notwithstanding my opposition to it. I am very far from deeming my opinions infallible; I have often experienced their fallibility; and whenever I shall be convinced of an error, I shall feel no difficulty in avowing the conviction.

The next circumstance to which I shall advert, is the extraordinary suggestion that the embargo is intended to be made permanent. This is a most singular notion, and nothing but the respect I feel for the candor and sincerity of the gentlemen who suggest it, could induce me to believe that they are in earnest. I really before thought, Mr. President, it was merely what I should call an electioneering watch-word. I never expected that it could have had any operation beyond the electioneering ground. No sir; the embargo is not intended to be permanent. But, sir, let us wait a little while, before we make ourselves bloody in the wars of Europe. Let us have a little patience, a little self-denial. I am as much opposed to a permanent embargo as either of the gentlemen from Massachusetts or Connecticut; I think the idea perfectly absurd. I am as ready to fight for the *birthright* of the ocean as either of the gentlemen. But, sir, I never will consent to raise the embargo until some measures shall be substituted better calculated to assert and maintain our national rights and national independence—measures of more activity and more energy. I am not certain, sir, that this is not the time for their adoption; but, sir, no great mischief can arise from waiting a little longer; waiting events in Europe now in a state of rapid succession.

The next fact suggested which I shall notice is, that the embargo has arrested and destroyed commerce. I think very differently; I think it has been, and still is, a shield interposed for the protection of commerce. French edicts and British Orders would have destroyed commerce; but the embargo, I hope, has saved it. It is very easy to say that the embargo destroyed commerce, because it was the act immediately preceding its suspension, and is easily resorted to as the proximate cause; but there is such a thing as an original or primitive cause: this was the French edicts and British Orders. These would have caused its entire destruction; but they caused the embargo, which caused the suspension of commerce, and has, I hope, shielded it from destruction.

The gentleman from Massachusetts (Mr. PICKERING) has taken great pains to show that the Orders of Council had no influence in producing the embargo laws. I think this circumstance of no sort of consequence to the community, but the gentleman seems to think it is of the last importance to himself individually. It probably is; I suppose he stands committed to the public upon that fact. I was not present at the time of passing the first embargo law; but the gentleman's

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labor has perfectly convinced me that he is utterly mistaken in the fact. Let me critically examine the gentleman's evidence. First, he says, that the Orders are not mentioned in the President's Message; and, secondly, that the Secretary of State refers Mr. Pinkney to the President's Message for the causes of the embargo laws. I have examined the President's Message, and think it perfectly correct, the gentleman's angry invectives to the contrary notwithstanding. I do not believe the gentleman could now frame as good a one, after all the lights which time and a farther disclosure of events have shed upon the subject. Permit me now, Mr. President, to call your attention in a particular manner to the contents of this Message. "The communications now made, showing the great and increasing dangers with which our vessels, our seamen, and merchandise, are threatened on the high seas and elsewhere from the belligerent Powers of Europe, and it being of the greatest importance to keep in safety these essential resources," &c., &c. Now, sir, what were the communications accompanying this Message? The correspondence between Mr. Armstrong and Mr. Champagny, showing that the Berlin Decree was in a state of execution, which had before been suspended in its operation in relation to the United States. But, says the gentleman, no papers were communicated respecting these Orders of Council, and, therefore, the gentleman infers that no apprehension existed which could influence this transaction. I draw a very different inference from the Message itself. I presume the communication of this hostile act of France, so immediately after it was known to the Executive, and avoiding a direct reference to the apprehended hostility of Great Britain, could not be conceived to be an act of favoritism towards France. That some hostile act from Great Britain was in contemplation, is most evident from the Message itself. From what quarter does the Message say that great and increasing dangers are *threatened* to our vessels, our seamen, and merchandise? From the belligerents of Europe. Here is no exception. The belligerents of Europe mean all the belligerents. If the President conceived there were no dangers threatened from any other quarter than from France, he would have used the term *France*, not the *belligerents of Europe*. But why communicate the evidence of his apprehensions from France and not Great Britain, if he entertained any? Why, sir, for the most obvious reason imaginable—because the information from France was official. The information from Great Britain was not. It was contained in newspapers only, which were in the hands of every gentleman, and their contents every gentleman could appreciate as well as the President. Now, sir, under these circumstances, was not the Message of the President perfectly correct? Let me ask the gentleman if he can now mend it? If, sir, the President, in his Message, had communicated this newspaper information respecting the apprehended hostility of the British Government, what a glorious theme of invective would have been

afforded the gentleman of favoritism to France and hostility against Great Britain! The omission, however, to do this, could not screen the President from the same angry reproaches. If the gentleman will impartially review all these circumstances, and then turn his eyes towards his own heart, he will find that the errors he has so uncharitably ascribed to the President will be found in his own unhappy, ungovernable passions. But, sir, this is not all. I will now refer the gentleman to some evidence to show the incorrectness of the assertion he has made—evidence which he cannot deny, because it comes from his own words, and was attended with such circumstances, in the face of this Senate, that it cannot be mistaken. In the gentleman's passionate zeal yesterday, he told us that no time was allowed in the Senate for the discussion of the original embargo law, but that it was discussed in the House of Representatives; and the principal arguments urged there in favor of the measure were drawn from the hostile acts of Great Britain. The gentleman said that it was urged in that House that the measure would starve Great Britain; that it would bring her to our feet, &c., &c. Now, sir, why these arguments in that House, if there were no apprehended acts of hostility from Great Britain? They would have been strange arguments, if the only hostile acts inducing the measure were the hostile acts of France, not of Great Britain.

[Mr. PICKERING rose to explain. He said he mentioned these circumstances yesterday to show the effects expected from the measure by the friends of it, in which they had been mistaken. He did not speak of them as inducements to the measure.]

I readily admit that the gentleman, at the time of making these observations, was entirely insensible of their irresistible operation in establishing a fact, which he thinks so important to himself to disprove; and in my judgment, sir, they do unquestionably prove that these British Orders, or the apprehensions of them, stood in the front of the inducements to the original embargo law. Sir, were not these arguments in the House of Representatives immediate results from these inducements? Why, sir, that although the Orders were not received in such an official form as to justify their communication by the President, the intention to issue them was announced in the newspapers with so many marks of probability as justly to excite apprehensions in the Government for the safety of our seamen and commerce, and to justify the measure for the protection of both. It has been proved, not only that this information was published in newspapers before the passage of the act in the Senate, but the gentleman will recollect that it did not pass the House of Representatives for two or three days after it had passed the Senate. It was, therefore, very natural that the longer these apprehensions were felt, the stronger would be the inducements to the measure deduced from them; and hence the character of the discussions in that House described by the gentleman. But the gentleman

seems to think that apprehensions are not correct grounds for legislation. In ordinary cases, it is admitted; but this was an extraordinary case. The measure was precautionary, and if these apprehensions had not been realized, it would at any time have been in the power of the Government to dispense with the prosecution; whereas, if Congress had waited for a formal authentication of the Orders, their intended object would have been answered, and the precautionary measure rendered unnecessary. But, sir, I think this explanation of very little consequence to the nation. It can be of little consequence to ascertain whether the adoption of the embargo was a lucky hit or a dictate of wisdom; and I should not have taken the trouble of this examination, if the gentleman from Massachusetts (Mr. PICKERING) had not availed himself of this occasion to assail the reputation of his late colleague, (Mr. Adams)—a gentleman who represented the State of Massachusetts with so much honor to himself, and advantage to the State and the nation; upon a point, too, in which the gentleman here present has put himself so clearly in the wrong, from his own showing. I had hoped, Mr. President, that the gentleman would have so far restrained his feelings as to have permitted this gentleman's retirement to have shielded him from these unmerited reproaches; but it now seems that no delicacy of situation can procure an exemption from the inveteracy of the gentleman's passions. This cruel attack has imposed upon me an indispensable obligation to defend this absent gentleman; and it has been principally this circumstance which has driven me again most reluctantly into this debate. Sir, I can attest, and now do attest, with great pleasure, the disinterestedness and purity of the motives which dictated that gentleman's (Mr. Adams) late political conduct. As to its wisdom, that is matter of opinion, and now in a course of experiment; but as to his exemption from all views of personal promotion or aggrandizement, I here assert that fact, upon my own knowledge and my own responsibility, as far as can be warranted by the most explicit and unequivocal assurances from the gentleman himself; given, too, under circumstances which render their sincerity unquestionable. It gives me great pleasure to defend this absent gentleman, not only on account of his innocence of these reproaches, but on account of his merits, his virtues, and his talents, which, in my judgment, place him on so high a ground as not to induce a wish, on his part, to shrink from any comparison with either of the five worthies of Massachusetts, of whom we have been informed by the gentleman, (Mr. PICKERING.)

Permit me now, sir, to proceed with the discussion. The gentleman from Massachusetts (Mr. PICKERING) proceeds to tell us that Mr. Rose was sent here as a messenger of peace; that he brought the olive branch in his hand; but that it was designedly refused by the Administration, and of course a subject of serious reproach and lamentation. Sir, I do not know what Mr. Rose brought in his hand; he never would tell the Government what he brought. But let me ask the

gentleman what he left behind him? The gentleman has furnished me with an apposite figure. He left behind him a rod in pickle for us. He left behind him these very Orders of Council, which were designedly concealed from him, although they had been long deliberated upon, and were matured before he left London; and were actually issued almost as soon as he lost sight of the land. If, therefore, he brought in his hand the olive branch, he certainly left concealed behind him the scourge of our commerce. Yes, sir, it was the besom which was intended to sweep, and would have swept our commerce from the face of the ocean. And the gentleman tells us, in a tone of lamentation, that when Mr. Rose arrived here he was met by the embargo. Yes, sir, the judicious vigilance of the Government had saved our commerce from the destructive influence of these concealed Orders of Council. Could you have supposed, Mr. President, that this would have been a subject of lamentation to any American citizen? Could you have supposed, sir, that it could have been made the subject of reproach against the Administration? Could you have supposed, sir, that the most jaundiced passions could have deluded any American citizen so far as to commit himself upon such a charge? Sir, we differ so much in our facts, that it would be more wonderful if we should agree than differ in our conclusions. Is there a gentleman here, sir, prepared to say that this is not a correct statement of facts? And if it is, what is the result? Why, simply, that Great Britain had, in the most insidious manner, issued orders for the entire destruction of our commerce, and that our Government had completely disappointed their iniquitous object, by interposing the embargo for its protection.

But, sir, the gentleman, not content with the profusion of his invectives against the Administration collectively, and the absent gentleman, whom I have defended with great pleasure, has directed his bitterest resentments against the Secretary of State individually. He, sir, has ventured to accuse the Secretary of insincerity in his diplomatic correspondence. Permit me to tell that gentleman that the Secretary of State is incapable of an act of insincerity, either as a man or a politician. The gentleman, himself, sir, has been Secretary of State; and, even in the frenzy of his passions, it is wonderful to me that he did not see that he was forcing himself into a most disadvantageous comparison. I think the instances of insincerity he has quoted partake nothing of that character. I think them perfectly proper, the gentleman's angry criticisms to the contrary notwithstanding. Let us attend particularly to the instances quoted. The first is, that the Secretary had told the British Minister that the Berlin Decree, so far as it professed to place all the British isles in a state of blockade, was an empty menace. Now, let me ask the gentleman if that was not, and is not, the fact? I believe that no gentleman is more strongly impressed with the truth of this fact, nor rejoices more in its truth, than the gentleman himself. But the gentleman

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infers, if this decree was a mere empty menace, as it respects the blockading the whole British isles, it could not furnish any inducement to the measure of the embargo. I differ entirely with the gentleman in his inference. The Berlin Decree, after it was put in a state of execution against the United States, would operate very differently upon the defenceless American commerce spread along the French coast, from its operation as forming the blockade of the British isles; and therefore would be, as it in fact was, an empty menace in that case, whilst it would have a most serious effect in the other, and would certainly furnish a just inducement to the Government for the protection of the exposed commerce of the United States. Here then, sir, I see a perfectly correct sentiment, without any mark of insincerity about it.

But, sir, the gentleman has brought into view another act of insincerity. Let that be also examined. The gentleman complains that our Ministers in London were instructed to tell the British Minister only of the precautionary object of the embargo laws, and of course leave their coercive object to be inferred by the British Minister. This was both polite and proper. It was an instruction to our Ministers in fact to avoid touching the sensibility of the British Ministers and nation. What would the gentleman have done himself, sir? Would he, because there were two objects in passing the law, have instructed our Ministers to have pressed both upon the British Commissioners, although one of them would have touched their national pride and sensibility? This was unnecessary, and would not have been very urbane. It would have been an outrage upon every principle of diplomatic delicacy. I cannot, therefore, see the ground of objection to this instruction, unless it is, that the Secretary of State has not taken the gentleman from Massachusetts (Mr. PICKERING) for his model; that he had not resorted to some of the gentleman's bold metaphorical flourishes; that he did not instruct our Ministers to tell the British, "that the tiger crouches before he leaps upon his prey." Yes, sir, I am extremely happy to behold the striking contrast exhibited between the former, and present Secretary of State; a contrast so highly honorable to the present Secretary. Indeed, sir, I am the more astonished at the gentleman's driving us into the comparison, so unfortunate to himself, when he must know, or certainly ought to know, that his own inveterate passions utterly incapacitated him from the discharge of the duties of that office, and finally expelled him from it. The gentleman seems to be still harping upon the miserable tale of French influence. I suppose he also, unfortunately stands committed upon that idle suggestion. Sir, insinuations of this nature are degrading to the national character; and I always feel a condescension in being compelled to make a reply. Indeed, sir, it is necessary to impose strong restraints upon the feelings in making the reply the suggestion deserves.

But, sir, the gentleman is so intent, I suppose, upon his own self-justification, that he has man-

ifested great labor and ingenuity in making a collection of scraps from the numerous documents before us; from which he has attempted to infer, not only that the Executive Department was acting under French influence, but that this honorable body was also acting under the same influence; yes, sir, the body of which the gentleman himself is a member. Yet, sir, the gentleman knows, notwithstanding his jealousies, his surmises, and his inferences, that it is impossible; that the fact is not so. Let me ask that gentleman, if he is prepared to say in his place, that any one member of this body, or that this body itself, is acting under French influence, or any improper influence? The gentleman must have too much respect for himself to make such an unfounded assertion. Why then, sir, all this labor at surmise, suspicion, and inference? I leave the gentleman to answer this question. Equally unfounded are the miserable intimations towards the Executive.

Let me ask the gentleman, through what channel his unhappy, suspicious mind has taught him to suppose, that these dark, these invisible negotiations could be carried on? I suppose he would necessarily reply through Mr. Armstrong, our Minister in Paris. Yet Mr. Armstrong has lately retrieved himself entirely from the gentleman's delusive suspicions. We are now told, Mr. Armstrong is a patriot; follow his advice. Again, sir, let me ask the gentleman, if he has heard any apology for the hostile conduct of France, either in this House or anywhere else? Has not every person declared, that their conduct was hostility itself? Mr. President, whether the gentleman intended to make insinuations, or inferences, or surmises, or suspicions, or assertions, if he pleases, of French influence, as operating either upon the Executive, or upon this body, I here in my place do pronounce the whole to be utterly unfounded. But, sir, the gentleman boldly says, there is something concealed. I really should like to know what it is that he supposes can be concealed. I should really like to know, what witchcraft it is that has continually tortured the gentleman's mind with these unhappy, fantastic delusions. No, sir, there is nothing concealed; there is too much exposed; for, sir, in the present whirlpool of inordinate passions, all honorable confidence seems to be disrespected. I will not accuse this gentleman of acting under British influence.* I feel too much respect for the American character to do so. I hope and trust he is not. I am willing to admit that his views are American. But, sir, this consideration will not deter me from expressing my wonder and astonishment at the extraordinary views that the gentleman takes of American interests; first, in the unremitting labor he has taken to put his own Government in the wrong upon every point of discussion between it and the British Government; and in his strange misrepresentation or total disregard of facts; of outrages, sir, upon our dearest rights, by the British Government; outrages which ought to rouse every

* See note at the end of the speech.

American feeling into action. Secondly, in the comparative view he has taken of the hostile acts of France and Great Britain. Sir, he has used every effort to magnify, if possible, French aggressions; whilst he has faintly admitted British aggressions, and even palliated or excused them. Let us now see, sir, what is the true character of aggressions which are treated with so much tenderness? Sir, I said the other day, and I have not heard it contradicted, and I say again to-day, that the British Government seizes and confiscates our vessels engaged in a lawful trade; that she has attempted, by an act of Parliament, to colonize and tax us; that she has in the same manner, undertaken to exercise acts of national sovereignty solemnly given by the people to Congress; that she has undertaken to exercise an act of legislation over the people of the United States refused to Congress, and retained to themselves in their highest sovereign capacity. Are these facts denied? No, sir; if true, let me ask the gentleman, what can be worse? what can be more injurious to our interests, or derogatory to our national character? what can the French do, that is worse than this? Nothing, sir, these acts form the climax of outrages. But, sir, the gentleman tells us, that the French Emperor has said, there shall be no neutrals. I do not know whether he has used that identical expression or not. I believe it is not the expression in the paper to which the gentleman alludes. But, sir, suppose it is; what then? Is the gentleman so ready to obey the mandate of the French Emperor, as to take part in the war, because he orders him to do so? I did not think the gentleman would take the yoke so quietly. In effect, both Great Britain and France have said, there shall be no neutrals; and I care nothing for the form of expression. The first declaration to that effect, which I have seen, is contained in the polite note of Lords Holland and Auckland, attached to the late unratified treaty. The language in effect is, if you do not make war on France, we will reserve to ourselves the right to make war on you, according to this treaty of amity and commerce. But, sir, these two great belligerents command us to take part in their wars; are we bound to obey their cruel mandates? Are we to abandon the right of judging of our own interests and policy? I am disposed to think they will ultimately drive us into their wars; but let us keep out of them as long as we think our own interests and policy require the recession.

The gentleman from Connecticut (Mr. HILLHOUSE) has attempted to place our situation in a ludicrous point of view; he asks how are we to fight at triangles? Are we to fight France and Great Britain at the same time? Why, sir, this is the very circumstance which increases our embarrassments. It is a situation perfectly novel and unexampled; and distinguishes it from all the cases put by the gentleman as analogous to it. At every other time we have had but one adversary; if we had but one at this time, there would be no difficulty in the choice of measures; but having two at the same time, and both so formidable, presents an unexampled difficulty in

the choice of measures; and is the strongest argument imaginable in favor of the position we have assumed. This, sir, is made more evident by the gentleman's illustration. The gentleman says, if two men were to attack him at the same time, would he avoid the combat until he could get one by himself? I presume he would, if he were a man of prudence; especially if either of them were a full match for him; and he knew the moment he set on one, the other would set on him, and tear him to pieces. I think, under such circumstances, a dignified retirement would be at least as honorable as being tumbled in the dust; and would certainly be more the dictate of prudence and wisdom. It therefore appears to me, that the gentleman's illustration is an extremely happy one, to justify the position assumed by the United States, under the peculiarity of their difficulties.

The gentleman from Massachusetts, (Mr. LLOYD,) I presume with a view of showing that our supply of provisions can be of little consequence to Great Britain, has favored us with a statement of her annual consumption of grain, and our annual exports. The annual consumption of Great Britain he states at one hundred and fifty millions of bushels, and our whole exports at seven millions. I am willing to take his estimate, although our whole exports are probably much more. From this statement, the gentleman seems to infer, that this small sum can be of but little consequence in a market requiring this enormous consumption. I draw a very different inference from these data given by the gentleman; and I am the more disposed to examine this point, as I have often heard the same inferences drawn by others. According to this statement, if Great Britain should raise barely enough for her own consumption, except seven millions of bushels, and it is probable she will not exceed this product the present year, she would want a supply for her whole population for above a fortnight in the year. This would be a serious deficiency; and to appreciate my argument, the gentleman should first make the experiment of starving a fortnight; and I think, before the expiration of that time, he would be willing to admit there was some force at least in my argument. It would be the same case with a nation, if the scarcity operated equally, and upon every individual in the nation, at the same time. But that is not the way in which a scarcity does operate. It operates by raising the prices of grain, and thus excluding those from the use of it, who have no money to buy. In the event of a scarcity in Great Britain, Mr. Canning would probably not have a dish less to his table on that account, whilst the poor would suffer for the want of bread. As the scarcity increased, the greater would be the numbers excluded from the use of bread; and the stock in the nation would be exclusively consumed by those who had the means of purchasing a proportion of it. This would be the course of things as long as the order of society could be maintained, and the suffering poor compelled to bear their hard fate. But, sir, if

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this quantity of provisions should be wanted in Great Britain this year, and it cannot be obtained anywhere, but from the United States; and if the want of it should drive the prices very high, and bear of course with great severity upon the suffering poor; would not these circumstances alone furnish strong inducements to Great Britain to relax her orders, and to do us justice? To do us justice, did I say, sir? No, sir, to do us half justice; we do not require more than half justice at her hands.

If the suffering poor could be apprized that the deficit of provisions could be made up by opening an intercourse with the United States, and that this depended upon the pleasure of the British Cabinet, would there not be strong representations to them to relieve the suffering poor, when nothing but an act of half justice would be necessary to effect the object? Under such a state of things, the Cabinet could not withstand the representations of the people. May we not hope then, sir, if this should be the state of things in Great Britain during the present year, that these appeals to her interest will not be unavailing? But, sir, I am ready to admit, that I derive the less consolation from this hope, from the apprehension that if even a relaxation of these orders should take place in consequence of any coerced state of things in Great Britain, the relaxation would be but temporary; and the moment the pressure ceased, the hostile measures would be resumed. Since Great Britain has become intoxicated with this extraordinary project of recolonization, I verily believe we shall again have to fight her out of it; and I am inclined to think that now is as good a time for the contest as we can expect in any future time. But, sir, we are told that this subject has a commercial as well as a political bearing; the commercial must certainly be a subordinate one. Let me, however, bestow a few thoughts on its commercial bearings. I mean no disrespect to merchants; but upon this subject I do not think their statements ought to be confided in. I am sure they will excuse the observation, when I tell them that I was taught this lesson at the time of laying the former embargo, by one of the most respectable merchants in the United States; and then a Representative in Congress from the city of Philadelphia. That gentleman then told us, that upon the question of an embargo, the information of merchants was not to be relied upon; that, without imputing to them any improper motive, their statements would necessarily partake of their calculations of their own particular interests.

The gentleman from Massachusetts (Mr. PICKENS) has favored us with mercantile information from the insurance offices at Boston and Salem, as well as information from some of his respectable mercantile correspondents. I am willing to respect this species of information as far as it extends and merits attention; but, sir, it does not contain all the information I want; and as little as I know of mercantile principles, I know that it is essentially erroneous. Sir, the information from the insurance offices does not

extend to all the objects it ought to embrace. I want to know in the first place, sir, if we repeal the embargo laws, without any substitute, and agree to trade under the British Orders in Council, what would be the premium of insurance upon our national character and national independence? This important article of barter seems to have escaped the attention of the offices altogether; whereas it appears to me to be the previous question. All others sink into insignificance before it. Sir, cent per cent. would not insure them. The policy must be made upon a calculation of a total loss. The insurance could not be done upon these essential articles of barter, in all the insurance offices in the United States. Now, sir, as these are articles which I hold with others in trust, I can never violate the sacred deposit, or put it at risk, until I deem the policy perfectly competent to cover the loss. Again, sir, I wish to know the premium against the British Orders in Council, upon a voyage to France, or anywhere else, where an American vessel may go under the protection of the laws of nations? Cent per cent. would not insure in the exercise of this right; and for one I would rather fight for it than abandon it. Again, sir, what would be the insurance against French captures to European ports, in case the embargo were raised? It would be difficult to make a calculation until some experiments should be made. The reason of the low insurance now is, that the French have no inducements to send out privateers to depredate upon our commerce as long as the embargo restrains it within our ports; raise the embargo, and the temptation to plunder would fill the ocean with privateers. The commerce would stand little chance to escape the plunderers.

These observations are sufficient to show, first, that the information from the insurance offices does not embrace all the articles of barter we have in the market; particularly those of the *first necessity*. Secondly, that the policies upon most of the articles embraced by it are calculated upon incorrect principles, and not adjusted to the state of things which would exist upon raising the embargo without a substitute. Further, sir, with my little knowledge of commercial details, I will venture, without the fear of contradiction, to question the accuracy of the information furnished by the gentleman's respectable commercial correspondent (Mr. Thorndike.) I am willing to admit, sir, that he is, as the gentleman describes him to be, a merchant of the first respectability; and as such I respect him; but I cannot, in all points, subscribe to his mercantile information. I will mention only two points in which he is evidently mistaken, and they will be important enough to vary the whole aspect of the calculation he has made, as to what trade we could carry on under the Orders in Council. First, he has made a calculation of our trade to Great Britain upon the usual prices of American articles in British markets. This is an extremely incorrect standard of prices; because, if all American articles were driven into the British market, and excluded from the markets where they are con-

sumed, they would bear no price at all. They would not defray expenses. Take the article of tobacco for instance. The United States export upon an average 75,000 hogsheads; of which Great Britain consumes 14,000. The rest are exported to the European Continent. What would be the price of an article, when there is five times as much at market as is wanted for consumption, or for any other use? The merchants examined before the House of Commons unanimously agree, that this article would not defray expenses. They have not only sworn to this fact, but I would ask, if it is not the dictate of common sense, and the common result of every principle of barter? The same remark would apply to cotton and rice, and other American articles; but, perhaps, not in the same degree. As to cotton, I am perfectly convinced from the immense and increasing quantities of that article, raised in the United States, the only way to keep up the price is to keep open all the markets in the world where it is consumed. The gentleman also includes in his estimate exports to the French West India islands. They are now in a state of strict blockade, and of course the whole of this item ought to be expunged. There are probably other material errors; but these of themselves are sufficient to vary the whole aspect and bearing of his calculation. Indeed, sir, I am of opinion that little or no commerce could be carried on under the conflicting orders and decrees. All these calculations are made upon the assumed principle, that the rules prescribed in these hostile decrees and orders would be invariably adhered to in their practical operations. I entertain a very different opinion. The commerce which might strictly be permitted by the orders and decrees, would be subjected to so many vexations by the ignorance or artifices of the commanders of the hostile armed ships, as to render all the remaining commerce dangerous and unprofitable; and I am perfectly satisfied, after incurring the disgrace of submitting to these arrogant and unwarrantable impositions, we should, covered over with disgrace, be compelled to fight for the miserable pittance of commerce, apparently held out to us by these hostile and conflicting orders and edicts. This miserable and disgraceful commerce affords no allurements to me; and it will disappoint all those who have made these delusive calculations upon it. The gentleman from Massachusetts, (Mr. PICKERING,) in a great degree unravelled the mystery, which was before suspended over the calculations of his mercantile friend, by telling us that this friend had at this time several vessels laden with Southern productions, ready to set sail the moment the embargo shall be raised. This circumstance, without any imputation upon the motives of the gentleman, may be fairly conceived to have had some bearing upon his calculations, and is a case in point to prove the correctness of the information derived from the gentleman of Philadelphia, on a former and similar occasion.

Before I sit down, Mr. President, permit me to explain some expressions which fell from me in

debate a few days since, and which seem to have roused into action the indignant feelings of the gentleman from Massachusetts (Mr. PICKERING.) The gentleman might have saved himself these painful feelings, if he had been more attentive to my observations. He supposes that I called his Federal friends in Massachusetts political demagogues. Now, sir, those gentlemen were not particularly alluded to either in words or intentions. I made an observation in very general terms upon the structure of popular Governments. I stated, as an inconvenient circumstance in the operations of such Governments, that when the union and energy of the people were most required to resist foreign aggressions, the pressure of these very aggressions would present temptations to political demagogues, to separate the people from their own Government, and through the people's discontents, to find their way to office and to power. I applied this observation to the present and all future times. I then gave the late and present proceedings, under the pressure of the embargo laws, in evidence to prove the correctness of the remark. I made no particular application of it to any description of gentlemen, nor to any particular part of the United States, nor was it intended to be so applied; it was intended to be general in its application to every part of the Union. The gentleman himself has made the application to his friends; and I readily admit, without reminding him of the old adage, that he is better informed than I am, whether his own application suits his own friends. But, sir, I did not particularly allude to those gentlemen. I feel the same respect for the gentlemen of Massachusetts that I do for those of any other part of the Union. Nor have I any difficulty in saying, that a difference in political opinions is no ground of personal disrespect; and that I do not now, and never have made it one. On the contrary, I am willing to proclaim it to all the world, that I know many Federal gentlemen for whom I feel great personal respect. I regret also, Mr. President, that some of the observations which fell from me the other day have made so strong impressions upon the feelings of the gentleman from Connecticut, (Mr. HILLHOUSE,) for whom I do feel a high personal respect. Upon reviewing some of them, I fear they were calculated to have too strong a bearing upon that gentleman's feelings; but, sir, it will be recollected, that to his observations I was principally replying, and therefore that my remarks had apparently a stronger application towards him personally than in fact they were intended to have. It will also be recollected, that most of the remarks of this nature were directed against the repeal of the embargo laws without any substitute, and which, in my judgment, would have been submission to foreign aggressions. Since the gentleman has disclaimed all ideas of submission, and has come forward in the true spirit of 1776, I am as ready as any gentleman to do honor to his patriotism. Mr. President, we have now made a fair comparison of opinion and information upon the measures heretofore adopted by the Government. Gentlemen

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have been indulged with a full retrospect of these measures; may we not hope that we are better prepared to see what measures are now proper to be adopted to save the nation from surrounding dangers? Sir, if we could prevail upon ourselves to act under the scriptural injunction; if we could first employ ourselves in taking the moles out of our own eyes, instead of being so busy in taking them out of the eyes of our neighbors, is it not reasonable to expect that we should see more clearly the course of conduct most proper to be adopted for the people's interest and the general welfare? If we could seriously turn our eyes in upon our own hearts, and impartially examine our own passions, might we not expect to find there some of the errors which we delusively ascribe to others? Is it not to be feared, that this is the real source of our disunion? And is it not greatly to be regretted, sir, that union cannot be obtained, when it is all that is wanted to insure us complete success against our unjust adversaries? Let us then, sir, with a magnanimity becoming ourselves and our stations, banish all personal animosities; let us act like brethren of one family, united in interest, united in honor, united in affection. A knowledge of this circumstance alone might probably secure justice from our adversaries without striking a blow. But, sir, if unfortunately we should be compelled to engage in the bloody scene, how indispensable is it that we should be able to exert the whole energy of an undivided nation!

(NOTES.)

French influence.—What are the means of French influence in this country? None. The idea is absurd.

British influence.—What are the means of British influence in this country? The following, among others:

Language, jurisprudence, law books, literature; tonics, and the descendants of tory families; blood connexions, intermarriages; mercantile capital, mercantile partnerships; newspapers, &c. These influences are interwoven into society, and if we mean to preserve our independence, demand the most watchful vigilance of the politician.

Extract of a letter from Mr. Monroe to Mr. Madison.

LONDON, May 17, 1806.

"After my interview with Mr. Fox, on the 25th ult., I waited a fortnight without hearing from him. This new instance of delay surprised me, because he had shown a sensibility to the former one, and did not seem aware of the necessity of adding to it. Independent of the general object, the war with Prussia, and the blockades incident to it; the doctrine and practice respecting which it was necessary to arrange, furnished a new motive for a communication with him. On mature reflection, I thought it best to call informally, which I did on the 11th, with a view to enter on these topics in the familiar manner I had heretofore done. Mr. Fox was at the office, but did not receive me. He sent the expression of his regret at not being able to do it, being, as he said, just going to attend the Cabinet, who were waiting for him. I called again on the 13th, and experienced the same result, though I had left word that I should then be there. I was informed by his desire, that a summons from the King, to attend

him at the Palace, prevented his receiving me on that day. I met him on the 15th at the drawing-room, but had no opportunity of speaking to him. Sir Francis Vincent, the first under Secretary of State, being acquainted with my desire, promised to arrange with him an interview, and to inform me of it. These are the only circumstances worthy of notice that have occurred here since my last till to-day. I mention them that you may be better enabled to judge correctly, in all respects, of the light in which the incident of this day ought to be viewed."

Extract of a letter from Mr. Monroe to Mr. Madison.

LONDON, May 20, 1806.

"With respect to the delay to which I am exposed, it is utterly out of my power to explain to you the cause. I have no reason to change the opinion which I have heretofore expressed of Mr. Fox's disposition on the subject, though I have had no late communication with him. His present reserve is unfavorable, but it may be otherwise accounted for, and on principles which are quite natural, and therefore presumable. He may have experienced more difficulties in the Cabinet than he had expected. Many of the members may be indisposed to an arrangement on such terms as can be accepted, and most of them willing to postpone any decision until the result of the proceedings in Congress is known. Under these circumstances he may find it most eligible to avoid any further communication with me on the subject.

"It becomes, therefore, very difficult, if not altogether improper, for me to press the business at this time. It seems to be my duty to postpone such pressure to the same epoch, that is, till the final proceedings of Congress are known. I shall doubtless receive with them the instructions of the President on the whole subject, which I beg to assure you I shall use my utmost exertions to carry into effect."

Mr. HILLHOUSE spoke in favor of his motion, and in reply to Mr. GILES. Mr. POPE also spoke against the motion; when,

On motion, by Mr. REED, to refer this motion to the committee to whom was referred, on the 11th of November, so much of the Message of the President of the United States, as relates to the several embargo laws, it was determined in the negative—yeas 5, nays 25, as follows:

YEAS—Messrs. Franklin, Parker, Reed, Robinson.

NAYS—Messrs. Anderson, Bradley, Condit, Crawford, Gaillard, Giles, Gilman, Goodrich, Gregg, Hillhouse, Howland, Kitchel, Lloyd, Mathewson, Milledge, Moore, Pickering, Pope, Smith of Maryland, Smith of New York, Smith of Tennessee, Sumter, Thruston, Tiffin, Turner, and White.

On the question to agree to the original motion, to wit:

Resolved, That it is expedient that the act, entitled "An act laying an embargo on all ships and vessels in the ports and harbors of the United States," and the several acts supplementary thereto, be repealed, and that a committee be appointed to prepare and report a bill for that purpose:

It was determined in the negative—yeas 6, nays 25, as follows:

YEAS—Messrs. Gilman, Goodrich, Hillhouse, Lloyd, Pickering, and White.

NAYS—Messrs. Anderson, Bradley, Condit, Crawford, Franklin, Gaillard, Giles, Gregg, Howland, Kit-

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chel, Mathewson, Milledge, Mitchill, Moore, Parker, Pope, Reed, Robinson, Smith of Maryland, Smith of New York, Smith of Tennessee, Sumter, Thruston, Tiffin, and Turner.

MONDAY, December 5.

The Senate resumed the consideration of the motion, submitted on the 3d instant, that a committee be appointed to inquire whether any, and what, provision ought to be made in case of the inability of the district judge of either of the districts of the United States to perform the duties of his office; and that they report by bill or otherwise; and having agreed thereto, Messrs. GAILLARD, ANDERSON, BRADLEY, GREGG, and CRAWFORD, were appointed the committee.

Mr. TIFFIN reported from the committee, that the bill to reward Andrew Joseph Villard for an invention of public utility, was correctly engrossed; and the bill was read the third time and postponed.

Mr. REED presented the memorial of Lemuel Taylor and others, inhabitants of Baltimore and the Eastern Shore of Maryland, praying an alteration in the route of the mail from Washington to Chestertown; which was read, and referred to Messrs. REED, CRAWFORD, and TIFFIN, to consider and report thereon.

TUESDAY, December 6.

The Senate resumed the bill to reward Andrew Joseph Villard, for an invention of public utility; and, on motion, the further consideration thereof was postponed to Monday next.

WEDNESDAY, December 7.

Mr. GAILLARD, from the committee to whom the subject was referred, on the 5th instant, reported a bill further to amend the judicial system of the United States; and the bill was read and passed to the second reading.

THURSDAY, December 8.

Mr. GILES reported, in part, a bill making further provision for enforcing the embargo; which was read, and passed to the second reading.

Ordered, That the Message of the President of the United States, of the first instant, with the communications respecting the public buildings, be referred to Messrs. BRADLEY, GREGG, and FRANKLIN, to consider and report thereon by bill or otherwise.

The bill further to amend the judicial system of the United States was read a second time, as in Committee of the Whole; and the President having reported the bill to the House amended, on the question, Shall this bill be engrossed and read a third time as amended? it was determined in the affirmative.

Mr. MACLAY presented the memorial of a number of the surviving officers in the Pennsylvania line of the army of the United States, in our Revolutionary struggle, praying for a remuneration

of losses sustained by the commutation of half-pay, for the reasons mentioned in the memorial; which was read.

REPORT ON THE EMBARGO.

Mr. GILES, from the committee appointed on the 11th November last, on that part of the Message of the President of the United States, which relates to the embargo laws, made report in part of a communication by the Secretary of the Treasury on the subject; which was read, as follows:

COMMITTEE CHAMBER, Nov. 12, 1808.

DEAR SIR: Under instructions from the committee appointed to consider the several embargo laws, I have to request the favor of your attendance in the committee chamber of the Senate, at 10 o'clock on Monday morning next, prepared to give such information to the committee as your Department affords, respecting the subjects embraced by the enclosed resolution.

Be pleased, sir, to accept assurances of my high consideration and regard,

WM. B. GILES.

Hon. A. GALLATIN, *Secretary Treasury*.

Resolved, That so much of the Message of the President of the United as relates to the several embargo laws be referred to a select committee, with instructions to examine and report whether any further measures are now necessary to enforce due observance thereof during their continuance; and, also, whether any further modification of it be expedient at this time; and that such committee have leave to report by bill or otherwise.

COMMITTEE CHAMBER, Nov. 14, 1808.

DEAR SIR: I am instructed by the committee appointed to consider the several embargo laws, &c., to request you to lay before them, with as little delay as possible, such information as your Department affords, upon the following questions:

1. What measures would be most effectual in preventing the violations or evasions of the several embargo laws, and enforcing a due observance thereof?

2. Can any of the inconveniences of the present system be remedied by further modifications; and what modifications would effect that object?

Be pleased, sir, to accept assurances of my high consideration and regard,

WM. B. GILES, *Chairman*.

Hon. A. GALLATIN, *Secretary Treasury*.

TREASURY DEPARTMENT, Nov. 24, 1808.

SIR: Indisposition has prevented an earlier answer to your letter of the 14th instant.

For better preventing coasting vessels, regularly cleared, from violating the embargo, two measures appear necessary:

1. That the amount of the bond should be increased.
2. That neither capture, distress, nor any other accident, should be admitted as a plea, or given in evidence on trial.

By the first regulation, the temptation of going to a foreign port, in hopes that the profit on the sale of the cargo will indemnify for the forfeiture of the penalty, will be done away. By the second, every expectation of escaping the payment of the penalty under fraudulent pretences will be disappointed, and the power of remitting the penalties in the few cases of unavoidable accident which may occur will remain as heretofore, and, as in other cases, with the Treasury.

As the object of those two regulations will be to make the bond a sufficient and complete security, they will

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have a tendency to relieve in a considerable degree the coasting trade from the inconvenience resulting from detentions.

The sufficiency of the bond will, in many doubtful cases, remove the necessity of detaining vessels, or, what amounts to the same, of informing the owners, that, unless they reduce the amount of their cargoes, they will be detained.

I would also submit the propriety of placing under the control of the President, that power of detention vested in the collectors by the act of the 26th of April last. That subject has been a constant source of complaint and difficulty. It has been the uniform practice, from the establishment of the Government of the United States, to give positive instructions to the collectors respecting the execution of the laws, and which they were bound to obey, unless a different construction should be established by a legal decision. This indeed was essentially necessary, in order to secure a uniform construction and execution of the laws. But the provision now alluded to makes the detention to rest on the opinion of each collector, and this must necessarily produce a great diversity in the manner in which the power should be executed. All has been done that could be done to obviate that evil; and the President being authorized to decide on the detentions when made, the opportunity was taken to inform the collectors of what, in his opinion, should be a proper cause of detention. This, however, could be given only as opinion, and operate as a recommendation, and not as an order. Nor does it appear practicable to establish uniformity and to prevent partiality, and either laxity or too great severity in practice, unless the power of prescribing general rules, in that respect, by which the collectors will be bound to abide, be vested in the President.

I am aware that there is another mode of evasion by regular coasting vessels, which will not be prevented by either of the preceding provisions. Either whilst in port, or on their way down our rivers and bays, coasting vessels may receive articles not entered in their manifest, which they put on board other vessels, lying off the coast for that purpose.

But it is not perceived that any legal provision can prevent that infraction, nor that any other remedy can be found than the vigilance of the officers. Another general regulation will however be suggested, perhaps useful as a permanent measure, but which would at all events, under existing circumstances, give additional security for the observance of the laws, and afford some relief to our own seamen, to wit: a prohibition to employ any aliens, either as masters or part of the crew of any coasting vessel.

It is still more difficult to guard against violations by vessels departing without clearance, in open defiance of the laws. The following provisions, on mature consideration, appear the most efficient that can be devised against infractions, which it is the more necessary to repress, as they may be daily expected to increase, and threaten to prostrate the law and Government itself:

1. To forbid expressly, under pain of forfeiture, (the penalty now being only implied,) the lading of any vessel without the permission of the collector, and without the bond for a coasting voyage being previously given—authorizing the collectors to refuse permission, unless the object be that of a lawful coasting or fishing voyage. The great number of vessels now laden, and in a state of readiness to depart, shows the necessity of this provision. If there be cases in which the indulgence of converting vessels into warehouses ought to be granted, there will be no hardship, where the intention is fair,

to require a bond similar to that given for a coasting voyage. And the collectors should likewise, in such cases, be expressly authorized to take such efficient precautions as will put it out of the power of such vessels to sail without warning.

2. In order to prevent those fraudulent sales of vessels by which ostensible owners of no responsibility are substituted for those from whom penalties might be recovered, it is necessary to provide that those owners of vessels whose names appear on the register or license should continue to be reputed as such, and liable to the penalties, in case of infraction of the laws, until the register or license shall have been actually surrendered, and new papers shall have been regularly granted by the collector to the purchaser. And, in every such case of purchase, a sufficient bond that the embargo shall not be infringed, to be previously required.

3. The power to seize unusual depositories, now vested in the collectors of districts adjacent to the territories of foreign nations, should, as was contemplated in the bill passed by the House of Representatives, be extended to all the districts. That this is an arbitrary power, which nothing but the unremitted efforts in some places to evade the law can possibly justify, cannot be denied; and it should, like that of detention, be placed under the control of the President, and be executed only in conformity with such general rules as he would prescribe.

4. Exclusively of the assistance which may be derived from gunboats and from the armed vessels of the United States, it would be advisable to authorize the President to add ten or twelve cutters to the establishment. Fast-sailing vessels, of easy draught of water, and requiring only from fifteen to thirty men each, are mostly wanted, and would, for the object contemplated, be as useful as the largest frigates.

5. It is with regret that the necessity of authorizing, on the application of the collector, an immediate call for the local, physical force of the country, must also be stated. But such partial acts of violence as have taken place in some of the seaports cannot be prevented by the circuitous manner in which the public force must now be brought out in support of the laws. And no doubt exists that the mass of the citizens, whether they approve or disapprove of the embargo, would, in every port, instantaneously suppress any such outrage, provided they can be called upon to act in a legal manner.

Some other provisions appear also necessary, for the purpose of carrying the laws more completely into effect along our land frontier:

1. The exportation of specie by land should be expressly prohibited.

2. The power of detaining depositories should be so expressed as to leave no doubt of the authority to detain wagons and other carriages laden and actually on their way to a foreign territory. Although I cannot perceive any reason for the distinction, it has been supposed, in one of the districts, that the law which authorized the detention of flour, beef, or potash, deposited in a warehouse, did not extend to the case of their being deposited in a wagon, although evidently on its way to Canada.

3. The offence now punishable by law is that of exportation. This is not consummated till after the property has actually been carried beyond the lines, where, being in a foreign jurisdiction, it cannot be seized; so that forfeiture, which is the most efficient penalty, can never apply to exportations by land; and no bond being required, as in the case of vessels, the only remedy is the uncertain one of recovering penalties against apparent offenders, who either abscond or have no

property. How far it may be practicable to make the act of preparing the means of exportation punishable, or to provide some other remedy, is submitted to the committee.

But it must also be observed, that every degree of opposition to the laws which falls short of treason, is now, with but few exceptions, an offence undefined and unprovided for by the laws of the United States; whence it follows, that such offences remain unpunished, when the State authorities do not interfere. The necessity of defining those offences by law as misdemeanors, and of providing an adequate punishment, appears obvious.

I will beg leave here to add, that it does not appear necessary to continue any longer the indulgence granted to the British merchants to import, for the use of the Indians, articles of which the importation is generally prohibited by law; as that privilege is liable to great abuse, and affords just ground of dissatisfaction to American citizens. Whether it be advisable to continue the permission given to those Indian traders to export furs and peltries, is a question to be decided by political considerations.

The last branch of the subject to which I wish, at present, to call the attention of the committee, relates to interruptions and certain injurious proceedings attempted under color of law:

1. Vexatious suits are brought against collectors, which not only perplex faithful officers, but have the effect of intimidating others, and prevent an energetic performance of their duties. The only provisions which have occurred to me on that subject, are, to enable the collectors who may be sued, always to remove the cause before a court of the United States; to make a certificate, issued by the proper authority, that there was reasonable cause of detention; protect them against damages in cases of detentions, in the same manner as is now provided in case of seizures; and to provide for the safe-keeping, and restoring, when proper, and on security being given, the vessels and property which may be detained.

2. Attempts have in several instances been made to wrest from the collectors by writs of replevin, issued by State courts or officers, property detained or seized by said collectors, or which in any other manner is in their possession, in conformity with some law of the United States. It is evident that such attempts, if submitted to, would defeat, not only the embargo, but also the revenue laws of the United States; that, whenever property is, by virtue of a law of the United States, in possession of a collector, marshal, or any other of their officers, no process, *in rem*, which will take the property away, whether of replevin, attachment, or any other, can be legally issued by a State authority; and that the sheriff or other person executing the same must be considered as a mere trespasser, and be resisted accordingly. But there is no other way at present to resist such illegal process but actual force. And it appears necessary that another remedy should be afforded, by providing a summary mode of superseding any such process through the interference of the courts and judges of the United States, and by making it penal for any sheriff or other person to execute the same, or in any manner to attempt to take property, which, by virtue of any law of the United States, is in the collector's possession.

3. In some instances where vessels and cargoes libelled for infractions of the embargo have been restored to the owners on their giving security for the appraised value, the valuations have been so low as to reduce the

forfeiture to an inconsiderable sum, thereby defeating altogether the law. It is suggested that this might be prevented by a provision authorizing and directing the district judges to set aside, on motion of the district attorney, such valuations, whenever, in their opinion, falling short of the true value.

On the subject of *mandamus*, I will only observe, that, in the only instance which has taken place, the court, supposing they had jurisdiction, could not, from the manner in which the question was brought before them, have decided otherwise than they did; but that it is desirable that the question of jurisdiction, as it relates either to the courts in whom the power ought to be vested, or to the cases to which it should extend, should be precisely defined by law.

I have not, in this communication, taken into consideration the technical defects of the existing embargo laws, because prosecutions do not fall within my immediate cognizance, and I do not feel competent to the task of pointing out the necessary alterations. Measures have however been taken to procure on that subject, and from the proper sources, information which will hereafter be laid before the committee.

To the remaining inquiry of the committee, whether the inconveniences of the present system may not in some degree be removed, I can only answer, generally, that a law which lays such extensive restrictions as the embargo, cannot be carried into effect without imposing serious inconveniences, even on the domestic intercourse of the United States; and that these must necessarily be increased in proportion to the opposition and efforts to evade or violate the law. It has already been stated, that provisions, which will render the bond given by coasting vessels a complete security against violations by them, will diminish the necessity and extent of more arbitrary restrictions. An authority to permit, on proper security being given, such vessels, when they arrive in port, to keep their cargoes on board, would afford some relief. And I think that the credit on duties accruing on the importation of certain articles which was allowed by the act of the 10th March last, should be extended to all importations of the same articles, made after the passing of the act; those made in vessels which sailed under special permission only excepted. With respect to this last class of importations, as they were permitted by special indulgence, and as it is understood that it has been impossible in many cases to prevent its being abused, and as in almost all, the parties having a species of exclusive privilege, have made sufficiently profitable voyages, the propriety, particularly in the existing situation of the revenue, of allowing them also the advantage of an extended credit on duties, is not perceived.

I have the honor to be, with great respect, sir, your obedient servant,

ALBERT GALLATIN.

Hon. W. B. GILES, Chairman, &c.

Ordered, That the report be printed for the use of the Senate.

FRIDAY, December 9.

Mr. BRADLEY, from the committee to whom was referred the Message of the President of the United States, of the 1st instant, with the communication respecting the public buildings, reported a bill making a further appropriation towards completing the two wings of the Capitol at the City of Washington, and for other purposes; and the bill was read twice.

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Mr. TIPPIN, from the committee, reported the bill further to amend the Judicial system of the United States correctly engrossed; and the bill was read the third time, and passed.

Mr. REED, from the committee to whom was referred, on the 5th instant, the memorial of Lemuel Taylor and others, praying an alteration in the route of the mail from Washington to Chestertown, reported a bill to change the post route from Annapolis to Rockhall, by Baltimore to Rockhall; and the bill was read, and passed to the second reading.

On motion, by Mr. GILES,

Resolved, That the committee appointed on so much of the President's Message as relates to the embargo laws, be instructed to inquire whether it be expedient to suspend the payment of certain revenue bonds given subsequent to the date of the act, entitled "An act for extending the terms of credit on revenue bonds in certain cases, and for other purposes;" and that the committee have leave to report by bill, or otherwise.

Mr. GILES, from the committee last mentioned, reported a bill supplemental to an act, entitled "An act for extending the terms of credit on revenue bonds in certain cases, and for other purposes;" which was read, and passed to the second reading.

MONDAY, December 12.

Mr. MITCHILL presented the memorial of the surviving officers of the late Revolutionary army and navy of the State of New York, stating the losses they have sustained in consequence of the commutation, which they were induced to accept in lieu of half pay for life, and praying relief.

Mr. GASCO presented sundry petitions from officers in the Pennsylvania line, on the same subject; and the memorials were read.

Ordered, That they, together with one presented on the 8th instant, on the same subject, be referred to Messrs. GREGG, MITCHILL, and BRADLEY, to consider and report thereon.

Mr. THURSTON presented the petition of Thomas Pearson, an officer in the Revolutionary war, representing that, from a want of knowledge of the necessary proceedings, and his remote situation, he was not placed on the pension list till the year 1803, although entitled under the first act of Congress on the subject, and praying relief; and the petition was read, and referred to the Secretary of War, to consider and report thereon.

The bill supplemental to an act, entitled "An act for extending the terms of credit on revenue bonds in certain cases, and for other purposes," was read the second time, as in Committee of the Whole, and the PRESIDENT reported it to the House without amendment. On the question, Shall this bill be engrossed and read the third time? it was determined in the affirmative.

The bill to change the post route from Annapolis to Rockhall, by Baltimore to Rockhall, was read the second time as in Committee of the Whole; and the President having reported the bill to the House amended; on the question, Shall

this bill be engrossed and read a third time as amended? it was determined in the affirmative.

A message from the House of Representatives informed the Senate that the House have passed a bill, entitled "An act authorizing the President to employ an additional number of revenue cutters," in which they request the concurrence of the Senate.

The bill was read, and passed to the second reading.

The bill making further provision for enforcing the embargo was read the second time; and, on motion, it was ordered to be considered as in Committee of the Whole to-morrow.

The Senate resumed the third reading of the bill to reward Andrew Joseph Villard for an invention of public utility; and having amended the title,

Resolved, That the bill pass, and the title thereof be "An act for the relief of Andrew Joseph Villard."

Mr. BRADLEY gave notice that he should, on Thursday next, ask leave to bring in a bill supplementary to the act, entitled "An act for the more effectual preservation of peace in the ports and harbors of the United States, and in the waters under their jurisdiction."

ENFORCEMENT OF THE EMBARGO LAWS.

Mr. GILES, from the committee appointed the 11th of November last, on that part of the Message of the President of the United States which relates to the embargo laws, and the measures necessary to enforce due observance thereof, made a further report, in part, of a bill to authorize and require the President of the United States to arm, man, and fit out for immediate service, all the public ships of war, vessels, and gunboats of the United States; and the bill was read, and passed to the second reading.

The bill is as follows:

"Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That the President be, and he is hereby, authorized and required, to cause to be fitted out, officered, manned, and employed, as soon as may be, all the frigates and other armed vessels of the United States, including gunboats; and to cause the frigates and armed vessels, so soon as they can be prepared for actual service, respectively, to be stationed at such ports and places on the seacoast as he may deem most expedient, or to cruise on any part of the coast of the United States, or Territories thereof.

"SEC. 2. And be it further enacted, That, for the purpose of carrying the foregoing provision into immediate effect, the President of the United States be, and is hereby, authorized and required, in addition to the number of petty officers, able seamen, ordinary seamen, and boys, at present authorized by law, to appoint, and cause to be engaged and employed as soon as may be, — midshipmen, — corporals of marines — able seamen, — ordinary seamen and boys, which shall be engaged to serve for a period not exceeding — years, but the President may discharge the same sooner, if in his judgment their services may be dispensed with; and to satisfy the necessary expenditures to be incurred therein, a sum not exceed-

ing — dollars be, and the same is hereby, appropriated, and shall be paid out of any moneys in the Treasury not otherwise appropriated."

TUESDAY, December 13.

The Senate resumed the consideration of the motion made yesterday respecting the expense of the public buildings. The motion was amended and agreed to, as follows:

Resolved, That a committee be appointed to ascertain and report to the Senate the amount which has been already expended by the United States on the public buildings in the City of Washington; and also to ascertain, as near as may be, the amount which would be required to complete and finish the President's house and square, and the two wings of the Capitol.

Ordered, That Messrs. BRADLEY, LLOYD, and SMITH of Maryland, be the committee.

The bill, entitled "An act authorizing the President to employ an additional number of revenue cutters," was read the second time, and referred to Messrs. MITCHILL, SMITH of Maryland, and CRAWFORD, to consider and report thereon.

The bill to authorize and require the President of the United States to arm, man, and fit out for immediate service, all the public ships of war, vessels, and gunboats, of the United States, was read the second time, as in Committee of the Whole; and the PRESIDENT having reported the bill to the House amended; on the question, Shall this bill be engrossed and read a third time as amended? it was determined in the affirmative.

The Senate resumed, as in Committee of the Whole, the second reading of the bill making further provision for enforcing the embargo; and, an amendment having been proposed by Mr. BRADLEY, it was agreed that the bill, together with the amendment, be recommitted to the original committee, further to consider and report thereon.

The Senate resumed, as in Committee of the Whole, the second reading of the bill making a further appropriation towards completing the two wings of the Capitol at the City of Washington, and for other purposes.

Ordered, That the consideration of the bill be further postponed.

The following Message was received from the PRESIDENT OF THE UNITED STATES:

To the Senate and House of Representatives of the United States:

I now transmit to both Houses of Congress a report of the Commissioners appointed under the act of March 5, 1806, concerning a road from Cumberland to Ohio, and a statement of the proceedings under the said act since their last report communicated to Congress, in order that Congress may be enabled to adopt such further measures as may be proper under existing circumstances.

TH. JEFFERSON.

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The Message and report were read, and ordered to lie for consideration.

Mr. TIFFIN, from the committee, having report-

ed the bill to change the post route from Annapolis to Rockhall, by Baltimore to Rockhall, correctly engrossed; it was read the third time, and passed.

Mr. TIFFIN, from the committee, having reported the bill supplemental to an act, entitled "An act for extending the terms of credit on revenue bonds in certain cases, and for other purposes," correctly engrossed; it was read the third time, and passed.

WEDNESDAY, December 14.

Mr. GREGG presented the memorial of the officers of the marine corps, praying that "that corps may be so organized as to place the officers upon a footing, as to military promotion, with their brother officers in the army," for reasons mentioned in the memorial; which was read, and referred to Messrs. GREGG, SMITH of Maryland, and SUMTER, to consider and report thereon.

Mr. TIFFIN, from the committee, reported the bill to authorize and require the President of the United States to arm, man, and fit out for immediate service, all the public ships of war, vessels, and gunboats, of the United States, correctly engrossed; the bill was read the third time, and the consideration thereof further postponed.

THURSDAY, December 15.

Mr. GILES, from the committee to whom was recommitted the bill making further provision for enforcing the embargo, reported amendments, which were amended and agreed to; and the PRESIDENT reported the bill to the House amended; and, on motion by Mr. CRAWFORD, it was agreed to amend the 6th and 10th sections of the bill. On the question, Shall this bill be engrossed, and read the third time as amended? it was determined in the affirmative.

On motion, by Mr. GILES,

Ordered, That the bill to authorize and require the President of the United States to arm, man, and fit out for immediate service, all the public ships of war, vessels, and gunboats, of the United States, be recommitted to the original committee, further to consider and report thereon.

FRIDAY, December 16.

Mr. GILES, from the committee to whom was recommitted the bill to authorize and require the President of the United States to arm, man, and fit out for immediate service, all the public ships of war, vessels, and gunboats, of the United States, reported amendments; and the amendments were considered as in Committee of the Whole, and agreed to; and the PRESIDENT having reported the bill to the House amended, on the question, Shall this bill be engrossed, and read a third time as amended? it was determined in the affirmative.

Mr. TIFFIN, from the committee, reported the bill correctly engrossed, and it was read the third time.

The PRESIDENT laid before the Senate the re-

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port of the Secretary of the Treasury, in obedience to the act, entitled "An act to establish the Treasury Department;" and the report was read, and ordered to lie for consideration.

Mr. TIFFIN, from the committee, reported the bill making further provision for enforcing the embargo, correctly engrossed; and the bill was read the third time. On motion, by Mr. GOODRICH, to postpone the further consideration thereof until to-morrow; the yeas and nays having been required by one fifth of the Senators present, those who voted in the affirmative, are—

Messrs. Condit, Crawford, Franklin, Gilman, Goodrich, Hillhouse, Howland, Lloyd, Maelay, Parker, Pickering, Smith of New York, Sumter, and Thruston.

Those who voted in the negative, are—

Messrs. Bradley, Gaillard, Giles, Gregg, Kitchel, Milledge, Mitchill, Moore, Pope, Robinson, Smith of Maryland, Smith of Tennessee, Tiffin, and Turner.

The Senate being equally divided, the PRESIDENT determined the question in the affirmative.

SATURDAY, December 17.

The credentials of MICHAEL LEIB, appointed a Senator by the State of Pennsylvania, were presented and read, and ordered to lie on file.

The Senate resumed the third reading of the bill to authorize and require the President of the United States to arm, man, and fit out for immediate service, all the public ships of war, vessels, and gunboats, of the United States; and the blanks having been filled, and the title amended,

Resolved, That this bill pass, and that the title thereof be "An act to provide for arming, and fitting out for immediate service, all the public ships of war, vessels, and gunboats, of the United States."

ENFORCEMENT OF THE EMBARGO.

The Senate resumed the bill making further provision for enforcing the embargo.

Mr. GOODRICH rose, and addressed the Senate as follows—

Mr. President: This bill, making further provision for enforcing the embargo, requires all our attention. We are not on ordinary business. An embargo for an indefinite period, over a great country like ours, abounding in rich staples and domestic products, and carrying on in its own vessels an extensive and profitable commerce, is a phenomenon in the civilized world. We are about entering on the second year of this novel measure, and even in defiance of the lessons which experience teaches, that without producing any beneficial results, it is embroiling the choicest interests of the nation. On foreign Powers it has made no impression, and its ruinous effect on our own country, we see in the waste of private property and public revenue; in the discontents of our citizens; in the perplexed state of the public councils, and the increasing difficulties that are fast gathering round the Government. The friends of the embargo say, that it has been evaded and violated, but that

when strictly enforced, it will compel foreign nations to respect our rights. Under these impressions, the system is to be maintained. To enforce it, the powers of the Government are to be put in array throughout our country, especially in places where discontents are manifested; and an extension is to be given to that system of arbitrary seizures of vessels, goods, merchandise, and domestic products, on suspicion of their being intended for exportation, which came in with the embargo laws, and has attended their execution.

In all this, sir, I see nothing that is to conciliate the conflicting opinions and passions of our citizens, and restore concord amongst them. I see nothing that will invigorate the public councils, and resuscitate the dormant spirit and resources of the nation. To me it seems that the Administration, without presenting to public view any definite object or course, are pressing forward our affairs into a chaos of inextricable difficulties. And I cannot but regard this bill as holding a prominent place among the measures leading on that unfortunate issue.

This bill bears marks of distrust entertained by the Government of the people, or a considerable portion of them, and of the State authorities; it places the coasting trade under further and vexatious restraints, as well as its general regulations under the control of the President. It intrenches on the municipal polity of the States, and the intercourse of the people in their ordinary business. And, what above all will wound the public sentiment, for the accustomed and mild means of executing the laws by civil process through the tribunals of justice, it substitutes military powers to be called out and exercised, not in aid, but in place, of the civil authorities.

To show that this is a correct delineation of the character, principles, and provisions of the bill, I ask, sir, your attention to an elucidation of its most important sections.

Not having had time critically to examine the first two, which have lately been introduced by way of amendment, I pass them without remark; leaving it for gentlemen who may follow, to point out their extravagant and oppressive principles.

This bill, as I before observed to you, sir, subjects the coasting trade to further and vexatious restraints, and places it under the control of the President.

It is enacted (section 2:)

"It shall not be lawful to put on board any ship, vessel, or boat, of any description whatever, any specie or goods, wares or merchandise, either of domestic or foreign growth, produce, or manufacture, and the same is hereby prohibited, unless a permit particularly stating the articles thus to be laden shall have been previously obtained from the collector of the district in which such ship, vessel, or boat may then be, or from a revenue officer especially authorized by the collector to grant such permits; nor unless the lading shall be made under the inspection of the proper revenue officers, nor unless the owner or owners, consignee, or factor of such ship, vessel, or boat shall, with the mas-

ter, have given bond with one or more sureties to the United States, in a sum six times the value of the vessel and cargo, that the vessel shall not leave the port without a clearance, nor shall, when leaving the port, proceed to a foreign port or place, nor shall put any article on board of any other vessel; and that the whole cargo shall be reloaded either in the port where the vessel may then be, or in such other port of the United States as shall be designated in the clearance. And it shall be lawful for the collectors of the customs to refuse permission to put any cargo on board any such ship, vessel, or boat, whenever in their opinion there is an intention to violate the embargo, or whenever they shall have received instructions to that effect by direction of the President of the United States: *Provided*, That nothing contained in this section shall be construed to extend to any ship, vessel, or boat, uniformly employed in the navigation only of bays, sounds, rivers, and lakes within the jurisdiction of the United States, which shall have obtained a general permission, agreeably to the provisions in the fourth section of this act."

The third section regulates all that branch of the coasting trade not confined to rivers, bays, sounds, and lakes.

The sum required in the bond is six times the value of vessel and cargo, and, as is said by those well informed, in most cases will amount to fifteen or twenty thousand dollars. It is apprehended, that many coasters will not be able to obtain sureties for that sum. Many of the owners of coasting vessels are men of moderate property, belonging to the middle class of society in point of wealth, the most numerous and not least meritorious of citizens, whom sudden and adverse changes, and consequent loss of business, first affect and depress.

Should the excessive amount of the bonds drive this description of coasters out of their regular employment, and throw it into the hands of competitors of larger capitals, we shall have an additional evil to those growing out of the embargo to deprecate. The coasting trade is nearly ruined already by the destruction of foreign trade. Both these valuable interests, like the other interests of a free and commercial people, are interwoven with each other; and while we are shut out from a commercial intercourse with the rest of the world, the Government ought to afford by every facility in its power an encouragement to a commercial intercourse between the States.

The collectors may refuse permission to put a cargo on board of any ship, vessel, or boat specified in this section, whenever in their opinion there is an intention to violate the embargo, or whenever they shall have received instructions to that effect by direction of the President of the United States.

Hereby the collectors are deputed to be viceroys over commerce in the spheres they occupy under the supremacy of the President. As we shall meet with an analogous provision in a subsequent paragraph, I at present waive further remarks on the dangerous policy of vesting the President with such enormous powers.

The fifth section treats of the trade uniformly

carried on in rivers, bays, sounds, and lakes. It is there enacted:

"That the collectors of the customs be, and they are hereby, authorized to grant, under such general instructions as the President of the United States may give to that effect, a general permission to ships, vessels, or boats, whose employment has uniformly been confined to the navigation of bays, sounds, rivers, or lakes within the jurisdiction of the United States, when it can be done without danger of the embargo being violated, to take on board at any time such articles of domestic or foreign growth as may be designated in such general permission or permissions, bond with one or more sureties being previously given to the United States by the owner, owners, consignee, or factors of such ship, vessel, or boat, and by the master thereof, in an amount equal to three hundred dollars for each ton of said vessel; that such vessel shall not during the time limited in the condition of the bond, depart from any district of the United States without having previously obtained a clearance, nor until the master or commander shall have delivered to the collector or surveyor of the port of departure a manifest of the whole cargo on board; that the said vessel shall not, during the time abovementioned, proceed to any other port than that mentioned in her clearance, or put any article on board of any other vessel, or be employed in any foreign trade; and that on every voyage or trip the whole of the cargo shall be landed in a port of the United States within the bay, sound, rivers, or lakes to which the navigation of such vessel is confined."

The amount of the bond prescribed in this clause is three hundred dollars for each ton of the vessel; and it is not less objectionable on account of its magnitude, than in the case I have just animadverted on, whether compared with the relative abilities of the two classes of coasters on whom the respective provisions operate, or the objects in view; and it is more grievous to the districts of country dependent on trade, and intimately connected with its prosperity. The navigation of the ocean we deny, and have long denied to our citizens; that between States is impeded, and I fear we are going on from time to time, by piecemeal, to offer up the trade between districts of the same State, at the shrine of our embargo system.

The coasting trade is placed under the regulation of the President by this bill:

1st. Collectors may refuse permission to put a cargo on board of any ship, vessel or boat, in any case where they have their own personal suspicions that it is intended for foreign exportation, and in every case which may be comprehended within the scope of any general instructions, issued by command of the President. But there is a proviso as to coasting vessels uniformly employed in the navigation of bays, sounds, rivers, and lakes, which shall have obtained a general permission.

2d. General permissions may be granted to the last mentioned vessels, under such general instructions as the President of the United States may give, when it can be done without danger of the embargo being violated, to take on board such articles as may be designated in such general permission or permissions.

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By these general instructions, the President may prescribe the kind and quantity of exports from, and imports into the individual States, and from and to the particular districts within a State. He may suspend them in part or in whole.

The power of issuing general instructions now proposed to be given to the President by law, he exercised in the recess of Congress, and in my opinion, without law. The Governor of Massachusetts was authorized to give certificates, or licenses for the importation of flour into that State; and, under general instructions from the President, without personal suspicion of his own, the collector at Charleston, in South Carolina, detained a vessel; which called forth the independent exercise of the judicial power of the circuit court in that State, to control the President's instructions. I am sensible the Administration and its friends have an arduous task in executing the embargo; difficulties beset them on every side; difficulties inherent in the measure itself, and not to be overcome by accumulating rigorous penalties, and an extension of the Executive power. The power to regulate commerce is vested in Congress, and by granting it to the President, do we not transfer to him one of the most important and delicate of the Legislative powers? What State would have adopted the Constitution, if it had been foreseen that this power would be granted to any man, however distinguished by office?

I will in this place notice one or two objectionable clauses in the bill not immediately connected with either of the points I have discussed.

By a clause in the eighth section, it is provided, that in a suit on a bond for not relanding goods, wares, and merchandise, and failing to produce a certificate thereof, capture, distress, or any other accident shall not be given in plea or admitted in evidence in any such suit. The doctrine here assumed, that capture, distress, or any other accident shall not be pleaded or given in evidence, infringes the first principles of justice, and involves innocence in the punishment of guilt, together with its disgraceful and ruinous consequences. The crime created by the bill, is that of a person's clearing out a vessel and cargo for a port in the United States, and voluntarily going, contrary to law, to a foreign port. To a case of capture, or being prevented by the act of God from reaching the destined port, there can be no pretence of crime. And will Congress declare an offence by statute, and deny to a party accused the right of pleading and giving in evidence the only matter of fact that goes to his exculpation? Of what use is the trial by jury, for ages revered as the palladium of innocence against the oppression of power, if it may thus be narrowed down and perverted? And for what cause is this principle to be introduced? Are courts and juries distrusted? And therefore is it that the established usages and rules of trial are to be abandoned? The Secretary of the Treasury, it is said, may remit and mitigate forfeitures and penalties, and he will give relief. So innocence is to sue, as a favor, for relief, from penal-

ties and forfeitures awarded to guilt, from a Secretary of the Treasury, when it is entitled to an acquittal in a court of justice.

It is made lawful by the seventh section of the bill for collectors to withhold a license or register for a vessel when sold, unless a bond shall be given by the owner previous to the sale, that such ship or vessel shall not contravene the embargo acts.

This provision infringes an essential right of property, and is as oppressive as it is unjust. Owners of vessels already deprived of their use by the embargo, are to be prevented from disposing of them in payment of their debts, or for other purposes, unless on condition of becoming bound for the good behaviour of all future owners of the vessel in respect of the embargo acts, as long as they shall continue.

The sections I have considered, principally affect merchants and seafaring men in their business, at stores, custom-houses, about wharves, ships, and vessels. But other sections take a wider range, and trench on the ordinary concerns of the great body of the people, by the powers they give for unreasonable and arbitrary searches for, and seizures of their property.

Collectors of the customs throughout the United States, by the tenth section, are empowered to take into custody, specie, or any articles of domestic growth or manufacture, under these circumstances, when deposited in unusual places, in unusual quantities, in places where there is reason to believe they are intended for exportation in vessels, sleighs, or other carriages, or in any manner apparently on their way towards the territories of foreign nations, or a place whence such articles are intended to be exported. And, when taken into custody they are not permitted to be removed without bonds being given for their being relanded in some place whence, in the opinion of the collector, there is no danger of their being exported.

Without warrant founded on proof, from suspicion only, may this unbounded license be exercised. Our houses, heretofore our castles, and the secure abodes of our families, may be thrown open to the visits of collectors to search for and seize our money and goods, whenever instigated by suspicion, prejudice, resentment, or party spirit.

No place is to be protected; the people may everywhere be exposed, at home, on the way, and abroad. Specie and goods thus seized without warrant, and on suspicion only, are not to be removed unless and until bond with sureties shall be given for landing or delivering the same in some place of the United States, whence, in the opinion of the collector, there shall not be any danger of such articles being exported. These provisions strike at the vital principles of a free Government; and are they not contrary to the fourth and sixth articles of amendments to the Constitution? Are not these searches and seizures, without warrant, on the mere suspicion of a collector, unreasonable searches and seizures? And is not a man thereby to be deprived of property without due process of law?

Such is the unprecedented nature and enormous extent of the powers given to collectors by this bill; and by what means, and in what manner, are they to be exercised? By the eleventh section it is enacted:

"That the powers given to the collectors by this or any other act respecting the embargo, to detain any vessel, or to take into their custody any articles for the purpose of preventing violations of the embargo, shall be exercised in conformity with such instructions as the President may give, and such general rules as he may prescribe for that purpose, made in pursuance of the powers aforesaid; which instructions and general rules the collectors shall be bound to obey; nor shall they be liable to any action, suit, or judgment on account of any detention of a vessel, or for having taken articles into their custody in conformity with such instructions and general rules."

Here Presidential instructions receive their last seal and stamp of authority. They are made binding upon collectors, and, for acts done in pursuance of those instructions, they are to be irresponsible.

These instructions, according to the terms of the bill, are to become the supreme law of the land, and obligatory on the courts of the United States and of the States. It may be said that to render them authoritative, the instructions must be in pursuance of the powers granted by the bill to the collectors, and that they are mere Executive directions given for the purpose of producing a uniform and systematic course of proceedings among collectors. If indeed this be their object, why is the clause inserted? Since the establishment of the Treasury Department, it has been the practice of the Secretary of the Treasury to issue instructions to subordinate officers; but this favorite embargo, to which all considerations are made to bend, offers the first instance of an attempt to give to them the force of laws. And a critical attention to the section shows that such is its intendment. Although it is declared that, to have the effect of laws, the President's instructions must be in pursuance of the powers granted by the bill to the collectors, it is to be remembered that collectors are to act in particular cases on their discretion, under the President's instructions, which are to be general, and neither the one nor the other are to be defined or limited by any precise rule. Both are arbitrary within the spheres of their general authorities, and the President's instructions are absolute on the collectors, and attempted to be made absolute on the court for their indemnity. They are issued from time to time as supplementary laws to enforce the embargo. No direction is given by the bill for their being published, while they necessarily must and will have important effects upon the rights and liberties of our citizens. It would still be some consolation if this unpleasant inquiry might stop here, but we must enter on a more painful duty. I have before asked by what means are these unprecedented powers to be executed? They are to be executed by military force, not to be employed in aid of the civil authority, but in the first instance in

the place, and to the exclusion of the civil authority. By the twelfth section

"It is made lawful for the President of the United States, or such other person as he shall have empowered, to employ such part of the land or naval forces of the United States, or of the militia thereof, as may be judged necessary for the purpose, in conformity with the provisions of this and other acts respecting the embargo, of preventing the illegal departure of any ship or vessel, or of taking into custody and guarding any articles of domestic growth, produce, or manufacture, and also for the purpose of preventing and suppressing any armed or riotous assemblage of persons resisting the custom-house officers in the exercise of their duties, or in any manner opposing the execution of the laws laying an embargo, or otherwise violating, or assisting and abetting violations of the same."

The military may be employed by such person as the President may have empowered. He may designate, at certain places in the States, persons to call out such part of the land or naval forces of the United States, or of the militia, as may be judged necessary. Those will be selected who are most convenient and in all respects qualified to act in the scenes to which they may be called. In these appointments the Senate is to have no concurrence. They are to be Presidential agents for issuing requisitions to the standing army, for militia, and not amenable to any tribunal for their conduct. Heretofore a delicate and respectful attention has been paid to the State authorities on this subject. The requisitions of the General Government for the militia have been made to the Governors of the States; and what reason is there for taking a different course to enforce the embargo?

Under our present system have not insurrections been suppressed, rebellions quelled, and combinations and resistance against lawful authority overcome, by the force of the General Government in co-operation with the State governments? Is not the authority of the marshals competent to the execution of the laws? I see no cause for these arrays of the military throughout the country, and the unrestrained license that is to be given to its operations. It is a fundamental principle of a free government, "that the military be kept in subordination to the civil power," and never be put in motion until those be found incompetent to preserve the public peace and authority. But, by the provisions of this bill, these Presidential agents may call out the standing army or militia, of part of them, to follow in the collector's train, to seize specie and goods in houses, stores, and elsewhere, and generally for executing the embargo laws. And even the public peace, so far as respects the suppressing armed and riotous assemblages of persons resisting the custom-house officers in the exercise of their duties, it would seem can no longer be confided to the States, and it is thought necessary to surround custom-house officers with bands of the standing army or militia.

The bill before us is bottomed on a report of the Secretary of the Treasury. How often were

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his strenuous remonstrances, and those of the chairman of the committee who reported the bill, (Mr. GILLES,) formerly heard against the extension of Executive patronage and influence; the interference of the General Government in the local policy of the States, and the ordinary concerns of the people; and, above all, against standing armies? Then no such Executive prerogatives were claimed as this bill contains; no such attempts made as here are made for intrenchments on the internal policy of the States, and the ordinary concerns of the people; and then our Army, small in comparison with the present establishment, was kept aloof from the affairs of the State, and the persons and property of the citizens. Our country was happy, prosperous, and respected. The present crisis is portentous. Internal disquiets will not be healed, nor public sentiment controlled, by precipitate and rash measures. It is time for the public councils to pause. This bill, sir, ought not to pass. It strikes at the vital principles of our republican system. It proposes to place the country in a time of peace under military law, the first appearance of which ought here to be resisted with all our talents and efforts. It proposes to introduce a military despotism, to which freemen can never submit, and which can never govern except by terror and carnage.

Mr. THURSTON, now moved to recommit the bill, which was determined in the negative. And after debate, the Senate adjourned.

MONDAY, December 19.

ENFORCEMENT OF THE EMBARGO.

The Senate resumed the bill making further provision for enforcing the embargo.

Mr. LLOYD stated, that he had no objection to the recommitment of the bill, as proposed by the gentleman from Vermont. He had wished for the postponement of it in the second reading, but the Senate had chosen to order otherwise; he had however then said, that he should not feel precluded from offering his reasons against some of the details, as well as against the general principles of the bill in the third reading; and as he had no reason to suppose that he should be one of the two additional members proposed to be placed on the committee, and as, on a former day, those who were opposed to the bill were called on to give their reasons before it should be committed, he would now do it, in order, that if his observations were of any weight, they might receive from the committee, to whom the subject was again to be referred, such consideration as they would merit.

Mr. L. observed, that he had not risen to oppose the bill because the object of it was to enforce a law to the policy of which he was adverse, but he was opposed to the bill, because, in itself, it appeared to him to contain provisions which would be extremely injurious and vexatious to the citizens, and principles which, in his view of them, were arbitrary in their nature, and in their vir-

tual effect unconstitutional. In thus characterizing the bill, he meant no reflection on the committee who reported it; they had undoubtedly taken a different view of the subject from what he had, and if he (Mr. L.) was mistaken in the estimation he had formed of it, he would rejoice more than any member of the committee.

By the third section of the bill, said Mr. L., it is enacted, that it shall not be lawful to put on board any ship, vessel, or boat, any specie, goods, wares, or merchandise, unless the owner, or owners, consignee or factor, of such ship, vessel, or boat, shall with the master have given bond, with one or more sureties to the United States, in a sum six times the value of the vessel and cargo, that the vessel shall not leave the port without a clearance, &c. And by the fifth section it is enacted, that general permission shall be given to vessels that have been uniformly employed in the navigation of bays and rivers, still to navigate the same, provided the owners and master, with sureties, shall first give bond to the amount of three hundred dollars, for every ton of such vessel so employed; which, on a vessel of one hundred tons burden, would amount to thirty thousand dollars.

Requisitions of bonds to this amount, Mr. L. said, were in his opinion excessive. He would instance the effect of them on the State of Massachusetts, not that he conceived they were legislating for a particular State, but he adduced the circumstances of that State in illustration of the principles of the bill, because they were most familiar to him; other States were in different degrees undoubtedly similarly circumstanced. The Hudson alone found employment for near two thousand coasting vessels.

A very large coasting trade, said Mr. L., was carried on between the principal seaports in old Massachusetts and the District of Maine; this trade, for the most part, is prosecuted in lumber, lime, and firewood, towards the Autumn or the close of the year, principally in the latter. The inhabitants of the old seaports are not in the habit of burning coal for fuel, they make use almost entirely of firewood, for a great part of their supplies of which they rely on the District of Maine, and this trade is alike important to the inhabitants of that district, who depend in some measure on the sale of their wood and lumber for their support. They almost exclusively own the vessels engaged in this trade; these vessels are from eighty to one hundred or one hundred and twenty tons burden—some of them are worth three or four thousand dollars; it will be a fair average to estimate them at two thousand dollars each; the cargoes may be worth from three to five hundred dollars: thus then, one of these vessels and a cargo would be worth about two thousand five hundred dollars; and bonds for six times this amount, or fifteen thousand dollars, will be required for every trip they make, for only about three or four weeks employment for their vessels.

The coasters are generally of a respectable but not wealthy class of persons, they inhabit a new country, thinly settled; for the land they occupy, many of them are partially indebted, as well as

for the equipment of their vessels. Under present circumstances, in many cases, the whole vicinity, for an extent of several miles, could not muster fifteen thousand dollars in money, to pay the penalty, provided the law was violated; the consequence must be, either that the regulation must be a fallacy on account of insufficient bondsmen being given, and be a mere business of vexation, or the trade would in many instances be abandoned from inability of the owners of vessels to procure such bondsmen as would be acceptable to the collector. If the latter were the case, and the principal part of the trade were cut off, the inhabitants of that part of Massachusetts, who have hitherto received their firewood from Maine, might be greatly incommoded for the supplies of an indispensable necessary of life, in a climate so inclement as the one they inhabit; while the inhabitants of Maine would be equally distressed, from being interdicted from the pursuit of their ordinary occupations, from being deprived of a market for almost the only cash article they now possess, from procuring clothes to cover them, or of obtaining food for their subsistence, for in many parts of that district they do not raise corn enough for their consumption.

And, said Mr. L., what right has Congress to prohibit such a trade as this, for an indefinite period? It was not given by the Constitution, nor in his opinion was it by any means certain that Congress possessed it; perhaps gentlemen were not aware on how frail a tenure it might be considered that they held even the right to regulate this trade; it might be found to rest on no more solid a basis than that of sufferance. He knew that there was a sweeping clause in the Constitution, on which the gentlemen placed great reliance, that Congress should possess the power to make all laws that might be necessary for carrying the Constitution into effect—but he also knew that in all political contracts, whatever was not specially given, was retained. He also knew that amendments to the Constitution, whenever they clashed with the original stipulations in the Constitution, were of superior force—and by the 11th and 12th amendments, it is expressly declared, that the “enumeration in the Constitution of certain rights, shall not be construed to deny or disparage others retained by the people. That the powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or the people.”

Now, said Mr. L., what is the authority given by the Constitution to the General Government with regard to commerce—it is comprised in two lines—“Congress shall have power to regulate commerce with foreign nations, and among the several States, and with the Indian tribes.” Now apply this to the coasting trade between two ports in the same State—take for example the ports of Boston and Portland—and if this trade be not a trade with foreign nations, a trade among the several States, or a trade with the Indian tribes, then sir, whence arises your power even to regulate it, except from sufferance? It may be said

that it is natural to suppose the framers of the Constitution meant to give to the General Government the same power to regulate a trade between two ports in the same State, as between two ports in different States—but if their intention were ascertained, it would not become law; it may be a *casus omissus*, but that does not alter the fact.

It is true this trade has been regulated by the General Government—so long as the regulations were not oppressive, it made no difference to the State, or to the public, whether the regulations came from the General, or from the State Government, and probably would never be objected to. But screw up these regulations so tightly, as to deprive the citizens of their accustomed avocations, take from them the means of subsistence, and your authority to do this will be questioned; and should this bill be passed into a law, and a coaster, engaged in trade between Boston and Portland, was to violate the provisions of it, be indicted for so doing, and convicted thereof, and was to demur to the constitutionality of the law, it is very doubtful, said Mr. L., if there could be found a judge on the judicial bench of the United States that would inflict on him its penalties.

In the sixth section of the bill it is stated, that if any ship, vessel, or boat, not having a general permission, and giving a general bond as prescribed by the act, shall take on board any specie, goods, wares, or merchandise, contrary to the provisions of the act, such ship, vessel or boat, with the goods, wares, and merchandise, shall be wholly forfeited, and the owner or owners shall moreover forfeit and pay a sum equal to the value of the ship, vessel or boat, and of the cargo put on board the same. Can gentlemen, said Mr. L., be aware of the operation of this clause? Suppose he had chartered a vessel a fortnight since to a merchant of Baltimore, and this merchant after the passing of the present act, and contrary to the provisions of it, attempted to evade the embargo, sent the vessel to sea with a cargo of ten, twenty or thirty thousand dollars, and was detected; was he, the owner of the vessel, Mr. L. asked, not only to lose his vessel, but also again to lose the value of ten, twenty or thirty thousand dollars in addition, as the case may be, for the misconduct of another man, of which misconduct he had neither the knowledge or suspicion, nor the power to control or prevent it? The provisions of the second section are still more exceptionable with regard to sleighs, wagons, and carriages. Suppose a man of respectable appearance should have his carriage destroyed or broke to pieces by accident in Boston, and should hire of a hackney coachman, a carriage, without hiring of the same person a driver and horses, to proceed to New York; suppose that after getting to New York, instead of returning the carriage to Boston, the person who has hired it, proceeds with it towards Canada, puts into the carriage fifteen or twenty thousand dollars in gold, and is afterwards detected; is the hackney coachman not only to lose his carriage, and three times the amount carried in it—to lose his house, his entire property—to be stripped naked, not for

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a crime committed by him, but for lawfully pursuing a business which he had prosecuted not only without censure, but with commendations on his industry, perhaps for twenty years before? This cannot be, as the gentleman from Kentucky (Mr. THURSTON) has said, with reference to some of the provisions of this bill. It is too monstrous a principle of legislation ever to be carried into effect, in any free country on the face of the earth.

But, sir, said Mr. L., bad as this is, the next section is still worse; by that section it is enacted 'That the person or persons, whose names do, or may appear, as owner or owners of any ships or vessels, either in the certificates of registry, enrolment, or license of any such ship or vessel, or on the last custom-house document issued before the passing this act, shall be reputed as the true owner or owners of such ship or vessel, and be liable to the payment of all penalties which may be incurred by the owners of such ship or vessel, by reason of any violation of any of the provisions of this act, or of the act laying an embargo.' It is well known, said Mr. L., to all mercantile men, that the custom-house officers will not let the owners of ships keep their own registers; so soon as the vessel enters, the register is taken from the captain by the collector, nor can the owner get it or obtain a new one until the vessel is again loaded and ready for sea. Suppose, said Mr. L., he had sold a vessel last January for ten thousand dollars, to a man whom he knew nothing about, who had paid him the purchase money—in consequence of the embargo, this purchaser of the vessel had not been able to send her to sea until this time; but perhaps a fortnight after the passing this bill, he puts a valuable cargo on board the vessel, attempts to evade the law, and is discovered; am I, said Mr. L., to be punished to the amount of the vessel and her cargo? Am I to be reduced from affluence to beggary for the conduct of a man with whom I have no more concern than with an inhabitant of Kam-schatka, and of whose doings I had no more knowledge—merely because I sold him a piece of property and conveyed it to him in conformity with a special law of the United States, twelve months before the existence of the law, under which I am punished for this offence? This is not only an *ex post facto* law—it is punishing the innocent with the guilty—it is going one step beyond the Mosaic regulation mentioned by the gentleman from Vermont, (Mr. BRADLEY,) it is not only punishing the man that owned the bullock, but it is punishing the person who sold the cow, that brought the bullock, that committed the injury! This, said, Mr. L., may be sport to us, but it will be death to the victims who come under the operation of the bill, should it ever become a law.

Mr. L. observed, that there were other minor objections to the bill, with the enumeration of which, as the bill would be committed, he should not then trouble the Senate—but with regard to the authority given to the President, under him to the collectors, to arrest and detain the property of the citizens on suspicion; with regard to the exemption granted to the collectors from actions at

law, or civil process in consequence of their conduct under instructions received from the President of the United States; and with regard to the authority given the President, to delegate the power to whomsoever he might please—to call into actual service the militia of the United States, without reference to the State authorities—he considered them as principles totally hostile and repugnant to the feelings and all the political institutions of the American people.

Mr. L. said, he knew that the Constitution of the United States was the paramount law of the land, but he also knew, that Constitution possessed only the powers that were given to it, and that, as well as the several State constitutions, it was predicated upon the same broad principles of civil and rational liberty—principles which cannot be infringed in a free country; for in whatever country these principles are violated, that country ceases to be a free one. Among these principles are the following:

All men have certain, natural, essential, and inalienable rights—and among them, the right of enjoying and defending their rights and liberties; of acquiring and possessing and defending property.

Each individual of the society has a right to be protected by it, in the enjoyment of his life, liberty, and property, according to standing laws.

Every man ought to find a certain remedy by having recourse to the laws for all wrongs done his person, property, or character; he ought to obtain right and justice freely and without being obliged to purchase it—promptly, and without delay.

Every citizen has a right to be secure from all unreasonable searches, and seizures of his person, his house, his papers, and all his possessions.

Laws made to punish for actions done before the existence of such laws, and which have not been declared crimes by preceding laws, are unjust, oppressive, and inconsistent with the fundamental principles of a free Government.

The military shall be kept in entire subordination to the civil power.

In free Governments, the Legislative, the Judicial, and Executive branches ought forever to be kept distinct, in order that they may be Governments of laws, and not of men.

Now, sir, (said Mr. L.,) it appears to me, by this bill, that every one of these principles is violated.

Instead of the citizens being subject to standing laws perspicuously formed, and which promulgate offences before punishment is inflicted for the commission of them, by this bill they may be made to suffer not for crimes, but for lawful and commendable actions performed in the usual course of their ordinary business, many months before such a law as this was even thought of. Instead of their being placed under the dominion of a Government of laws and not of men, they may, by this bill, be subjected to the arbitrary will, whim, caprice, malevolence, misconstruction, or misinformation of an individual; and, Mr. L. said, it made no difference in opinion, whether

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this individual were the President of the United States, or a collector—they were both human beings, and as much liable to error; the principle being radically wrong in itself, the person acting under it, could not sanction it.

Instead of the citizens obtaining justice promptly and without delay—instead of their being able to find speedy redress for all wrongs done to their persons, their character and their property—in consequence of the attacks of the soldiery, of an unfounded imputation to violate the laws of their country, or an undue arrestation and detention of their property—a shield was interposed between them and the immediate wrong-doer—they could not come into legal contact with him. The laws had lost their office with regard to collectors. And if it were possible to conceive, that a President of the United States, from misconception, from inattention, mistake, mental derangement, or corrupt views, could give unauthorized instructions to the collectors, and the citizens were to suffer severely under them; Mr. L. said, it appeared to him, that the only course they could pursue to obtain redress, was to institute a suit against the incumbent or the individual who might be in the office of the President, and with this suit to travel on from the district court to the circuit court, from the circuit court to the Supreme Court, from Passamaquoddy to Washington—and after dancing attendance several months at this city, if they were successful in the issue of the suit, and were also so fortunate as to have a very liberal jury, they might stand some chance to get a verdict in their favor, with or without one half the value of the loss of their time and the expenses of the prosecution.

Instead, said Mr. L., of the military being kept in strict subordination to the civil authority—instead of the three great branches of Government being kept for ever distinct, it appeared to him, that the military was exalted above the civil power; that the three distinguishing features of free Government, the Legislative, the Judicial and the Executive—instead of their being kept forever separate—were by this bill amalgamated and absorbed by an individual, who on the slightest circumstances in nature, on trifles light as air, gets his suspicions excited; on these suspicions he forms an opinion, on which opinion he passes judgment, and this judgment he is authorized to carry into effect, against perhaps an unoffending citizen, with the whole military force of the United States within his district, if it be necessary for him to employ it.

This state of things, said Mr. L., cannot be; he meant not to wound the feelings of any gentleman, but he must speak freely on the subject; principles of this sort appeared to him more nearly allied to the bow-string discipline of a Turkish despotism, than to the pure and wholesome laws of a free and elective Republic. The entire conviction which gentlemen might feel in their own minds, that the person to whom these powers were given would not abuse them, ought to form no excuse for enacting such laws; they were not legislating for themselves alone, but also for pos-

terity. If there were no other objections to the bill under consideration, it contained precedents of the most dangerous tendency, which might in future, if not at present, be perverted to the worst of purposes. For these reasons, Mr. L. said, he was opposed to the bill, and he both hoped and trusted it never could nor would pass into a law of the United States.

When Mr. LLOYD had concluded, on motion, by Mr. BRADLEY, the bill was recommitted to the original committee; and Messrs. CRAWFORD and THURSTON were added to the committee, further to consider and report thereon.

TUESDAY, December 20.

A message from the House of Representatives informed the Senate that the House have passed a bill, entitled "An act authorizing the payment of certain pensions by the Secretary of War, at the seat of Government," in which they request the concurrence of the Senate.

The bill was read, and passed to the second reading.

Mr. GILES, from the committee to whom was recommitted the bill making further provision for enforcing the embargo, reported amendments, which were agreed to as in Committee of the Whole; and the bill was further amended, and the President reported the bill to the House accordingly. On the question, Shall this bill be engrossed and read the third time as amended? it was determined in the affirmative.

WEDNESDAY, December 21.

The President communicated the petition of Eunice Hunt, widow of the late Thomas Hunt, Colonel Commandant of the first regiment United States' infantry, stating the "numberless distresses of indigence to which she is exposed, in a remote corner of the territories of the United States," and praying such relief as may to Congress be deemed proper; and the petition was read and referred to Messrs. MITCHILL, FRANKLIN, and SUMTER, to consider and report thereon.

Mr. BRADLEY, from the committee appointed on the 13th instant, to ascertain and report the expenditures and probable estimates in relation to the public buildings in the City of Washington, made report; which was read for consideration.

Mr. MITCHILL, from the committee to whom was referred the bill, entitled "An act authorizing the President to employ an additional number of revenue cutters," reported an amendment; which was read and ordered to lie for consideration.

The bill, entitled "An act authorizing the payment of certain pensions by the Secretary of War, at the seat of Government," was read the second time, and referred to Messrs. ANDERSON, TIFFIN, and ROBINSON, to consider and report thereon.

Mr. TIFFIN, from the committee, reported the bill making further provision for enforcing the embargo correctly engrossed.

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A message from the House of Representatives informed the Senate that the House have passed a bill, entitled "An act for the relief of William White and others;" also, a bill, entitled "An act authorizing the proprietors of squares and lots in the city of Washington to have the same subdivided and admitted to record;" in which bills they request the concurrence of the Senate.

ENFORCEMENT OF THE EMBARGO.

The bill making further provision for enforcing the embargo was read the third time; and the title having been amended—

Mr. GILES said, I am sensible that I owe an apology to the Senate, as chairman of the committee, for not having made an exposition of the objects and principles of the bill, reported for consideration, at an earlier stage of the discussion. This omission has not in the smallest degree been influenced by any apprehension, that these principles are indefensible; but, in some degree, from a desire to screen myself, as much as possible, from intermixing in discussions; a task which is never agreeable, but is at present peculiarly distressing and afflicting to my feelings. I also thought that the session had already been sufficiently fruitful of discussions intimately connected with the bill before us; and that the public interests, at this time, required action. I know, too, sir, that I owe an apology to the Senate, for the great number of amendments which, under their indulgence, has been made to this bill after it was first presented to their consideration. But, sir, you will find some apology in the intrinsic difficulty and delicacy of the subject itself, and also in the disposition manifested by the committee, to give to the objections made by the opponents of the bill, that respectful attention to which many of them were certainly entitled, and to accommodate its provisions, as far as possible, to the views of those gentlemen. After every effort, however, to effect this object, it still appears that the bill presents temptations for addressing the popular sensibility too strong to be resisted by gentlemen in the opposition. They have, accordingly, with great zeal and ability, described the provisions of the bill as dangerous and alarming to the rights and liberties of the people. This, sir, is the common course of opposition, and applies to every strong measure requiring the exercise of much Executive discretion. I think, however, I shall be able to show that there is no new principle contained in the provisions of that bill; but that every provision it contains is amply justified by precedents in pre-existing laws, which have not been found to be so destructive to the rights of the people, as gentlemen strenuously insist similar provisions in this bill will be, if they receive the sanction of law. In performing this task, I shall bring into view only such parts of the bill as have been objected to by gentlemen, presuming, that as their objections have evidently been the result of great industry and deliberation, all other parts of the bill remain unobjectionable. I shall also, perhaps, avoid some of the observations respecting

minute details; apply my remarks generally to principles; and thus bring my observations and replies into as short a compass as possible.

The gentleman from Connecticut (Mr. GOODRICH) commenced his remarks by declaring the embargo to be a permanent measure, deprecating its effects, as ruinous at home and ineffectual abroad. These observations have been repeatedly made by others, and already replied to by several gentlemen, as well as myself; and I am strengthened in the correctness of those replies by all the further reflections I have been enabled to bestow upon them. This part of the subject will, therefore, be passed over without further notice, except to remark, that perhaps one of the causes of the inefficacy of the measure abroad, has been the unprincipled violations of its provisions at home; and the great and leading object of the present bill, is, to prevent such violations. Upon this part of the subject, I am happy to find that one of its most strenuous and judicious opposers (Mr. HILLHOUSE) has candidly informed the Senate, that the provisions of the bill are admirably calculated to effect that object—and if in their practical operation, they should realize the character anticipated by that gentleman, I shall feel no regret for that portion of labor I have bestowed upon them. Indeed, I shall congratulate the committee as well as myself in having been so fortunate as to find a competent remedy for so great an evil.

The gentleman from Connecticut (Mr. GOODRICH) informs us, that the public councils are pressing on to measures pregnant with the most alarming results. I hope the gentleman is mistaken in his apprehensions, and I should have been much pleased if the gentleman had been good enough to point them to a better course; but, sir, he has not done so, nor has any gentleman on the same side of the question. Indeed, sir, it would give me great pleasure to do something that would be agreeable to our Eastern friends; but, unfortunately, amidst all the intrinsic difficulties, which press upon us, that seems not to be among the least of them. The gentlemen themselves will not explicitly tell us what would produce the effect—and I am inclined to think that nothing short of putting the Government in their hands would do it. Even this would not be exempt from difficulties. The gentlemen from that part of the United States are nearly equally divided among themselves respecting the proper course of measures to be pursued, and there is an immense majority in every other part of the United States, in favor of the measures proposed; we are therefore surrounded with real and intrinsic difficulties from every quarter, and those of a domestic nature are infinitely the most formidable, and most to be deprecated. Indeed, sir, under present circumstances, the administration of the Government cannot be a pleasant task; and, in my judgment, it requires a great effort of patriotism to undertake it, not on account of external pressures, but on account of internal discontents, stimulated too by so many artful intrigues. But for these unfortunate cir-

cumstances, every gentleman would feel an honorable pride in contributing his efforts to devise measures for repelling foreign aggressions, and he would court the responsibility attached to his station. I would not, Mr. President, give up a scintilla of that portion of the responsibility which the crisis imposes on me. Indeed, sir, to have the honor of bearing my full share of it, is the only inducement I have at this moment for occupying a place on this floor. Without that consideration I should now be in retirement. But when I turn my eyes upon internal divisions, discontents, and violations of law, and am compelled to think of measures for their suppression, it produces the most painful sensations, and distressing reflections.

The gentleman from Connecticut (Mr. GOODRICH) has been pleased to remind me of my opposition to former Administrations; and he has thought proper to assign me a higher place in the ranks of the opposition than I ever aspired to. If the gentleman will review the proceedings of former days, he will probably find that my opposition was directed more to the objects contemplated by former Administrations, than to the means of effecting objects generally approved.

[Mr. GOODRICH rose to explain. He said that he did not mean to refer to the gentleman's opposition to those Administrations generally, but to the transfer of legislative powers to the Executive particularly.]

I understood the gentleman differently, but stand corrected by his explanation, and will waive the intended reply. I am now, however, unwilling to look into retrospection; it could only produce an unpleasant and unprofitable examination—it is now, as it has been from the beginning of the session, my unceasing effort to take a prospective view of measures—I would rather follow the example of a celebrated Roman conqueror. It was his maxim always to forget the last defeat, and to turn his whole thoughts upon the best means of obtaining victory in the next battle. Stimulated, then, sir, solely by a solicitude to discover what the public interests prospectively require, I will proceed, with the most respectful attention to the gentlemen in the opposition, to examine the objections urged against this bill, both generally and particularly.

The great principle of objection, the gentlemen tell us, consists in the transfer of legislative powers to the executive department. This is an old and abstract question, often heretofore brought into view, and leads to endless discussion. I think I shall be able to show, that the bill introduces no new principle in this respect, but only applies an established principle to new practical objects. The general principle of the separation of departments is generally admitted in the abstract; but the difficulties in this discussion arise from applying the principle to practical objects. The great difficulty exists in the attempt to fix on the precise boundary line between legislative and executive powers in their practical operation. This is not possible. You might at-

tempt the search for the philosopher's stone, or the discovery of the perpetual motion, with as much prospect of success. The reason of this difficulty is, that the practical objects and events, to which this abstract principle is attempted to be applied, are perpetually varying, according to the practical progression of human affairs, and therefore cannot admit of any uniform standard of application. This reflection might have saved the gentleman from Massachusetts (Mr. LLOYD) the trouble of reading to us the constitution or bill of rights of Massachusetts, in which the principle of separation of departments is very clearly and properly laid down, and which will be very readily assented to in the abstract, but which forms no part of the question in dispute. It cannot, however, escape observation, that this principle is not laid down, even in the abstract, in the Constitution of the United States; and, although it is the leading principle of the Constitution, and probably was the principal guide in its formation; it is nevertheless in several respects departed from.

This body partakes essentially both of the legislative and executive powers of the Government. The executive department also partakes of the legislative powers, as far at least as an approbation of, and a qualified negative of the laws extend, &c. I make these observations, however, not in derogation of the general principle of the separation of powers among the several departments, so far as is practicable, but merely to show that there must necessarily be some limitations in its practical operation. Perhaps the best general rule for guiding our discretion upon this subject will be found to consist in this: That legislation ought to extend as far as definition is practicable—when definition stops, execution must necessarily begin. But some of the particular provisions of this bill, will furnish more precise illustrations of my opinions upon this question; it will, therefore, be waived until I shall come to their consideration.

I will now proceed to examine the more particular objections urged against the detail of this bill. Its provisions respecting the coasting trade are said to be objectionable in the following respects:

First objection—The penalty of the bonds required, is said to be excessive. To enable us to decide correctly upon this point, the object proposed to be effected, and the penalty required, should be considered in reference to each other. The object is to prevent, by means of coasting vessels, domestic articles from being carried abroad. Flour, for instance, to the West Indies. The price of that article here, is less than five dollars; in the West Indies, it is said to be thirty and upward. The penalty of the bonds required is six times the amount of the value of the vessel and cargo. Is any gentleman prepared to say, a smaller penalty will effect the object? I presume not. Indeed, the committee were disposed to put it at the lowest possible point, consistently with an effectuation of the object; and probably it is rather too low for that purpose. As to the pen-

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alty, according to the tonnage of vessels, it is believed, no alteration in the existing laws is made in that respect. These penalties will appear the more reasonable, when it is recollected, that, through the indulgence given of the coasting trade, most of the violations of the embargo laws have been contrived and effected.

Second objection—The collectors may be influenced by party spirit in the exercise of their discretion. It is hoped that this will not be the case, and if it were, it would certainly be much to be regretted. It may, however, probably happen, and is one of the inconveniences of the system.

Third objection—The high penalties of the bonds will drive many persons of small means from their accustomed occupations. They will not be able to procure the competent security for their prosecution. It is not to be presumed that this will be the effect to any great extent. If the owner is known to be honest, and has in view legal and honest objects, I have very little apprehension of his not being able to get the security required. But here the question recurs, are these apprehended inconveniences of such a nature as to render it necessary to abandon a great national object, for the accommodation of a few individuals who are affected by them? Is the last effort to preserve the peace of the nation, to be abandoned from these considerations? I should conclude, certainly not.

The next objections are made to the seventh section of the bill, which provides that stress of weather, and other unavoidable accidents at sea, shall not be given in evidence in a trial at law to save the penalty of bonds given as security against the violation of the embargo laws. It is known that, through pretexts derived from this permission, at present, most of the violations of these laws have been committed with impunity—it is, therefore, important to the future execution of the laws, to take away these pretexts. But it is objected that this regulation manifests a distrust of oaths. It does, of what is called custom-house oaths; their violation is already almost proverbial; it does not, however, produce nor encourage this profligacy; it takes away the temptation to it. It is further said, it impairs the trial by jury—very far from it; the trial by jury still exists; this provision only regulates the evidence to be produced before the jury. Gentlemen state particular hardships which may take place under this regulation. It is easy to state possible hardships under any general regulation; but they have never been deemed sufficient objections to general regulations producing in other respects beneficial results. This bill, however, contains a provision for relief in all cases of hardships under the embargo laws. The Secretary of the Treasury is authorized to grant relief in all such cases. This power vested in the Secretary, is also objected to. It is said to manifest a distrust of courts, and to transfer their powers to the Secretary of the Treasury. Whatever may be my distrust of some of the courts of the United States, I can say that consideration furnished no inducement

to this provision. It is a power not suited to the organization of courts, and it has for a long time been exercised by the Secretary of the Treasury without being complained of. Congress proceeded with great caution on this subject. On the third day of March, 1797, they first introduced this principle into their laws, in relation to the collection of the revenue; and, after an experiment of nearly three years, on the eleventh day of February, 1800, they made the law perpetual. This will appear from the 12th section of this bill, which merely borrows this provision from pre-existing laws. It introduces no new principle whatever. This doctrine is carried still further, by an act passed the third of March, 1807, in the eighth volume of the laws, page 318:

“An Act to prevent settlements being made on lands ceded to the United States, until authorized by law.

“And it shall moreover be lawful for the President of the United States to direct the Marshal, or officer acting as Marshal, in the manner hereinafter directed, and also to take such other measures, and to employ such military force as he may judge necessary and proper, to remove from lands ceded, or secured to the United States by treaty, or cession as aforesaid, any person or persons, who shall hereafter take possession of the same, or make or attempt to make a settlement thereon, until authorized by law.”

Here the President is authorized to use the military force to remove settlers from the public lands without the intervention of courts; and the reason is, that the peculiarity of the case is not suited to the jurisdiction of courts, nor would their powers be competent to the object, nor, indeed, are courts allowed to interfere with any claims of individuals against the United States, but Congress undertakes to decide upon all such cases finally and peremptorily, without the intervention of courts.

This part of the bill is, therefore, supported both by principle and precedent.

While speaking of the distrust of courts, I hope I may be indulged in remarking, that individually my respect for judicial proceedings is materially impaired. I find, sir, that latterly, in some instances, the callous insensibility to extrinsic objects, which, in times past, was thought the most honorable trait in the character of an upright judge, is now, by some courts, entirely disrespected. It seems, by some judges, to be no longer thought an ornament to the judicial character, but is now substituted by the most capricious sensibilities.

Justice was formerly painted blind, as a proper emblem of this honorable insensibility to external objects; but modern justice might more properly be represented by the most bright-eyed goddess of the whole Pantheon—tremblingly alive to the influence of all external objects, and so replete with irritable feelings, as, upon some occasions, to approach almost to hysterical affections. When judges so far forget the true character and dignity of their stations, judicial proceedings cannot long preserve the respect heretofore attached to them. The next objections are made against the ninth section of the bill; it is in the following words:

"That the collectors of all the districts of the United States, shall and they are hereby authorized to take into their custody specie or any articles of domestic growth, produce, or manufacture, when there is reason to believe that they are intended for exportation, or when in vessels, carts, wagons, sleighs, or any other carriage, or in any manner apparently on their way toward the territories of a foreign nation, or the vicinity thereof, or toward a place whence such articles are intended to be exported; and not to permit such articles to be removed until bond with sufficient sureties shall have been given for the landing or delivery of the same in some place of the United States, whence, in the opinion of the collector, there shall not be any danger of such articles being exported."

The objection is, that it violates the fourth article of the amendments to the Constitution; that article is in the following words:

"ART. 4. The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated; no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized."

If this section, or any other, violated this or any other article, word, or letter of the Constitution, the bill would drop unsupported from my hands. The only question which arises between this section and the fourth article of the Constitution is, whether the seizures here authorized are reasonable or unreasonable? I believe that every person will conclude that when property is intended to be used to violate the laws of the United States, and to accommodate their enemies, that it ought to be seized, and the object of its owner prevented; such seizure, therefore, cannot be deemed unreasonable, and of course not unconstitutional: as to searching, there is no power whatever in the section given to enter into houses, nor to search them, either with or without a warrant, neither in the day, nor in the night time, and of course the clause respecting searches, can in no respect whatever apply to this section. Seizures, under less imperious circumstances, are justified by all your revenue laws, &c., and as one case in point among others, I would beg to read an extract from the fourth volume of laws, section 69, page 389:

"An Act to regulate the collection of duties on imports and tonnage.

"SEC. 68. That every collector, naval officer, and surveyor, or other persons specially appointed by either of them for that purpose, shall have full power and authority to enter any ship or vessel, in which they shall have reason to suspect any goods, wares, or merchandise, subject to duty, are concealed; and therein to search for, seize, and secure any such goods, wares, or merchandise," &c.

I have never heard of any complaint from this mode of proceeding in collecting the revenue, and there certainly ought to be none against a similar provision for enforcing a due observance of the embargo laws.

It is said this section violates the fifth article of the amendments to the Constitution. The

mere reading of this article will be sufficient to show that it has not the remotest reference to any part of this section in question. It is in the following words:

"No person shall be held to answer for a capital or other infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb, nor shall he be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use without just compensation."

No private property is proposed by this section to be taken for public use, either with or without compensation, but merely that it should be held for the owner until he should give security that he would not thereby violate the law. I beg leave to refer to a case in point to justify this provision. It is in the sixty-ninth section of the revenue law just read, fourth volume, page 390; the words are as follows:

"SEC. 69. That all goods, wares, and merchandise, which shall be seized by virtue of this act, shall be put into and remain in the custody of the collector, or such other person as he shall appoint for that purpose, until such proceedings shall be had as by this act are required, to ascertain whether the same have been forfeited or not," &c.

The seventieth section of the same act extends the doctrine of seizure for the violation of the law still further. It is in the following words:

"SEC. 70. That it shall be the duty of the several officers of the customs to make seizures of, and secure any ship or vessel, goods, wares, or merchandise, which shall be liable to seizure, by virtue of this or any other act of the United States respecting the revenue, which is now or may hereafter be enacted, as well without as within their respective districts."

The most alarming objections are suggested to be contained in the following clause of the tenth section of the bill:

"SEC. 10. And be it further enacted, That the powers given to the collectors, either by this or any other act respecting the embargo, to detain any vessel, or to take into their custody any articles for the purpose of preventing violations of the embargo, shall be exercised in conformity with such instructions as the President may give, and such general rules as he may prescribe for that purpose, made in pursuance of the powers aforesaid; which instructions and general rules the collectors shall be bound to obey."

This clause merely provides for the transfer of powers previously given to the collectors, to the President, for the purpose of producing, as far as practicable, uniformity and impartiality in their execution. It was hardly to have been expected that ingenuity itself could have found an objection to this provision. But it is said that this clause gives the President's instructions the force of law. It certainly does in relation to the objects to which they are directed and limited. What are these objects? They are incidental occurrences arising in the course of the execution

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of the embargo laws, which can neither be foreseen nor guarded against by legislation in any other way, because they are incapable of definition; this provision relates to events and details not in existence; but which may probably happen; events and details, therefore, incapable of definition, and of course cannot be reached by legislation without the aid of the executive department. This case serves to illustrate the general principles I before laid down respecting the transfer of legislative powers to the executive department. But, sir, as great stress has been laid upon this objection by the opponents of the bill, permit me to examine this doctrine in reference to the pre-existing practice of this Government with more minute attention. In this examination it will be found, that, at all times, since its establishment, when it had an object in view which could not be defined, and of course could not be reached by legislation, it has called in the aid of executive discretion for the purpose, sometimes with more, and sometimes with less limitation and restriction. In the first place, let me call attention, sir, to the act of the last session of Congress, to authorize the President to suspend in whole or in part the several embargo laws, in the following words:

"An Act to authorize the President of the United States, under certain restrictions, to suspend the operation of the act laying an embargo on all ships and vessels in the ports and harbors of the United States, and the several acts supplementary thereto.

"Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That, in the event of such peace or suspension of hostilities between the belligerent Powers of Europe, or of such changes in their measures affecting neutral commerce, as may render that of the United States sufficiently safe, in the judgment of the President of the United States, he is hereby authorized, during the recess of Congress, to suspend, in whole or in part, the act laying an embargo on all ships and vessels in the ports and harbors of the United States, and the several acts supplementary thereto, under such exceptions and restrictions, and on such bond and security being given as the public interest and circumstances of the case may appear to require. Provided such suspension shall not extend beyond twenty days after the next meeting of Congress.

"Approved, 22d April, 1808."

The principle upon which this bill passed, was, that it related to an event not in existence, but which might have occurred during the recess of Congress; and if it had taken place, it would have been all important to the interests of the people, that the suspension of the embargo should take place in consequence of the happening of the contemplated events. Congress, therefore, after extending legislation as far as it could do in defining the circumstances in which the suspension might take place, did not hesitate to trust to executive discretion for making the necessary decisions and arrangements respecting all other circumstances which might occur, but which could not be foreseen; because they depended upon the will of foreign nations, which could neither be anticipated nor controlled. But, sir, per-

haps gentlemen will be inclined to disrespect this precedent, because it was adopted without the sanction of their votes. I will, therefore, turn their attention to a precedent, sanctioned, I believe, by the unanimous votes of both branches of the Legislature, and certainly by the votes of the gentleman from Connecticut (Mr. HILLHOUSE) and myself, and approved by the then President (Gen. WASHINGTON.) I allude to an act which passed the House of Representatives on the 30th May, 1794, in the following words—approved the 4th June:

"An Act to authorize the President of the United States to lay, regulate, and revoke embargoes.

"Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That the President of the United States be, and he is hereby, authorized and empowered, whenever, in his opinion, the public safety shall so require, to lay an embargo on all ships and vessels in the ports of the United States, or upon the ships and vessels of any foreign nation, under such regulations as the circumstances of the case may require, and to continue or revoke the same, whenever he shall think proper. And the President is hereby fully authorized to give all such orders to the officers of the United States, as may be necessary to carry the same into full effect: *Provided*, The authority aforesaid shall not be exercised while the Congress of the United States shall be in session, and any embargo, which may be laid by the President as aforesaid, shall cease and determine in fifteen days from the actual meeting of Congress, next after laying the same.

"SEC. 2. And be it further enacted, That this act shall continue and be in force until fifteen days after the commencement of the next session of Congress, and no longer.

"FREDERICK AUGUSTUS MUHLENBERG,
"Speaker of the House of Representatives.

"RALPH IZARD,

"President of the Senate pro tempore.

"Approved, June 4th, 1794.

"GEO. WASHINGTON,

"President of the United States."

This act, giving the President the most unqualified powers to lay, regulate, and revoke embargoes, was, I believe, passed unanimously by both Houses of Congress; but as I was unwilling to trust to my recollection upon this point, I have had reference to the Journals of the House of Representatives at that day, for more precise information, and I find the yeas and nays were not called for upon the passage of the bill; the strong presumption, therefore, is, that there was no opposition to its passage. The following is the extract from the Journals:

Journal of the House of Representatives of the United States, 3d Congress, first session, page 376.

"An engrossed bill authorizing the President of the United States, to lay, regulate, and revoke embargoes, was read the third time.

"Resolved, That the said bill do pass, and that the title be, an act to authorize the President of the United States to lay, regulate, and revoke embargoes.

"Ordered, That the Clerk of this House do carry the said bill to the Senate, and desire their concurrence."

I also find, from the further inspection of the Journals of that day, that very little ceremony was used in laying embargoes; it was then done by resolutions, without even the formality of a bill, and the President authorized to give all the necessary instructions for carrying it into effect, even during the session of Congress. The following is the original resolution for laying an embargo:

Journal of third Congress, first session, pages 216-17.

"Resolved by the Senate and House of Representatives, &c., That an embargo be laid on all ships and vessels in the ports of the United States bound to any foreign port or place, for the term of thirty days, and that no clearance be furnished during that time to any ship or vessel bound to such foreign port or place, except ships or vessels under the immediate directions of the President of the United States; and that the President of the United States be authorized to give such instructions to the revenue officers of the United States as shall appear best adapted for carrying the said resolution into full effect.

"Approved, 26th March, 1794."

I find, also, upon a further examination of the Journals, that sundry memorials from the merchants were presented for the continuation of the embargo, and among others, one from the inhabitants of the town of Salem, as appears from the following extract:

Journal of third Congress, first session, page 339.

"A memorial of the inhabitants of the town of Salem, in the State of Massachusetts, was presented to the House and read, praying a further continuation of the embargo laid on ships or vessels in the United States, bound to any foreign port or place."

I have read these proceedings to show that the same terrific alarms, respecting embargoes, were not circulated through the country in the year 1794, which now are, because there were then no objects for such an excitement. The history of those times will also show the principle upon which Congress gave to the President unlimited powers to lay embargoes, at his discretion, during their recess. It is known that, in consequence of the British hostile orders against our commerce in 1793, during the session of 1794, Mr. Jay was sent to London to demand redress from the British Government for the injuries done to our commerce under those orders, and to make an amicable adjustment of all the differences between the two countries. It was believed by Congress that if the mission did not succeed, war might probably be the consequence of its failure, and as the result would probably be known during the recess, Congress did not hesitate to give to the President full power to protect our commerce and seamen by an embargo, from the dangers to which both would have been exposed in the event of a war with Great Britain. Upon what principle was this unlimited power given? Why, simply upon this, that the event, upon which its exercise was to depend, was not in existence, but might possibly exist, and, therefore, was incapable of definition, or, in other words, of legislation; and yet the exercise of the power in case of the happen-

ing of the event, might be indispensable to the common defence and general welfare.

At that time the nation acted from a just sense of its own interest and honor. It was considered as the cause of this nation, against a foreign nation. It was, then, the irresistible effort of an undivided nation. It must be admitted by all, that the British Orders of 1793, did not present to us the dangers and difficulties resulting from the combined influence of the British Orders and French Decrees of the present day. Whence, then, this sad reverse in our public councils? Whence, then, these unfortunate and alarming internal divisions? These evils can only be ascribed to party spirit. Fortunately at that day, the United States were not distracted and torn asunder by party spirit. Unfortunately, at the present day, this baneful influence seems to have become so inveterate, so lost to its own interest and honor, as to be willing to seek a temporary and ruinous protection under foreign aggressors, rather than to unite in any measures to resist and repel their aggressions.

Gentlemen have even gone so far as to object to the clause for the protection of the public officers from vexatious suits for the discharge of their duties. It is believed that this provision is not only correct in itself, but that it exists in the laws of the several States and in the laws of the Union; the only reply, therefore, that I shall make to this suggestion, will consist in reading the clause objected to in this bill, and a similar clause in the existing laws:

Extract from the bill.

"And if any action or suit be brought against any collector, or other person, acting under the direction of and in pursuance of this act, he may plead the general issue, and give this act and the instructions and regulations of the President in evidence for his justification and defence."

Extract from one of the existing laws.

"SEC. 71. That if any officer, or other person, executing or aiding or assisting in the seizure of goods, shall be sued or molested for anything done in virtue of the powers given by this act, or by virtue of a warrant granted by any judge or justice, pursuant to law, such officer, or other person, may plead the general issue, and give this act and the special matter in evidence; and if in such suit the plaintiff is nonsuited, or judgment pass against him, the plaintiff shall recover double costs; and in actions, suits, or informations to be brought, where any seizure shall be made, pursuant to this act, if the property be claimed by any person, in every such case the *onus probandi* shall be upon such claimant."

The gentleman from Connecticut, (Mr. GOODRICH,) not content with finding fault with the provisions of the bill, has ventured to give it a general character. He has ventured to call it a "military despotism." This, surely, would be a most alarming mark to stamp on the forehead of this bill. If true, the bill would certainly be left without an advocate. But, sir, before I enter into an examination of this harsh and uncharitable suggestion, permit me to ask what is the situation of the United States at this moment as it

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respects peace or war? It can hardly be said that the United States are at peace, when two belligerents are making war on them; when some of the essential attributes of national sovereignty are attempted to be forcibly wrested from them. The most that can be said, if we are at all at peace, is, that it is a peace like war, and, in my judgment, would authorize the adoption of any measure, which would be justified in a state of war. And, in the event of war, are we to expect to meet with little cavils and difficulties of this kind, with every measure which may be proposed for the annoyance of the common enemy? I hope not, sir. If we should, unfortunately, be driven into war after so many patient efforts to avoid it, I hope and trust it will not be a war like a peace; but that the whole energy of the nation will be brought to bear upon the enemy both by land and sea—I hope the war will be vigorous; and in that case, I am sure it will be short and successful. Let me, then, sir, under this exposition of our real situation, examine the terrible suggestion brought against this bill—what is it, which has doomed it to this unwarrantable reproach? The only section which has the remotest reference to the use of military force, is the eleventh, which is in the following words:

“**SEC. 11. And be it further enacted,** That it shall be lawful for the President of the United States, or such other person as he shall have empowered for that purpose, to employ such part of the land and naval forces, or militia of the United States, and of the Territories thereof, as may be deemed necessary, in conformity with the provisions of this act and other acts respecting the embargo, for the purpose of preventing the illegal departure of any ship or vessel, or of detaining, taking possession of, and keeping in custody any ship or vessel, or of taking into custody and guarding any specie or articles of domestic growth, produce, or manufacture, and also for the purpose of preventing and suppressing any armed or riotous assemblage of persons resisting the custom-house officers in the exercise of their duties, or in any manner opposing the execution of the laws laying an embargo, or otherwise violating, or assisting and abetting violations of the same.”

It will be found, upon examination, that this section contains no new principle; but, like others which have been objected to, merely applies an old principle to a new object. In justification of this assertion, permit me here to read an extract from an act of Congress, which will be found in the seventh volume of the Laws, page 365, in the following words—they will be found to be precisely of the same import with the material words of the section under discussion:

“**An Act for the more effectual preservation of peace in the ports and harbors of the United States, and in the waters under their jurisdiction.**

“**SEC. 5. And be it, &c.,** That whenever any armed vessel of a foreign nation entering the harbors or waters within the jurisdiction of the United States, and required to depart therefrom, shall fail so to do, it shall be lawful for the President of the United States, or such other person as he shall have empowered for that purpose, to employ such part of the land and naval forces of the United States, or the militia thereof, as he

shall deem necessary, to compel the said armed vessel to depart,” &c.

But, sir, as gentlemen in the opposition may have more respect for a precedent in 1794, which probably received the sanction of the votes of all those then in Congress, I will furnish them with one of that date expressly in point. It is in the following words:

Third volume Laws, page 92.

“**An Act in addition to the act for the punishment of certain crimes against the United States.** Approved the 5th June, 1794.

“**SEC. 7. Be it enacted, &c.,** That in every case in which a vessel shall be fitted out and armed, or attempted so to be fitted out or armed, or in which the force of any vessel of war, cruiser or other armed vessel shall be increased or augmented, or in which any military expedition or enterprise shall be begun or set on foot contrary to the prohibitions and provisions of this act; and in every case of the capture of a ship or vessel within the jurisdiction or protection of the United States, as above defined, and in every case in which any process issuing out of any court of the United States shall be disobeyed or resisted by any person or persons having the custody of any vessel of war, cruiser, or other armed vessel, of any foreign Prince or State, or of the subjects or citizens of such Prince or State; in every such case it shall be lawful for the President of the United States, or such other person as he shall have empowered for that purpose, to employ such part of the land or naval forces of the United States, or of the militia thereof, as shall be judged necessary for the purpose of taking possession of, and detaining any such ship or vessel with her prize or prizes,” &c.

In all these cases the principle is precisely the same. It is the application of the physical force of the nation to carry into effect its laws in different forms, according to the different objects, to be effected by it.

But, sir, as I know how easy it is to alarm the public sensibility by the suggestion of “a military despotism,” without examining into its applicability to the case in question, I will take the liberty of giving a short history of the proceedings of the Government in relation to this subject.

In the year 1792, shortly after the establishment of the Government, it was foreseen by Congress, that a state of things might exist, which would require the physical force of the nation to be called forth to execute the laws of the Union, suppress insurrections, and repel invasions. At this time, however, no occasion having occurred to render a resort to this remedy necessary, considerable precaution and delicacy were manifested in making the provisions for this object. Accordingly, on the 2d day of May, 1792, a law for this purpose was passed. It is not necessary now to read it, but merely to remark, that it was accompanied with so many precautions, and consequent delays, that, upon the first experiment made under its provisions, it was found to be ineffectual.

This occurred in the insurrection, or the apprehended insurrection in Pennsylvania, and shortly after an act was passed for the same pur-

pose, repealing the act in question, and dispensing with most of its dilatory ceremonies, which were found rather calculated to defeat, than to effect the object, in the event of a prompt and formidable resistance, &c. This act contains the following among other provisions:

Third volume Laws, page 189.

"An Act for calling forth the militia to execute the laws of the Union, suppress insurrections; and repel invasions, &c.

"Sec. 1. That whenever the laws of the United States shall be opposed or the execution thereof obstructed in any State, by combinations too powerful to be suppressed by the ordinary course of judicial proceedings, or by the powers vested in the marshals by this act, it shall be lawful for the President of the United States to call forth the militia of such State, or of any other State or States, as may be necessary to suppress such combinations, and cause the laws to be duly executed; and the use of the militia to be called forth may be continued, if necessary, until the expiration of thirty days after the commencement of the then next session of Congress.

Sec. 2. *Provided always, and be it further enacted,* That whenever it may be necessary, in the judgment of the President, to use the military force hereby directed to be called forth, the President shall forthwith, by Proclamation, command such insurgents to disperse and retire peaceably to their respective abodes within a limited time."

It cannot escape observation, sir, that the authority given to the President to call out the force of the nation, was limited to the militia only, in both the laws referred to; at that time such were the apprehensions or fears of employing the regular land or naval forces for the purpose of executing the laws, &c., that the authority to employ them for that purpose was actually withheld from the President. But subsequent events have taught us the necessity and propriety of dismissing such groundless alarms. It was discovered by the insurrection of Burr, that the United States might be attacked and threatened by the most serious dangers in parts where the militia could not be brought to act with effect, and it was rendered probable that the most exposed and defenceless parts would generally become the objects of attack; accordingly, Congress did not hesitate to pass a law, I believe unanimously, (at least I recollect to have drawn the law, and do not recollect any opposition to its passage) solely for the purpose of authorizing the President to employ the land and naval forces in all cases in which he was previously authorized to call out the militia. The act is in the following words:

Eighth volume, page 311.

"An Act authorizing the employment of the land and naval forces of the United States in cases of insurrection.

"That in all cases of insurrection or obstruction to the laws either of the United States or of an individual State or Territory, where it is lawful for the President of the United States to call forth the militia for the purpose of suppressing such insurrection or of causing the laws to be duly executed, it shall be lawful for him to employ, for the same purpose, such part of the land

or naval force of the United States as shall be judged necessary, having first observed all the prerequisites of the law in that respect."

In all these cases Congress proceeded upon the rational ground of applying the force to the object. It is now proposed to proceed on the same principle, and apply the force to existing objects. What is the nature of the obstructions to the laws now proposed to be suppressed? Why, sir, they generally are, forcibly seizing and carrying away from the custody of the revenue officer, vessels or other property seized by him for violating the embargo laws. It is a mere scuffle between the revenue officers and unprincipled banditti for the possession of property. Now, sir, in applying the public force to this object, would it not be perfectly absurd to require that the President should be sent to from the extremes of the United States to issue his Proclamation commanding the insurgents to disperse, &c., when their sole object is to disperse as soon as the mischief is accomplished? This, too, would be almost instantaneous. It certainly would, sir. This is surely a stronger case than the one which called forth precisely a similar provision in 1794, for seizing, &c., vessels intended to be fitted out as privateers in violation of the existing laws; this case is before referred to in the course of these observations. The necessity and propriety of this provision is so obvious, that the people themselves have discovered the want of it, and are now beginning to tender their services for enforcing the embargo laws, in places where they have witnessed their violation—and shall Congress be deterred from accepting this the honorable and patriotic tender of their services? As an honorable testimony of this fact, I have just had put into my hands, the patriotic resolutions of the people of the town of Marblehead, in Massachusetts. They are so highly honorable to the patriotism, disinterestedness, and good sense of the people of that town, that I beg leave to present them to the Senate in their own words:

"At a meeting of the freeholders, and others, inhabitants of the town of Marblehead, legally convened at the Town-house, in said town, on Tuesday, the 7th day of December, 1808, at half-past two o'clock in the afternoon—Capt. Richard James, Moderator.

"The following resolves being read, it was unanimously voted that they pass:

"Resolved, That the town continues steadfast in the faith that the embargo law was a law of wisdom, and that the President and Congress of the United States are entitled and shall receive our warmest thanks for their early attention to the independence, liberty, and just rights of the Union, and particularly of the commercial part thereof.

"Resolved, That this town will use all the energy they possess to carry into full effect all laws the present Congress have or may enact, for the support of our just and equal rights as an independent nation, against the unjustifiable, tyrannical, and imperial orders and decrees of the belligerent Powers of Europe, by protesting to our country our property and services.

"Voted, a committee be appointed to transmit to Joseph Story, Esq., our Representative in Congress, the doings of the meeting.

"Voted, the above committee consist of the follow-

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ing persons: Captains William Story, Nathan B. Martin, and Joseph Pedrick.

"Attest: J. PRENTISS, *Town Clerk.*"

Upon a candid review of this terrific objection, I think I am warranted in the conclusion, that the provision partakes nothing of the character of military despotism—but is fully justified both by principle and precedent.

Still further to excite our alarms, intimations have been thrown out, but faintly I acknowledge, that the embargo laws are unconstitutional. After what had taken place upon that subject in 1794 by the unanimous consent of all the departments, as well as what has lately been decided upon in that respect, I really should have been surprised, in entering a boarding school, to have heard that question propounded, merely to try the skill, or whet the ingenuity of spouting boys, or lisping misses; but to hear it intimated by grave legislators, in quest of truth, and engaged in directing the practical operation of the Government, even too by judges and lawyers, is to me really astonishing; I am astonished that the respect they must feel for the opinions of their acquaintances, as well as of future times, could not deter them from hazarding themselves upon such a suggestion. But, sir, I find, within a few days past, the mental optics of some gentlemen have been upon the stretch to discover other doubts, which, under the names of *casus omissus*, or some other subtleties, are transformed into realities, so formidable as to destroy the whole energy of the Constitution, and arrest completely the practical operation of the Government. I allude, sir, to the supposed discovery of the gentleman from Massachusetts, (Mr. LLOYD,) that Congress could make no regulation of commerce between the ports of the same State, although he will find the principle settled in every law that was ever passed for regulating the coasting trade; that the same principle was formerly decided by the unanimous vote of this body only a year or two ago, and with not more than five dissentients in the other House; and even they might have been influenced by some collateral considerations, when it is also considered, that, without the exercise of this power, several of the most important specified powers would be rendered wholly nugatory. Yes, sir, every speck which a disturbed imagination had supposed it had discovered upon the horizon of the Constitution, is now, by the help of mental microscopes, transformed into a tremendous cloud, fraught with dreadful storms and horrid thunders; and which, in its destructive course, is to tear up all our rights and liberties by the roots! Sir, it is time to turn from such unprofitable scrutinies—it is time to bend our thoughts on other objects—it is time to face the public dangers, and to repel them.

The last tocsin of alarm which has been sounded upon this occasion, is the suspension of the writ of habeas corpus.* We have been reminded

of the proceedings of this House upon that subject, and the fate they experienced in the other House. Instead of this circumstance being urged as an admonition to those who wish to see the laws respected, and to furnish the means for causing the national will to be executed, it ought to be a caution to those who, with the most laudable zeal for the preservation of individual rights, are deterred from these objects by popular suggestions. I thought, by this time, that every man of common impartiality and common sense had seen in subsequent events the propriety of that measure. I rejoice that I had the honor of proposing it, and always regretted its rejection. Indulge me, sir, with a very few observations on this subject. The Constitution contains but one clause respecting this writ: "The privileges of the writ of habeas corpus shall not be suspended unless when, in cases of rebellion or invasion, the public safety may require it." I presume that every man in the United States will now admit that a rebellion did exist, and that the public safety was in danger; no Constitutional objection could therefore exist to the bill, and when its limitations and directions are observed, which appear never to have been presented to public notice, I presume posterior events will have demonstrated its propriety, in the opinion of every candid man of understanding in the community. What, Mr. President, have been the consequences of its rejection! You have seen your judiciary publicly held up to the world as a spectacle of disgrace. You have seen a jury sworn to try an issue in a criminal case, and excluded from the privilege of hearing the most material evidence, upon which the trial of the issue depended. You have seen treason go unpunished. And you have seen the character of imbecility given to our Government, calculated to excite distrust at home, and to invite contempt and attacks from abroad. What would have been the probable effects of passing the bill? Guilt would have received its just reward. The public justice would have been appeased, the confidence in the energy of the Government would have been preserved, and you

representatives of the United States of America, in Congress assembled, That in all cases where any person or persons charged on oath with treason, misprision of treason, or other high crime or misdemeanor endangering the peace, safety, or neutrality of the United States, have been, or shall be arrested and imprisoned by virtue of any warrant or authority from the President of the United States, or from the Chief Executive Magistrate of any State or Territorial government, or from any person acting under the direction or authority of the President of the United States, the privilege of the writ of habeas corpus shall be, and the same hereby is, suspended for and during the term of three months from and after the passage of this act and no longer.

OFFICE OF THE SECRETARY OF THE SENATE,
January 2, 1809.

I certify that the foregoing is a true copy of a bill that passed the Senate on the 23d of January, 1807.

SAMUEL A. OTIS, *Secretary.*

*An Act to suspend the privileges of the writ of habeas corpus, for a limited time, in certain cases.

Be it enacted by the Senate and House of Repre-

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would have been saved, sir, the painful mortification of beholding the most atrocious treason stalking unpunished through the land, triumphing in a security afforded, it is feared, sir, through the hostile propensities of the judge against his own Government, or at least against the administration of his own Government. Yes, sir, and if through popular suggestions we should now be driven from affording the means of executing the embargo laws, the consequences will be the more to be regretted, as the evils to be remedied are much more formidable. Let me, then, sir, now inquire into the causes of the violations of the embargo laws; the nature of the offences, and the description of persons engaged in their commission. The original cause of these violations is, British influence. I do not mean to apply this observation, in the remotest degree, to any gentleman in the opposition to this bill—I believe those gentlemen are perfectly exempt from this influence. I merely speak of British influence as a fact which exists, as an incident attached to society, and of course ought to be guarded against. It is a fact notoriously known, that as soon as the British Government was apprized of the measure of the embargo, an order was issued inviting our citizens to violate the laws by offering to receive and protect their vessels, although they should leave our ports without the customary papers, engage in a lawless trade, and thus at least to assimilate themselves to pirates. It is also known, that the British Government has agents in most of our seaport towns for purchasing up supplies for its fleets and armies. That there are also British merchants, and British capital, connected with unprincipled Americans, engaged in the violation of these laws. Yes, sir, unprincipled Americans have been invited, through these means, to engage in this scandalous traffic. And what, sir, is the nature of the offences they have been induced to commit? Is it treason? No, sir, but it partakes essentially of its character. If, instead of an incipient, we were in an actual state of war, it would be treason, and treason of the basest sort. It is, to say the least, a base abandonment of every honorable and patriotic sentiment. Is it bribery? It certainly partakes of that character. It is violating the laws of our country, and co-operating in counteracting their effects upon our enemies for the sake of money, regardless of consequences. Is it perjury? Yes, sir, it is in most cases perjury in its essence, and subornation of perjury in all. Yet, sir, the authors of these offences and those who countenance and advise the commission of them, have the impudence to talk of moral and religious obligations! Are these the individuals, sir, who are to be treated with so much tenderness? Are these the offences which are to be proclaimed legal and Constitutional? That they have conquered the Constitution, and cannot be controlled by its provisions? If, sir, we should be driven by our fears from affording the means of executing the embargo laws, in what situation should we stand before the nation and the world? We have just said we will not for the present repeal these

laws, and we are now about to declare that we are afraid to execute them! That the Constitution furnishes no means for this purpose. What a slander upon the Constitution! What an insult upon the framers of it! What an insult to the people who adopted it! And what will the people say to all this? What is the general sentiment at this moment? It is, enforce your embargo laws or repeal them. And are we about to tell them that the Constitution contains no means for executing the national will when fairly pronounced upon legitimate objects? Or are we to tell them that the Constitution does afford the proper and necessary means for executing the national will, but that we are either afraid, or do not know how to call them into action?

Sir, those who assert that the Constitution is defective in this respect, either do not understand, or they misrepresent its provisions. They neither breathe the spirit, nor speak the language of the Constitution. "Sir, I feel for this instrument the most sacred veneration. And with this Constitution in my hand, and its precepts in my heart, I am now ready and willing, in its own spirit and language, to furnish the means necessary and proper for carrying into effect a great national and Constitutional object—for carrying into effect the embargo laws—and thus to make a last effort to preserve the peace of the nation..

Mr. PICKERING said, the legal, the Constitutional, and the commercial objections to the bill under consideration, have been stated by the gentleman from Connecticut, and my colleague, and enforced by reasons which to me appear irresistible. But if their statements were as incorrect as they are true; if their reasoning were as doubtful as it is irrefragable; and if the rigorous provisions of the bill were carried into execution—not by the marshal aided by the *posse comitatus* or militia, according to former safe and wholesome usages, but by the standing army, by the regular troops, who, as despotism seems now advancing with rapid strides, may soon become the praetorian guards of the Palace; if, I say, the provisions of this bill should be perfectly executed, and the embargo be rendered "complete"—the question, the important question, still recurs—What good will it do our country? How will it promote the public welfare? Shall I be again told, what originated at the Palace, and has been a thousand times repeated by its supporters, that it has saved our seamen, our vessels, and our merchandise? When every man who will open his eyes must see that the position is unfounded, and, that, when assigned as the motive for laying the embargo, has been demonstrated to be a delusion? Yes, sir, it is still insisted on, that if our vessels were permitted to go out, they would all be swept from the ocean! I am astonished at the confidence with which gentlemen, laying high claims to information and discernment, continue to make this assertion.

On a former day, by exhibiting lists of vessels which had been safely sailing on the high seas, and the moderate rate of insurance, I demonstrated that the danger so much talked of was ficti-

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tious—that it did not exist. I recollect that the gentleman from Virginia (Mr. GILES) has since suggested, that the calculations of my mercantile friend (Mr. Thorndike) of the rates of insurance must be incorrect; that now insurances were low, because “the French have no inducements to send out privateers to depredate upon our commerce, as long as the embargo restrains it within our ports.” To say nothing of the multitude of English merchant vessels, sufficient to excite French cupidity and lust for plunder, I will observe, that my mercantile friend possesses as acute and discernment as the gentleman from Virginia, and, in mercantile knowledge, is most unquestionably his superior. My friend’s calculations do not look back; they are prospective; formed on the risks to be run, if the embargo be removed, and the sails of our merchant vessels be again spread on the sea.

But as the gentleman alike disregards such calculations, and the facts appearing at several insurance offices (and among men of plain, practical understanding, these would be resorted to as sources of correct information;) seeing, I say, the gentleman from Virginia is not satisfied with this testimony, why did he not advert to an authority which he holds in the highest respect, the authority of the President and Secretary of State? They have said, that Bonaparte’s Berlin Decree was an “empty menace,” and that “France was without the means of carrying it into effect against the rights and obligations of neutral nations.” But this also the gentleman passes by. Let me, then, mention one more statement.

In the Message, at the opening of the present session of Congress, the President informed us, that his Ministers at London and Paris had been instructed to explain to the respective Governments his disposition to exercise his power of suspending the embargo laws, in such manner as to open the way to a renewal of commercial intercourse—but that neither Government had accepted his offer. The instructions to his Minister in Paris, the President says, were necessarily modified—but how he did not say; and from the obscurity of his language it would be impossible to divine. By looking, however, to the correspondence between Mr. Madison and General Armstrong, perhaps we may discover the boon or boons offered to France, on condition of the Emperor’s repealing his decrees. Mr. Madison says, that if France revoke her decrees, Great Britain, by following the example, would be obliged to restore to France the full benefit of neutral trade, or, by persevering in her orders, “render collisions with the United States inevitable.” And General Armstrong says, in the like case, that “it may be fairly presumed the United States could no longer hesitate about becoming a party to the war against England.” He adds, that if Great Britain should not obstruct our trade, the wants of France and her colonies would be supplied. If Great Britain should obstruct the trade, “the wishes of His Majesty (the French Emperor) as expressed in February last, would be directly promoted.”

What were the wishes so expressed? No com-

munication of the French Government to the American Minister, exhibiting those wishes, has been laid before Congress. In the mass of other information communicated, has so important a document been accidentally overlooked?

With regard to the other belligerent, the President speaks a plainer language. He says that to Great Britain, “whose power on the ocean is in the ascendant,” it was stated explicitly, “that on her rescinding her orders in relation to the United States, their trade will be opened with her, and remain shut to her enemy—in case of his failure to rescind his decrees also.” Indeed, Mr. President! Let our ships loose from our wharves, let them take in rich cargoes, and sail for all the ports on the globe—except those of France and her dependent States—when, according to the gentleman from Virginia, that temptation to plunder would fill the ocean with French privateers! I will recite the gentleman’s words: “The reason of the low insurance, is, that the French have no inducement to send out privateers, to depredate upon our commerce, as long as the embargo restrains it within our ports—raise the embargo, and the temptation to plunder would fill the ocean with privateers. The commerce would stand little chance to escape the plunderers.” And yet the President, who professes so much solicitude for American seamen and American commerce, was willing, we have just seen, to suspend the embargo, and thereby expose our seamen, our vessels, and our merchandise, “these essential resources,” and “with little chance to escape,” to the plunder of French privateers, which would then fill the ocean! Into such contradictions will mankind be plunged, when the real object in view does not admit of a fair and candid disclosure.

To recur to the question, What good will the embargo do? How will it promote the public welfare? That it is not necessary to preserve our seamen, our vessels, and our merchandise, has been conclusively proved. Yet it is said that it must be continued, and if continued, that it must be enforced with all the arbitrary regulations and powers contained in the bill before us, and which have been so strikingly described by the gentlemen who have spoken before me, in order to preserve our honor—“our national character, and national independence.” In my apprehension this is incorrect. I see, sir, a constant effort to identify our Administration with the nation, but they are essentially distinguishable. The errors of an Administration may bring mischief upon and hazard the ruin of a nation. Witness, at this moment, the brave and generous Spaniards, who, after suffering an age of depression, have been regenerated in a moment, as with an electric stroke, and, nobly rising, are now breaking the chains forged for them, upon the head of their oppressor. Who that has a heart—who that has any sympathy for human sufferings—who that respects the rights of self-government, inherent in every nation—will not bid them God-speed? I would say, go on, noble Spaniards, and be the instruments of Heaven to stay the ravages of the

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most ruthless tyrant that has scourged the European world, since the Roman Empire fell!

I was saying, sir, that a nation and its administration are essentially distinguishable. It is necessary now to distinguish them in our own country. How has it been brought into its present state of embarrassment? Has it been without the agency of its Administration? For a series of years, sir, illusions have been industriously spread among the people. To dissipate those illusions, so far as was in my power, I have exposed myself to the slanders and reproaches of the ignorant, the base, and the unprincipled. But I am not by such means to be discouraged. Hitherto my attention has been confined to the embargo. It is that which immediately brought the nation into its present deplorable situation; and the only way to escape from it is, by making the distinction to which I have alluded. And I say, sir, that, while in the nature of things it is impossible for the embargo to vindicate the rights or the honor of the nation, its maintenance is deemed of the first importance to the Administration, who have staked their reputation upon it. Hence the unvaried efforts of the Administration and their partisans to impress the belief, that the British Orders in Council were the principal cause of the embargo. For they see that the documents originally laid before Congress as the cause, are utterly insufficient. But if those orders were the cause, the great primary cause, "before which all other motives sink into insignificance," it would seem to follow that the embargo must be continued until these orders are revoked. Hence, sir, it appeared to me of the last importance to show that the British Orders in Council were not the cause of the embargo; and impartial observers think I have shown it, by proving that when the embargo was recommended by the President, those orders were, in this country, unknown. But as some gentlemen persist in asserting the contrary, and on that ground advocate the continuance of the embargo, with the reinforcement of the bill on our tables, and that to be followed, I suppose, with a non-intercourse law, I must be permitted to adduce some further proofs.

We have been gravely told that the French Emperor's Berlin Decree, declaring all the British isles in a state of blockade, could not be justified as a measure of retaliation against England, on account of her declaring in a state of blockade a certain extent of coast, the whole of which could not be invested and blockaded even by her powerful navy, because France had it not in her power to station a single ship before any one port in the British dominions; and that the Milan Decree of 1807 can still rest for its defence on the supposed acquiescence of the United States in the British Orders of the preceding month, "since those orders, which have not been acquiesced in, were not even known in America at the date of the decree." Now gentlemen will be pleased to recollect, that the French Emperor's Decree of Milan bears date on the 17th of December, 1807; and that on the very next morning, December 18th, came, the President's Message to both

Houses of Congress, recommending the laying of an embargo.

Now, if the British Orders were unknown in America on the 17th of December, what man of common sense will believe that the plan for imposing the embargo (a plan fraught with such extensive and terrible consequences) recommended by the President in the morning of the 18th, had for its basis the British Orders in Council, which were not known in America on the next preceding day? As I observed on a former occasion, even four days (the time which intervened between the arrival of the despatches from France by the *Revenge*, and the 18th of December, when the embargo was recommended) "gave little enough time to digest and mature such a plan." I now add, sir, that that plan, as far as it then went (and more was not then practicable) was conformable to the views and wishes of the French Emperor. I say, further, sir, that should the strong bill now on our tables become a law, we shall have advanced one large stride further towards such conformity; and that when we concur in one other measure, a resolution for a total non-intercourse with Great Britain, which was adopted last Saturday evening in the other House, we shall then have acted in complete conformity with the views and wishes of the French Emperor, as they are supposed to have existed at the time the embargo was laid. We shall then have shut all our ports against the entrance of British ships and British merchandise; just as the unfortunate and submissive nations of Europe, who are within reach of his arm, had previously shut their ports. I do not say, sir, that it was in obedience to a requisition of the French Emperor, that the President recommended the embargo; but the facts I have adduced show, that the embargo, with its various reinforcements, up to the non-intercourse now in embryo, happens to be in exact conformity with the views and wishes of the French Emperor, as they are supposed to have existed a year ago. But it seems that this will not satisfy the Emperor. We have been too tardy in our movements. A non-intercourse with Great Britain, twelve months ago, might have appeased him. Now we can no longer remain neutral. Now we must be his allies or his enemies. To the offer to suspend the embargo, if he would repeal his decrees, he has not even deigned to give an answer.

With respect to Great Britain, the overture to suspend the embargo, on condition that the Orders in Council were revoked, has been answered. She maintains her original position, that the Orders in Council were purely retaliatory for the French Berlin Decree; which, she says,

"Was the commencement of an attempt, not merely to check and impair the prosperity of Great Britain, but utterly to annihilate her political existence, through the ruin of her commercial prosperity—that in this attempt almost all the Powers of the European Continent had been compelled, more or less, to co-operate; and that the American embargo, though most assuredly not intended to that end (for America can have no real interest in the subversion of the British power,)"

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but by some unfortunate occurrence of circumstances, without any hostile intention, the American embargo did come in aid of the blockade of the American Continent at the very moment when, if that blockade could have succeeded at all, the interposition of the American Government would most effectually have contributed to its success."

"To this universal combination (continues Mr. Canning) His Majesty has opposed a temperate, but a determined retaliation upon the enemy—trusting that a firm resistance would defeat his project, but knowing that the smallest concession would infallibly encourage a perseverance in it."

If the embargo was designed, as professed, why did our Government declare a blockade against the British dominions by land as well as by sea? Neither seamen nor property could be exposed to capture by continuing the trade which had been advantageously carried on by land with the British colonies bordering on the United States. The people of Vermont, particularly, had been accustomed, ever since the Peace of 1783, to exchange their productions with the British subjects in Canada, for salt and other articles of merchandise. Yet even this beneficial trade has been prohibited by the embargo acts; and bloodshed and death have been the consequence. Similar tragic scenes have been acted in the District of Maine. Does not the rigorous prohibition of this land commerce alone demonstrate that other views than have ever been officially avowed really dictated the embargo? Lately we find that, in Holland, (a country governed by a brother of the French Emperor, and absolutely under his control,) the necessities of the people for the supplies usually obtained from England, having caused evasions of the Emperor's strict decrees of blockade—additional provisions have been made; and the breaches of those decrees are henceforward to be punished with death. With similar pace, the United States are advancing—and, by the bill before us, the embargo is to be enforced by additional regulations and penalties of unexampled rigor, and hostile to the mild spirit of American laws; and which, though not in words prescribing the punishment of death, will infallibly have that issue.

Among the reasons assigned for persevering in the embargo, are, "the present unsettled state of the world, the extraordinary situation in which the United States are placed, and the necessity, if war be resorted to, of making it at the same time against both the belligerent nations, and these the two most powerful in the world;" and, under these circumstances, a principle of justice forbade our choosing our adversary! Must not such sentiments expose us to derision? Two nations have injured us—and we should violate the principles of justice, if, to obtain satisfaction, we attacked one without at the same time attacking the other! If we would descend from the airy regions of philosophy, and stand on the ground of plain common sense, we should see this embarrassment which apparently overwhelms the Administration, to be a mere dream. Sir, if a man travelling on the highway should meet two stout fellow-travellers, and be alternately insulted

and attacked by both, and he at the same time perceived that they were enemies to each other, what would he do? Stand still, and be kicked and wounded by both? or co-operate with one, at least so far as was necessary to avenge his wrongs, and to provide for his own defence and security against the other? This course is so simple and obvious that even school-boys (who also have their quarrels) could not miss it. But if, while, in this way, avenging the wrongs done by the adversary, he, in effect disarmed the other, and made him his friend; and had, moreover, a fair prospect of inducing him to make satisfaction for the injuries he had committed; how could he hesitate to adopt it?

But, we have been advised by the gentleman from Virginia, (Mr. GILES,) to wait a little longer, "to wait events in Europe, now in a state of rapid succession." Yes, sir, wait until we see whether Bonaparte overwhelms the Spanish nation; and if Heaven permits this sad catastrophe—what then? Are we to join his arms, and by conquering Canada and Nova Scotia, prepare those countries with our own for a new master? and hasten the glorious period when to the lofty titles of Emperor of France and King of Italy, and Protector of the Confederation of the Rhine, shall be added that of Emperor of the Two Americas? That, sir, will be the natural course of things, if, as some have wished, the British navy were destroyed.

In the short interval of peace, in 1808, Bonaparte, in a few months, sent forty thousand soldiers to subdue the negroes of St. Domingo. The climate subdued his soldiers, and St. Domingo continues independent. But the United States present a very different theatre. French soldiers would here be as healthy as our own. And if with the ships suddenly furnished in France and Holland, Bonaparte at once transported forty thousand men to St. Domingo, what numbers could he not send to the United States in the thousands of British ships, were they also at his command?

It is estimated, sir, that the observations I have made, though on a question for repealing the acts laying the embargo, are irrelevant on the bill now before us. But to me they appear perfectly applicable in both cases; for if they go to show that the embargo ought never to have been imposed, they must avail, in like manner, against enforcing its execution; and, therefore, I have adduced them.

Mr. HILLHOUSE rose and addressed the Senate as follows:

Mr. President: Before I proceed to remark on the merits of the bill under consideration, I shall take the liberty of noticing some general observations of the gentleman from Virginia, (Mr. GILES,) which can have no bearing on the matter under consideration, and could have been thrown out for no other purpose than to impress the idea that the opposers of this bill and of the embargo are acting under some undue influence or bias, and are endeavoring to obstruct or paralyze the energies of the nation in their operations against

foreign aggression. We are told of British capital, British agents, British gold, in too close connexion with the opposition to the embargo and the present bill. Sir, if it is meant to insinuate that the opposers of the embargo and of this bill are under such influence, I despise the insinuation. [Mr. GILES rose and declared that he did not mean to throw out the smallest intimation that the opposers of the bill were under such, or any other, improper influence.] The character and conduct of the greater part of that description of our fellow-citizens, who have been and still are opposed to the embargo, furnish a sufficient answer to any such insinuations as to them. No, sir, our opposition to the embargo proceeds from far different motives; from a thorough conviction of its inefficacy as regards foreign nations, and its ruinous operation as to ourselves. We are not willing to inflict a wound on our own country, because foreign nations do us wrong.

The gentleman from Virginia has renewed his call for a substitute for the embargo. Sir, the embargo admits no substitute. It is a measure radically wrong, and stands in the way of every proper measure. Remove the embargo, and then, and not till then, will the way be open to adopt measures for securing our commerce and defending our rights. I am not a little surprised that the gentleman from Virginia could make up his face to such an imposing call. Had that gentleman run through the journals, from which he has read some passages, he would have found that during a long and uniform course of opposition to a former Administration, which was conducted with acknowledged ability, he was not in the habit of proposing substitutes. He told us what would not, but not what would do. In the present case, were the embargo out of the way, and I found a disposition to listen, I should not hesitate to express my opinion of the proper course to be pursued. But so long as our national councils are under the embargo system, any attempt at other measures would be unavailing.

For the purpose of contrasting the present proceedings of Congress with what was done in 1794, the gentleman from Virginia read from the journals some passages to show "that the nation then moved in a solid body." Yes, sir, the unanimity and spirit then manifested does honor to the nation. But with whom were we contending then? With England. I should have been much gratified if the journals of 1798 (which the gentleman did not think proper to read) had exhibited the same unanimity and spirit when our rights were violated by another Power, and we were insulted by the contemptuous rejection of our Ministers. Far otherwise was the fact; there was then a violent and persevering opposition to the measures of defence which were then proposed and adopted; and by the same description of men who claim credit for a pre-eminent share of patriotism; a conduct to which I advert with reluctance. I was ready to vindicate our rights against England in 1794, and at a much earlier period. I was equally ready to do the like against France in 1798. It matters not to me from what

nation injury or insult comes, I am ready to take sides with my country in repelling it—not, indeed, by an embargo, but by any measures of energy which policy or prudence shall dictate. I have never shrunk from taking my full share of responsibility when called to act on great national questions. I leave it to those who have known and observed my public conduct, to decide whether I have manifested much solicitude to find out which would be the popular side. I, sir, am under no apprehensions of being suspected by those who know me of acting under foreign, or any improper, influence. My opposition to the bill does not proceed from a wish to shield from punishment the violators of the embargo; those corrupt agents and friends of Great Britain, as the gentleman has described them. My opposition to the bill proceeds from an unwillingness to see the liberties of my country prostrated by a military despotism; the foundation of which I clearly discern in this bill. Says the gentleman from Virginia, the Senate have declared that they will not repeal the embargo; and they are now called upon to say it shall not be enforced. Not so, the call is that it should not be enforced by improper means—means which endanger liberty and violate the Constitution. Better that the embargo should not be executed than that the Constitution of the United States should be violated.

I extremely regret that the gentleman from Virginia should have felt himself at liberty to travel out of his way to cast reproach on the Judiciary. The judges, by a faithful discharge of their duty (sometimes being obliged to withstand popular error, and sometimes to interpose themselves between a defenceless individual and Executive power,) are exposed to their full share of opprobrium. No reproach for the rejection of the bill to suspend the habeas corpus can fall on the judges; they had no agency in the business. I have indeed felt, sensibly felt, the reproach cast upon the Senate for having passed that bill in so hasty a manner; but it was not slanders contained in newspaper paragraphs which I regarded; they have no more effect on my mind than the passing wind. It was the manner in which that bill was treated by the House of Representatives that wounded my feelings—I felt for the honor of the Senate. I voted with the gentleman from Virginia for that bill, though I did not at the time feel all the apprehensions which seemed to be impressed on his mind. I did not apprehend that a rebellion excited by an individual not clothed with any official consequence or power, without resources, and almost without friends, could ultimately endanger the safety of the Union. But from the communications made to Congress by the President, I was led to believe there was some treasonable proceeding and rebellion which ought to be speedily and promptly resisted and put down. Though I did not see the necessity of passing the bill with so much haste as to subject the Senate to the charge of precipitation; yet, being satisfied of the propriety of passing such a bill, I felt a reluctance, as I always do, at inter-

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posing my vote in a manner that may have even the appearance of throwing difficulties in the way of measures which regard the public safety. But no motives of delicacy, or any other cause, will prevent my opposing measures which I think wrong in principle. The loss of the bill to suspend the habeas corpus was in no respect attributable to the court or the judges. There was no interference on their part, nor any conduct of theirs that could warrant the gentleman from Virginia in making the heavy charge "that the hostile propensities of a court against its own country and its own Government, were the reasons why treason escaped punishment." In what instance have the judges interposed a shield between guilt and punishment? The principal leader in that rebellion was apprehended and taken to Virginia; and I rejoiced, at the time, that Virginia was to be the place of his trial, so that no suspicion might exist of a disposition to favor his escape from conviction and punishment. Aaron Burr was acquitted—whether from a defect in the law or testimony, I am not sufficiently informed to decide. But I have no hesitation in declaring it as my opinion, that it was not owing to any indisposition in the judge to do his duty; on the contrary, I think he manifested great integrity and firmness in adhering to the established rules of proceeding in criminal trials, which are the great shield of innocence against oppression; and in giving a fair trial to a political opponent, against whom the popular current ran high, and whose prosecution was aided by Executive influence and power. The opinions of the judge are in print, so that every one can examine for himself, and form his own. Thus much I may venture to say, that the gentleman from Virginia would find it no easy task to point out errors.

It is cause of regret when an individual, and much to be lamented when a public body become so zealously engaged in the pursuit of an object, as not to examine with candor the propriety or expediency of the measures by which such object is to be attained. In the present case, I fear that a zeal to enforce the embargo has blinded the eyes of some to the consequences likely to follow from the course of measures now pursued. I fear, also, that an error has been committed in pointing the debates and measures at a particular portion of the Union, as if violations of the embargo were confined to that quarter. Think ye that the people of Vermont and Massachusetts have been sinners above all the people of the United States? Have there been no violations of the embargo except in New England? Yes, verily. The only difference is, that on Vermont has fallen that political tower of Siloam, the President's proclamation. On the coasts of Massachusetts, and the States of the Chesapeake, almost the whole of our naval force has been sent to cruise, to detect and punish the transgressions of their citizens. This has given an opportunity to the Southern States to violate the embargo with impunity. It has been and still continues to be violated, even in that great and respectable State represented in part by my brother

farmer (Mr. GILES;) which State, he has assured us, not only acquiesced in, but applauded the embargo as a wise and salutary measure. To show that I am correct, I will communicate to the Senate some information. One of the committee who had a principal hand in drawing the bill, stated that he was informed by the captain of a coaster (on whose information I should rely, being acquainted with him, and esteeming him a man of truth, and who had the means of knowledge, being employed in navigating up and down the Potomac) that there was a great display of activity and exertion in transporting the produce of the country, particularly flour, to the banks of the river, and shipping it off for other markets. Confirmatory of this, I hold in my hand other information:—"Captain Scovel, who arrived at New York yesterday, (December the 12th,) from St. Pierre, Martinique, and Antigua, states to us that vessels which daily arrived in distress, in the ports he visited, were almost exclusively from the Southern ports, and the greater number from the State of Virginia, laden with flour and other provisions." Again: "Captain Scovel, who arrived here (New York) last Monday, (December 12th,) from Martinique, via Antigua and St. Kitts, informs us, that while he lay at Martinique, a Virginia pilot-boat schooner arrived there with 750 barrels of flour, which the captain sold for \$30 per barrel; that, while at Antigua, in the course of four days only, three vessels came in there with full cargoes of flour from Virginia; that he saw at St. Kitts a Virginia schooner that had been at Barbadoes with a cargo of flour, sold part, and then came to St. Kitts with the remainder for a better market." The Secretary of the Treasury informed that the flour which had accumulated in the great flour markets of the United States, was gone. What has become of it? I have heard of no bonfires, except in one instance, to consume some imported gin. One circumstance strongly impresses on my mind a belief, that the products of that State, Virginia, and even the article of tobacco, have found their way to foreign markets; which is, that flour and tobacco, at a particular period during the last Summer, when the embargo was in full operation, rose to a handsome price, and that some of her citizens of distinguished rank were so fortunate as to avail themselves of that price. The gentleman from Maryland (Mr. SMITH) also stated sundry violations of the embargo. From which, and other information, I am induced to believe, that there are not many States in the Union where the embargo has not been violated. The use I wish to make of this information is, to show that this measure is not to have a limited or local operation; but is to pervade our whole country, and may affect every citizen of the United States. Let me, therefore, entreat this Senate to consider well before they give their sanction to a bill which is to have such a general operation; a bill which contains such novel and extraordinary provisions; a bill which may endanger civil liberty, and lay the foundation of a military despotism.

On the recommitment of the bill, one very obnoxious paragraph was stricken out, and others were altered. Some of the paragraphs I shall pass by without notice. The first to which I shall ask the attention of the Senate is the second section. That places the whole trade and intercourse between the States at the arbitrary will and pleasure of the President, collectors, and special revenue officers; there being no rule laid down by which their discretion is to be governed. And who are these collectors and revenue officers, who are to be intrusted with such unlimited power? Not judges holding their offices independent of the Executive will, and free from Executive influence. They are the mere creatures of the Executive, who are killed or made alive by the breath of the President.

This section provides that it shall not be lawful to put on board any ship, vessel, or boat, of any description whatever, any specie, or goods, wares, or merchandise, either of domestic or foreign growth, unless a permit, particularly stating the articles thus to be laden, shall have been previously obtained from the collector of the district in which such ship, vessel, or boat, may then be, or from a revenue officer specially authorized by such collector to grant such permit; nor unless bonds with surety to the amount of six times the value of the vessel and cargo shall be given for relanding the whole cargo in the United States. And it is made lawful for the collectors to refuse permission to put any cargo on board, whenever, in their opinion, there is an intention to violate the embargo; or whenever they shall have received instructions to that effect, by direction of the President of the United States. A proviso excepts from the operation of this section the bay and river craft. The bond demanded is excessive and oppressive. There is no rule laid down by which the discretion of the collectors or revenue officers is to be governed; or to point out to the citizens of the United States what they may expect or claim as a right. The permit may be refused altogether, upon the mere suspicion or jealousy of the officer, however unfounded. What a door is here opened for partiality and favoritism, and to gratify party feelings and party animosities? And have we not reason to believe it will, in many instances, be improved for the most oppressive party purposes?

Section fourth places the bay and river craft under the like arbitrary discretion of the collectors, who are authorized to grant, under such general instructions as the President of the United States may give, general permission, when it can be done without danger of the embargo being violated, to take on board, at any time, such articles of domestic or foreign growth as may be designated in such permit; bond with surety being previously given in an amount equal to three hundred dollars for each ton, conditioned that every article taken on board shall be relanded in the United States, and that such vessel shall not be employed in any foreign trade, &c.

When the regulation of the whole commerce and intercourse between the different States is

placed at the arbitrary discretion of such an host of collectors, without any specific rule laid down in the law by which they are to govern their conduct; will there not, under this act, if it should pass, be danger, will there not be a certainty, that different collectors will adopt different rules, and that different and greater restrictions will be put upon the commerce of some States than others? which would be a violation of that clause of the Constitution which says "that no preference shall be given by any regulation of commerce or revenue to the ports of one State over those of another." This clause of the Constitution renders it indispensable that Congress should by law prescribe the rules by which commerce is to be regulated, that they may be certain, specific, and uniform in all the States. There was an inequality in the regulations of last Summer. The Governors of some of the States were authorized to grant permits to import flour: a like indulgence was not extended to the Governors of other States. In some States permits would be very liberally granted; in others, the collectors would be rigid, and stop nearly all the trade of a State.

The fifth section subjects innocent persons to penalties, confounds innocence and guilt, involving both in one common punishment. After declaring the forfeiture of the ship, vessel, or boat, together with the specie, goods, wares, and merchandise, taken on board contrary to the provisions of the third section of this act, it goes on to say that the owner, or owners, agent, freighter or factor, master, or commander of such ship, vessel, or boat, shall moreover severally forfeit and pay a sum equal to the value of the ship, vessel, or boat, and of the cargo put on board the same. By the provision of this section, the inquiry before the court and jury will be, not whether the person accused has been concerned in a violation of the embargo, but whether he be an owner, agent, freighter, factor, master, or commander of such ship, vessel, or boat; and he may have been ignorant of any intention to violate the law; nay more, though opposed to such violation, he is to be adjudged guilty and subjected to punishment. But, says the gentleman from Virginia, this is no new principle, it has already been introduced and recognised by the revenue laws. To prove this, and that collectors are thereby authorized to search for and seize goods, he read the 68th and 69th sections of the collection law of March 2, 1799.*

* "Sec. 68. And be it further enacted, That every collector, naval officer, and surveyor, or other person specially appointed by either of them for that purpose, shall have full power and authority to enter any ship or vessel, in which they shall have reason to suspect any goods, wares, or merchandise, subject to duty, are concealed, and therein to search for, seize, and secure any such goods, wares, or merchandise; and if they shall have cause to suspect a concealment thereof in any particular dwelling-house, store, building, or other place, they, or either of them, shall, upon proper application upon oath, to any justice of the peace, be entitled to a warrant to enter such house, store, or other place (in the day time only) and there to search for such goods; and if any shall be found to seize and se-

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The great and leading principle of the revenue law is, that the penalty operates on the property in all cases except where a person is negligent, or knowingly guilty of a violation of the law; in which case there is superadded a personal penalty. For example, a captain who neglects or refuses to enter his vessel, or makes a false entry, or attempts to run goods and avoid the payment of duties, the vessel and goods are declared forfeit, and the captain and other persons concerned in such violation of the law, subjected to a penalty; but in no instance is the owner, agent, freighter, or factor, who has no knowledge of such violation, subjected to a penalty. True it is, the innocent owner may be subjected to the loss of his vessel and goods; but that goes upon an entirely different principle; which is, that the owner is responsible for the good conduct of his captain or agent, so far as the property goes that he entrusts in his hands. But it was reserved for this bill to introduce into our code the criminal principle that an innocent man is to be arraigned, found guilty, and punished, merely for being an owner, agent,*

cure the same for trial; and all such goods, wares, and merchandise, on which the duties shall not have been paid, or secured to be paid, shall be forfeited.

"*Sec. 69. And be it further enacted,* That all goods, wares, or merchandise, which shall be seized by virtue of this act, shall be put into and remain in the custody of the collector, or such other person as he shall appoint for that purpose, until such proceedings shall be had as by this act are required, to ascertain whether the same have been forfeited or not; and if it shall be adjudged that they are not forfeited, they shall be restored to the owner or owners, claimant or claimants thereof; and if any person or persons shall conceal or buy any goods, wares, or merchandise, knowing them to be liable to seizure by this act, such person or persons shall, on conviction thereof, forfeit and pay a sum double the amount or value of the goods, wares, or merchandise, so concealed or purchased."

* *An Act to authorize the President of the United States to lay, regulate, and revoke Embargoes.*

Sec. 1. Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That the President of the United States be, and he hereby is, authorized and empowered; whenever in his opinion the public safety shall require, to lay an embargo on all ships and vessels in the ports of the United States, or upon the ships and vessels of any foreign nation, under such regulations as the circumstances of the case may require, and to continue or revoke the same whenever he shall think proper. And the President is hereby fully authorized to give all such orders to the officers of the United States as may be necessary to carry the same into full effect: *Provided,* The authority aforesaid shall not be exercised while the Congress of the United States be in session. And any embargo which may be laid by the President, as aforesaid, shall cease and determine in fifteen days from the actual meeting of Congress next after laying the same.

Sec. 2. And be it further enacted, That this act shall continue and be in force until fifteen days after the commencement of the next session of Congress, and no longer.

Approved, June 4, 1794.

10th Con. 2d Sess.—10

freighter, or factor. This is a principle which would disgrace the most tyrannical code of the most tyrannical Government that ever existed.

Section sixth subjects the reputed owner to the same forfeitures and penalties as the real owner in the preceding section. So that an innocent person is not only liable to the charge of a crime, but to a conviction and punishment, because his name happens to appear on a certificate of registry, enrolment, or license, or the last clearance or custom-house document, though he may have no interest or property whatever in the ship or vessel that shall violate the law, and no knowledge of such violation, or of any intention to violate the law. This same section establishes unwarrantable restrictions on the sale and transfer of property, for it is provided that no sale shall be recognised or rendered effectual, until a bond shall be given equal to three hundred dollars for each ton of such ship or vessel so proposed to be sold, conditioned that such ship or vessel shall not, during the continuance of the embargo, contravene or infringe any of the provisions of the said acts. A vessel of one hundred tons burden cannot be sold without entering a bond of \$30,000; an enormous bond, which very few, if any, such owners would be able to obtain, though under the most pressing necessity of selling to obtain the means of subsistence, or bread for his family. Who would entangle his fortune with such a bond? Let me ask the gentleman from Virginia whether, even to oblige a suffering neighbor, he would pledge his farm and mills by entering into such a bond? I have too good an opinion of his prudence and foresight to believe he would thus encumber the place of his dignified retirement with such a bond; and if his patriotism would not induce him to give such a bond, who is there that would do it? As well might Congress pass a law declaring it unlawful to sell at all, as to pass this law; for it is an indirect mode of doing the same thing. And has the Constitution given to Congress any such power? If we are doomed to suffer under the embargo system, it is better far to stop the coasting trade altogether, and chain our coasters, as are our other vessels, to rot at our wharves, than to disgrace our country by such an act. An act which only tantalizes our citizens with the show of a coasting trade, when, by requiring excessive bonds, imposing burdensome restrictions, and submitting the whole to the arbitrary discretion and caprice of a host of collectors it will in fact be annihilated, or nearly so; an act which, under pretence of regulating the sale of vessels, has required a bond which in its operation would, in most cases, amount to an absolute prohibition. An act which opens a door for the most wanton favoritism and cruel oppression; an act which violates some of the most important principles of justice.

The seventh section contains a most extraordinary provision; a provision which virtually goes to deprive the party of his right of trial by jury, an impartial jury of the vicinity, before whom the party would have it in his power to adduce evidence, and make his defence. By this bill, the

final decision, whatever it may be, is referred to the Secretary of the Treasury, an Executive officer, holding his office at the pleasure of the President, and residing in this city, the seat of the General Government, which, as regards the convenience of a great portion of the citizens of the United States, is in a distant land. The section provides that, in all suits on bonds given by virtue of this or any of the embargo acts, conditioned that goods, wares, or merchandise, or the cargo of a vessel, shall be relanded in the United States, judgment shall be given against the defendant, unless proof shall be given of such relanding, or the loss of the vessel at sea. But neither capture, distress, or any other accident whatever, shall be pleaded or given in evidence in any such suit. What possible difference can there be between depriving a party of his trial by jury altogether, and precluding the evidence necessary to his defence and the establishment of his innocence? It is an axiom admitted in all codes, that the act of God shall prejudice no man. But, by this bill, if a vessel bound, for example, from New York to New Haven, should have a single hoghead of rum on board, and, in a thunderstorm, this should be set on fire and consumed, and the vessel fortunately escape, because the relanding of the rum, or the loss of the vessel, cannot be proved, judgment is to go on the bond—although the defendant has the most incontrovertible evidence to prove the above fact, (the destruction of the rum,) a complete defence at law—not by custom-house oaths, of which the gentleman from Virginia seems to think so lightly (and which I am sorry he should disparage, as on them depends much of our revenue,) but by the oaths of the most respectable characters of our country, who may be on board, and eye-witnesses of the fact; nay, it might happen to be the gentleman himself. Another case: in a storm, to save the vessel and their lives, the crew and passengers throw overboard a cargo of flour, or such as may be on deck and in the way of working the ship; proof of this is not to be admitted before the court and jury, but judgment is to be rendered against the defendant. Many other such like cases might be put equally strong. Article seventh, of the amendments to the Constitution, provides, that "where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved." Two of the prominent articles of grievance set forth in the Declaration of Independence are in these words:

"For depriving us in many cases of the benefit of trial by jury."

"For transporting us beyond the seas, to be tried for pretended offences."

To deprive the party of the right to plead or give in evidence what would establish his innocence, is to deprive him of his trial; to require a court to render judgment on a bond against the defendant, who is prepared and offers his plea and evidence, to establish a complete and legal defence before a court and jury, is to deprive him of his trial by jury, and is a denial of justice. And to send a defendant thus condemned to the City of

Washington to obtain relief is indeed sending him "to be tried for pretended offences." But, says the gentleman from Virginia, by the humane provision contained in the twelfth section, the person thus unjustly condemned may escape the penalties of the law. And how? By conforming to the law of March 3d, 1797, which provides for mitigating or remitting forfeitures, penalties, and disabilities. That is, by going hundreds of miles from his own home to the City of Washington, (little less inconvenient than a voyage across the Atlantic,) there to appear not before an impartial tribunal, composed of judges and jurors of his own vicinity, free from all Executive influence and party bias, but before the Secretary of the Treasury, holding his office at the will of the Executive—not in the manly attitude of a citizen bold in conscious innocence, to defend his character against the imputation of being a violator of the laws of his country—but in the attitude of a suppliant, against whom judgment has already been pronounced; humbly praying, on the bended knee, for the remission of the penalty of the law; which he can claim, not as matter of right, but of grace. Is it possible that free-born Americans can submit to such indignity? Is it thus that the character, the feelings, and the innocence of the American people are to be made the sport of an embargo system? No, sir, pass this law, and that system now oppressive will become odious, more odious, if possible, than were the measures of the British Parliament, which drove us into the Revolution, induced us to bear all the hardships of a long war, and severed the colonies from the parent country.

Sec. 9—Authorizes the collectors to seize or take into their custody, without warrant, without evidence, and at their own discretion, specie, or any article of domestic growth, produce, or manufacture, when there is reason to believe they are intended for exportation; or when in vessels, carts, wagons, sleighs, or any other carriage, or in any manner apparently on their way towards the territory of a foreign nation, or in the vicinity thereof, or towards a place whence such articles are intended to be exported. This seizure may be made, not only on board a vessel, but on the land; not only in a cart, wagon, or sleigh, but wherever they may be; provided there is reason to believe they are intended for exportation. Money is not kept in the highway or open field; but in a house, in a desk, or private drawer; flour and other articles of produce are not kept in a situation to be exposed to the weather, or other injury, but in warehouses or stores: when, therefore, an authority is given to take these articles, when the collector believes they are intended for exportation, it is to take them where they are usually kept and may be expected to be found. My house, I have always been taught to believe, was my castle, my sanctuary, where myself and property could remain in perfect security, unless I should have forfeited the privilege by some crime against the State. But are we not about to declare, by this bill, that a collector, and without any warrant from a civil magistrate, and

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merely on the ground of his own suspicion, and governed only by his own discretion, may enter my enclosure, my store, my dwelling-house, and there take into custody my money and other articles? That he may call the military to aid him in this work? In the progress of which, may not my private and most confidential papers be exposed? Do not these things tend to irritation, to resistance, to bloodshed? Can such Legislative provisions consist with a wise policy, with the principles of a free Government, or the Constitution of the United States?

In article four of the amendments, it is provided, that "the right of the people to be secure in their persons, houses, papers and effects, against unreasonable searches and seizures, shall not be violated; and no warrant shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched and the person or things to be seized."

The gentleman from Virginia, here, as in other instances, rests his defence of this section on the law for the collection of the revenue, and particularly on the same sixty-eighth section, which has been read. True it is, that by that law the collector is authorized to go on board a vessel and make search or seizure without warrant; but the moment he sets his foot on the land, and wishes to make search or seizure, application on oath must be made to a magistrate for a warrant, to be executed in the manner directed. There has always been a difference in the mode of enforcing the laws on board of vessels on the water, from what was admitted on the land; and less formality and caution has been observed in making search and seizure on board of vessels, than what is required on the land, in our stores and dwelling-houses. For the purpose of executing the law of nations on the high seas, commercial regulations and the collection of revenue, it has been found necessary at all times, to subject vessels to the inconvenience of being liable to search and seizure without warrant, and without much formality. A great discrimination has always been made between vessels and houses.

There is another manifest distinction between seizures under the law for collecting revenue, and the present bill; there the articles seized are claimed to have become forfeited; but by the present bill there is a bare suspicion that they are, about so to be proceeded with as that they may become forfeited. Under those laws the property is immediately placed in the custody of the law, and under the jurisdiction of a court of justice; where the claimant can have a trial, and if he can make out a well-founded claim, is entitled to a restoration of his property. By this bill, the property is held by the collectors, and the owner has no way of obtaining the same but by substituting a bond, with sufficient sureties (which the party may not be able to obtain) for the landing or delivery of the same in some place in the United States, where, in the opinion of the collector, there shall not be danger of such articles being exported.

When the collector has seized or taken money

or other articles, it is made his duty to guard them; which must be done either in the place where taken, or in some other place to which he shall in his discretion remove them. And for the purpose of taking into custody and guarding specie or any other article, the 11th section authorizes the President of the United States, or such other person as he shall have appointed, to employ the land and naval forces, or militia of the United States. Take either alternative, the law cannot be executed without a violation of the Constitution. For suppose it to be money, and to avoid any question about an unreasonable search, we will suppose the collector present in my house, and sees me count and place a large sum of money in my desk, which he believes is intended for exportation in violation of the embargo, and makes a seizure, as would be his duty under this bill. If the money is not to be removed, he must, or may, introduce a soldier or soldiers into my house to guard it; which would be in direct violation of the 3d article of the amendments to the Constitution, which says, "no soldier shall in time of peace be quartered in any house, without the consent of the owner; nor in time of war, but in manner to be prescribed by law." If the money is to be removed to some other (in the opinion of the collector) safe place, then is there a violation of the 5th article of the amendments, which says, that no person shall be "deprived of his life, liberty or property, without due process of law."

Sec. 10—Gives to the President's instructions, and the rules he may prescribe, the authority of law. Are we prepared for this, to authorize the President to make proclamation laws? In that section it is provided, that the powers given to collectors "shall be exercised in conformity with such instructions as the President may give, and such general rules as he may prescribe for that purpose, made in pursuance of the powers aforesaid—which instructions and general rules the collectors shall be bound to obey. And if any action or suit be brought against any collector or other person, acting under the directions of and in pursuance of this act, he may plead the general issue, and give this act and the instructions and regulations of the President, in evidence for his justification and defence." Neither in this or the former act is there any rule laid down by which the President's instructions are to be governed—consequently, they depend on his own arbitrary will and pleasure; and it is made the duty of the collectors to pay implicit obedience to those instructions, and through the collectors they are to operate upon the property and concerns of the people. There is no mode pointed out by which these instructions are to be promulgated and made known, as are the laws. By the Constitution, all laws are to receive the sanction of the two branches of the Legislature and be approved by the President. But, according to this section, the President's instructions, proceeding from the recesses of the palace, and communicated only to the collectors, are to have the binding force of law—are to affect the property

and concerns of the citizens of the United States—are to control the courts of justice—and thus violate that sanctuary which has always been esteemed a great bulwark to guard the liberties of a free people. These instructions are to be given in evidence on any suit against the officer for his justification and defence. If the officer is bound to obey these instructions, the courts must necessarily be bound to receive them as evidence in justification of the collector—the consequence necessarily follows that they must control the courts of justice.

To support the principle of this section of the bill, the gentleman from Virginia has read to us a law of the United States passed in June, 1794, authorizing the President to lay an embargo, provide the necessary regulations for carrying it into effect, and for revoking the same. Whether I did or did not vote for that law I do not now recollect; the yeas and nays were not taken. But I have no hesitation in saying, that with my present impressions, I should, under like circumstances, vote for such a law, either under the then Administration or the present. We then had disputes with the British Government, which, unless settled by the negotiation then pending, must terminate in war. We had adopted every defensive measure in our power, and Congress were about to adjourn, and wait the issue of the negotiation. If unsuccessful it might become necessary suddenly to stop our vessels in our harbors, previous to a declaration of war. Congress could not be convened, so as to pass a law, much short of two months. It resulted therefore, as a necessary consequence, that the power must be lodged somewhere; and where more properly than with the Chief Magistrate? In my opinion, the power to lay an embargo is not given to Congress by that clause of the Constitution, which gives the power to regulate commerce; it is in direct hostility to commerce. The power to lay an embargo, follows as a necessary appendage to the power of making war. The case might happen when even the commanding officer of the army might be justified in laying an embargo on all ships and vessels in certain harbors and rivers, when necessary to aid a military expedition then on foot. The Parliament of England have the sole power to regulate commerce; the King has the power of declaring war and of laying an embargo. But this is a power to be exercised with great caution; it is a measure temporary in its nature. The present is, I believe, the first experiment of a permanent embargo. It is a power, when given to the Executive, which is to be carefully guarded; as was the law in 1794, by which the President was not to lay an embargo when Congress were in session, nor that should continue in force but for a short time after Congress should convene.

To enable us to form a correct opinion in this case, it is proper to inquire what is an embargo. An embargo, in its nature and legitimate import, is most emphatically a measure, not affecting the internal policy of a country, but operating upon the water, in relation to ships and vessels. Its proper element is the water, not the land; but

Congress, during the last session and the present, have been laboring to convert this water-fowl into a land-turtle, which might creep into the enclosure of every man in the nation. Upon these principles, an embargo law, or resolution, would be very short, as was that in 1794. But in the present case, Congress have accumulated one long intricate statute upon another, until the property of the whole country is involved within their grasp. In short, the effort has been to convert an embargo into a non-exportation act. In this, as in many other cases, a wrong title has been adopted; and from that circumstance arises much of our present embarrassment. Had the law of 1794, giving to the President of the United States the power of laying an embargo, so confidently relied on by the gentleman from Virginia, as justifying the powers and principles of the present bill, contained such powers and such principles, it never would have had my support or my vote. It would have merited conflagration, and to have been burnt, as on another occasion was the law of a State, by no ordinary fire.

Mr. President, after enumerating such a catalogue of arbitrary restrictions, oppressive regulations, and unconstitutional provisions, comprised in this one bill, could it have been imagined that there was one objectionable section still left for consideration, more alarming than any that have preceded? One that makes a full stride towards the introduction of a military despotism? It is section 11, which says:

“That it shall be lawful for the President of the United States, or such other person as he shall have empowered for that purpose, to employ such part of the land or naval force, or militia of the United States, or of the Territories thereof, as may be judged necessary, in conformity with the provisions of this and the other acts respecting the embargo, for the purpose of preventing the illegal departure of any ship or vessel, or of detaining, taking possession of, and keeping in custody any ship or vessel, or of taking into custody and guarding any specie or articles of domestic growth, produce, or manufacture, and also for the purpose of preventing and suppressing any armed or riotous assemblage of persons resisting the custom-house officers in the execution of their duties, or in any manner opposing the execution of the laws laying an embargo, or otherwise violating, or assisting and abetting violations of the same.”

Here we see the military called on, in the first instance, to execute the laws—taking the lead under a military chief; not following in the train and under the direction of the civil magistrate, as ought invariably to be the case in a well regulated free Government. Under such a Government, the laws have always been carefully guarded, to keep the military in subordination to the civil power. Once permit the military to get the upper hand, and your liberties are gone. By this bill under whose direction is the military. In the bosom of a State, to be placed? not of the Chief Magistrate of the State, nor of any officer who has received his appointment from a State, or whose appointment has been made with the advice and consent of this Senate; but of a person

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who is to receive his appointment from the President's sole authority. That no such power as is contained in the provisions of this bill, is necessary for the purpose of executing the laws, or quelling insurrections, is manifest from past experience. Under this Constitution we have had one insurrection, and also a powerful combination to resist the execution of the laws. What was the conduct then? Fortunately for our country, our then Chief Magistrate was both a soldier and a statesman. A statesman who was duly sensible of the importance of keeping the military in subordination to the civil power. In the Western Insurrection, a considerable military force was called out, to the amount of thousands, and marched against the insurgents, but they were preceded by the marshal of the district, the attorney, and the judge. And instead of military execution, the mild process of the civil law was resorted to; and was found sufficient to bring offenders to justice, and maintain the majesty of the laws. The insurrection was quelled, and tranquillity restored to our country. The combination under Fries, to resist the execution of the laws, was also suppressed by a resort to the like mild but efficient measures. No suggestion was then made that it was necessary that more of the military should be introduced into our civil code.

The laws of the United States and the State laws have made ample provisions for calling in the aid of the military, when necessary to execute the laws. By the act of February 28, 1795, the President is clothed with ample power to use military force to execute the laws, observing the necessary prerequisite of a proclamation; and by the ninth section of the same act, the marshals are clothed with the same power and authority, to enable them to execute their duty, as is given to the sheriffs in the several States. And that this is sufficient, the experience of every State evinces. Why this attempt to place the execution of the laws, in the first instance, in the hands of the military? Why this innovation on our ancient usage? I fear it bodes no good to our country.

Has the embargo, which was professed to be laid for the benevolent purpose of "preserving our vessels, our seamen, and our merchandise," become so unpopular, so odious, that it cannot be executed through the mild medium of courts of justice; but that the country must be put under martial law, and the bayonet of the soldier substituted in the place of the tribunal of justice? If so, it ought to be repealed. In a Government like ours, resting wholly on the popular voice, no law ought to be continued that will require a military execution.

I do hope, and must hope, until the signature of the President to the act shall be announced to the Senate, that this bill will never pass the different branches, and be approved by the President. The plea that it is necessary for carrying the embargo into effect, will not justify the measure. This same plea of necessity has always been resorted to by tyrants. It is in times when parties run high, and under popular leaders, that

measures are adopted and precedents established, that eventually overturn the liberties of a country. I do not believe, sir, that the citizens of the United States are yet prepared to surrender their liberties at the shrine of either foreign or domestic tyranny, though it should be recommended by the most popular of their favorites. The American people are too well acquainted with the history of former Republics to submit their necks to the yoke, and to wear the chains of slavery, however gilded, and though invited to wear them by the seductive voice of party spirit. When it shall be discovered (and an attempt to execute this act, if unfortunately it should pass, will open the eyes of the people) and they will discover, that there is an attack on civil liberty, the party dissensions which now distract our unhappy country, and are the cause of so much mischief, will disappear; and public spirit, notwithstanding the operation of political soporifics, must be awakened. The people, coming forth in their might, would at once put down the first essay towards the worst of despotisms, a military despotism.

In my mind, the present prospect excites the most serious apprehensions. A storm seems to be gathering, which portends not a tempest on the ocean, but domestic convulsions. However painful the task, a sense of duty calls upon me to raise my voice, and use my utmost exertions to prevent the passing of this bill. I feel myself bound in conscience to declare, lest the blood of those who may fall in the execution of this measure should be on my head, that I do consider this to be an act which directs a mortal blow at the liberties of my country; an act containing unconstitutional provisions, to which the people are not bound to submit, and to which in my opinion they will not submit.

Mr. POPE spoke in favor of the bill.

And on the question, Shall this bill pass? it was determined in the affirmative—yeas 20, nays 7, as follows:

YEAS—Messrs. Anderson, Condit, Crawford, Franklin, Gaillard, Giles, Gregg, Kitchel, Milledge, Mitchell, Moore, Pope, Robinson, Smith of Maryland, Smith of New York, Smith of Tennessee, Sumter, Thruston, Tiffin, and Turner.

NAYS—Messrs. Gilman; Goodrich, Hillhouse, Lloyd, Mathewson, Pickering, and White.

So it was, *Resolved*, That this bill pass, and that the title thereof be "An act to enforce and make more effectual an act, entitled 'An act laying an embargo on all ships and vessels in the ports and harbors of the United States, and the several acts supplementary thereto.'"

THURSDAY, December 22.

The bill brought from the House of Representatives yesterday entitled "An act for the relief of William White and others," was read and passed to the second reading.

The bill, entitled "An act authorizing the proprietors of squares and lots in the City of Washington, to have the same subdivided and admitted to record," was read; and, by unanimous consent,

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the bill was read a second time, and referred to Messrs. WHITE, LLOYD, and BRADLEY, to consider and report thereon.

The Senate resumed, as in Committee of the Whole, the report of the select committee to whom was referred the bill, entitled "An act authorizing the President to employ an additional number of revenue cutters;" and on motion by Mr. CRAWFORD, the further consideration of the bill was postponed.

FRIDAY, December 28.

The bill, entitled "An act for the relief of William White and others," was read the second time and referred to Messrs. MITCHILL, GREGG, and BRADLEY, to consider and report thereon.

MONDAY, December 26.

The VICE PRESIDENT being indisposed, the Senate adjourned.

TUESDAY, December 27.

The VICE PRESIDENT continuing indisposed, the Senate adjourned.

WEDNESDAY, December 28.

The VICE PRESIDENT being absent by reason of the ill state of his health, the Senate proceeded to the election of a President *pro tempore*, as the Constitution provides; and STEPHEN R. BRADLEY was appointed.

On motion, by Mr. GILES,

Ordered, That the Secretary wait on the President of the United States and acquaint him that the Senate have, in the absence of the Vice President, elected STEPHEN R. BRADLEY their President *pro tempore*.

On motion, by Mr. GILES,

Ordered, That the Secretary make a like communication to the House of Representatives.

The following Message was received from the PRESIDENT OF THE UNITED STATES:

To the Senate of the United States:

According to the request of the Senate, in their resolution of November 14, that copies should be laid before them of all the orders and decrees of the belligerent Powers of Europe, passed since 1791, affecting the commercial rights of the United States, I now transmit them a report of the Secretary of State, of such of them as have been attainable in the Department of State, and are supposed to have entered into the views of the Senate.

TH. JEFFERSON.

DECEMBER 23, 1808.

The Message and papers accompanying it were read, and five hundred copies thereof ordered to be printed for the use of the Senate.

The following Message was received from the PRESIDENT OF THE UNITED STATES:

To the Senate of the United States:

According to the request expressed by the Senate, in their resolution of November 14, I now transmit a report of the Secretary of the Treasury, and statement,

showing, as far as returns have been received from the collectors, the number of vessels which have departed from the United States with permission, and specifying the other particulars contemplated by that resolution.

TH. JEFFERSON.

DECEMBER 27, 1808.

The Message and documents were read, and three hundred copies thereof ordered to be printed for the use of the Senate.

Mr. MILLEDGE presented the petition of William Brown, an officer of artillery, during the whole of the Revolutionary war, stating his services in that arduous contest, and praying that, at an advanced age, he may be placed above the pressure of want; and the petition was read and referred to Messrs. MILLEDGE, FRANKLIN, and GREGG, to consider and report thereon.

Mr. MITCHILL, from the committee to whom was referred the petition of Eunice Hunt, made report; which was read for consideration.

The Senate resumed, as in Committee of the Whole, the report of the select committee to whom was referred the bill, entitled "An act authorizing the President to employ an additional number of revenue cutters;" and having agreed to the amendment, the President reported the bill to the House amended. On the question, Shall this bill be read a third time as amended? it was determined in the affirmative.

On motion, it was agreed, that the bill making a further appropriation towards completing the two wings of the Capitol at the City of Washington, and for other purposes, be further postponed.

Mr. GREGG submitted the following motion:

Resolved, That the Secretary of the Senate do cause to be bound as many sets of the documents accompanying the Messages of the President of the United States of the twenty-second and thirtieth of March, one thousand eight hundred and eight, and also of the documents accompanying the President's Message of the eighth of November, one thousand eight hundred and eight, as shall be sufficient to furnish each member of the Senate with one copy, to be delivered during the present session.

TUESDAY, December 29.

A message from the House of Representatives informed the Senate that the House have passed a bill, entitled "An act to continue in force, for a further time, the first section of the act, entitled 'An act further to protect the commerce and seamen of the United States against the Barbary Powers;'" a bill, entitled "An act authorizing the appointment and employment of an additional number of navy officers, seamen, and marines;" also, a bill, entitled "An act for the relief of Augustin Serry;" in which bills they request the concurrence of the Senate. They have passed the bill, entitled "An act supplemental to an act, entitled 'An act for the extending the terms of credit on revenue bonds in certain cases, and for other purposes,' with amendments; in which they request the concurrence of the Senate.

The Senate resumed, as in Committee of the Whole, the bill making a further appropriation to—

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wards completing the two wings of the Capitol at the City of Washington, and for other purposes; and the bill having been amended, the President reported it to the House accordingly. On the question, Shall this bill be engrossed and read a third time as amended? it was determined in the affirmative.

Mr. TIFFIN, from the committee, reported the amendments to the bill, entitled "An act authorizing the President to employ an additional number of revenue cutters," correctly engrossed; and the bill was read the third time.

Resolved, That this bill pass with amendments.

Mr. POPE presented the petition of the Marine Insurance Company of Alexandria, praying an extension of their charter, authorizing them to "make insurances against fire, on houses, household furniture, and goods, wares, and merchandise, within the United States;" and the petition was read and referred to Messrs. POPE, GILES, and ROBINSON, to consider and report thereon.

The three bills last brought up for concurrence were read, and passed to the second reading.

The amendments of the House of Representatives to the bill, entitled "An act supplemental to an act, entitled 'An act for extending the terms of credit on revenue bonds in certain cases, and for other purposes,'" were read and ordered to lie for consideration.

The Senate resumed the consideration of the report of the committee to whom was referred the petition of Eunice Hunt, and agreed thereto accordingly; and

Resolved, That the petitioner have leave to withdraw her petition.

On motion, by Mr. FRANKLIN,

The bill, entitled "An act to continue in force, for a further time, the first section of the act, entitled 'An act further to protect the commerce and seamen of the United States against the Barbary Powers,'" was read the second time by unanimous consent, and referred to Messrs. FRANKLIN, ANDERSON, and HILLHOUSE, to consider and report thereon.

FRIDAY, December 30.

The bill, entitled "An act authorizing the appointment and employment of an additional number of navy officers, seamen, and marines," was read the second time, and referred to Messrs. WHITE, GREGG, and MILLEDGE, to consider and report thereon.

The following Message was received from the PRESIDENT OF THE UNITED STATES:

To the Senate and House of

Representatives of the United States:

I lay before the Legislature a letter from Governor Claiborne on the subject of a small tribe of Alabama Indians, on the western side of the Mississippi, consisting of about a dozen families. Like other erratic tribes in that country, it is understood that they have hitherto moved from place to place, according to their convenience, without appropriating to themselves exclusively any particular territory. But having now become habituated to some of the occupations of civilized life, they wish for a fixed residence. I suppose

it will be the interest of the United States to encourage the wandering tribes of that country to reduce themselves to fixed habitations whenever they are so disposed. The establishment of towns and growing attachments to them, will furnish, in some degree, pledges of their peaceable and friendly conduct. The case of this particular tribe is now submitted to the consideration of Congress.

TH. JEFFERSON.

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The Message and resolutions were read, and ordered to be printed for the use of the Senate.

Mr. ANDERSON, from the committee to whom was referred the bill, entitled "An act authorizing the payment of certain pensions by the Secretary of War, at the seat of Government," reported the bill without amendment.

Ordered, That it pass to a third reading.

Mr. FRANKLIN presented the representation of the grand jury, and others, inhabitants of Cabarras county, in the State of North Carolina, on the present embargo, and soliciting permission to export their surplus produce, if it can be granted without any abandonment of national independence or a surrender of essential rights; and the representation was read, and ordered to lie on the table.

Mr. MITCHILL submitted the following motion:

Resolved, That a committee be appointed to inquire whether any, and what, provisions ought to be made at this time for the relief of sick and disabled seamen of the United States.

The bill, entitled "An act for the relief of Augustin Serry," was read the second time, and referred to Messrs. MITCHILL, REED, and SUMTER, to consider and report thereon.

The Senate resumed the amendments of the House of Representatives to the bill, entitled "An act for extending the terms of credit on revenue bonds, in certain cases, and for other purposes;" and on motion, by Mr. LLOYD, it was agreed that they be referred to a select committee; and

Ordered, That Messrs. MILLEDGE, LLOYD, and GILMAN, be the committee to consider and report thereon.

Mr. TIFFIN from the committee, reported the bill making a further appropriation towards completing the two wings of the Capitol at the City of Washington, and for other purposes," correctly engrossed; and the bill was read the third time, and on motion, by Mr. LLOYD, it was ordered to be recommitted to Messrs. GREGG, THURSTON, and ANDERSON, further to consider and report thereon.

NORTH CAROLINA RESOLUTIONS.

Mr. TURNER presented the resolutions of the Legislature of the State of North Carolina, expressing their sentiments on the present situation of our foreign relations, and approbatory of the measures of Government; which were read, and ordered to be printed for the use of the Senate.

They are as follows:

IN SENATE, November 29, 1808.

The General Assembly of North Carolina, viewing the present situation of the United States, in relation

to Great Britain and France, as being alarmingly critical—as requiring the exercise of the greatest wisdom, energy, and prudence, on the part of the General Government, and the highest degree of patriotism and unanimity amongst the real friends of their country—are of opinion, that, as great clamor has been raised against some of the measures lately taken by our Administration, which may have led foreign nations to believe that the people of the United States are a divided people, unable or unwilling to carry into effect any energetic measures of their Government, it may serve to strengthen the hands of those who have the management of our national affairs, for Legislative and other public bodies to publish an expression of their sentiments on the present situation of our foreign relations; which the General Assembly of North Carolina do, in the following resolutions:

Resolved, That we view the pretext offered by Great Britain for not making reparation for the acknowledged outrage on our frigate *Chesapeake*, by the British ship of war *Leopard*, as unworthy a nation boasting of a free and enlightened Government.

Resolved, That we consider the acts, decrees, and orders, affecting neutral commerce, issued and enacted by Great Britain and France, as unjust and vexatious, and equally calculated to violate our neutral rights and national sovereignty.

Resolved, That we most cordially approve of the measures which the President of the United States has taken, in the spirit of moderation and equity, to obtain, both from Great Britain and France, a reparation of the wrongs committed against this country, and the repeal of those obnoxious acts, decrees, and orders.

Resolved, That, though the laws laying an embargo have borne hard upon a great part of the citizens of the United States, the Legislature of North Carolina consider them as the best means which could have been devised to preserve our citizens and property from the devouring grasp of the belligerent Powers.

Resolved, That, though the citizens of North Carolina have felt their full share of the pressure of these laws, they will cheerfully acquiesce in their continuance, should the competent authorities deem it expedient to persevere in the measure, until a repeal can be obtained of the unjust regulations which occasioned them; or in any other measure which Congress may deem necessary for the maintenance of our neutral rights.

Resolved, That, sooner than submit to unjust and vexatious restrictions on our commerce; to the impressment of our seamen; and to the taxation of the cargoes of our vessels, at the pleasure of foreign nations; we will live to ourselves, and have no connexion with any of them.

Resolved, That we value peace as one of the greatest blessings which any nation can enjoy; yet, rather than surrender our liberty and independence, we will surround the standard of our country, and risk our lives and fortunes in her defence.

MONDAY, January 2, 1809.

Mr. WHITE, from the committee to whom was referred the bill, entitled "An act authorizing the appointment and employment of an additional number of navy officers, seamen, and marines," reported it without amendment.

Ordered, That the consideration of this bill be postponed.

Mr. FRANKLIN, from the committee to whom

was referred the bill, entitled "An act to continue in force, for a further time, the first section of the act, entitled 'An act further to protect the commerce and seamen of the United States against the Barbary Powers,'" reported it without amendment.

TUESDAY, January 3.

Mr. WHITE presented the memorial of the surviving officers in the Delaware line of the Revolutionary army, praying for a remuneration of losses sustained by the commutation of half pay, for reasons mentioned in the memorial; which was read, and referred to the committee appointed on the 12th December last, to consider and report upon similar memorials.

The Senate resumed the motion made on the 28th of December last, for binding certain documents; and

Resolved, That the Secretary of the Senate do cause to be bound as many sets of the documents accompanying the Messages of the President of the United States, of the twenty-second and thirtieth of March, one thousand eight hundred and eight; and, also, of the documents accompanying the President's Message of the eighth of November, one thousand eight hundred and eight, as shall be sufficient to furnish each member of the Senate with one copy, to be delivered during the present session.

A message from the House of Representatives informed the Senate that the House have passed a bill, entitled "An act to authorize the transmission of certain documents, by the mail, free of postage," in which they request the concurrence of the Senate. The House of Representatives disagree to the first amendment of the Senate to the bill, entitled "An act authorizing the President to employ an additional number of revenue cutters;" and agree to the other amendment.

The bill last brought up for concurrence was read, and passed to the second reading.

The Senate proceeded to consider their amendment to the bill, entitled "An act authorizing the President to employ an additional number of revenue cutters," disagreed to by the House of Representatives; and, on motion, by Mr. GILLES,

Resolved, That they recede from their said amendment.

The credentials of JAMES HILLHOUSE, appointed a Senator by the Legislature of the State of Connecticut, for six years, commencing on the fourth day of March next, were read, and ordered to lie on file.

The Senate resumed, as in Committee of the Whole, the bill, entitled "An act authorizing the appointment and employment of an additional number of navy officers, seamen, and marines;" and on motion, by Mr. HILLHOUSE, to amend the first part of the first section, after the word "assembled," in the second line, to read as follows:

"That there be fitted out, officered, manned, and employed, as soon as may be, all the frigates and other armed vessels of the United States, and gunboats; that the President of the United States be authorized

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and empowered to cause the frigates and armed vessels, so soon as they can be prepared for actual service, respectively, to be stationed at such ports and places on the seacoast as he may deem most expedient, or to cruise on any part of the coast of the United States, or territories thereof."

And it was determined in the affirmative—yeas 21, nays 9, as follows:

YEAS—Messrs. Bradley, Gaillard, Giles, Gilman, Goodrich, Gregg, Hillhouse, Howland, Lloyd, Mathewson, Milledge, Mitchell, Moore, Parker, Pickering, Reed, Robinson, Smith of New York, Sumter, Thruston, and White.

NAYS—Messrs. Anderson, Condit, Crawford, Franklin, Kitchel, Pope, Smith of Tennessee, Tiffin, and Turner.

And the bill having been further amended, on the question, Shall it be read a third time as amended? it was determined in the affirmative.

The Senate resumed, as in Committee of the Whole; the bill, entitled "An act to continue in force for a further time the first section of the act, entitled "An act further to protect the commerce and seamen of the United States against the Barbary Powers."

On motion, by Mr. HILLHOUSE, to recommit the bill, it was determined in the negative.

Ordered, That it pass to a third reading.

The Senate resumed the motion, made on the 30th of December last, that a committee be appointed to inquire whether any and what provisions ought to be made at this time for the relief of sick and disabled seamen of the United States; and, having agreed thereto, Messrs. MITCHILL, HILLHOUSE, and REED, were appointed the committee.

On motion, by Mr. GILES,

Ordered, That the letter of the Secretary of the Navy to the committee on the bill providing for the arming, manning, and fitting out for immediate service, all the public ships of war, be printed for the use of the Senate.

The bill, entitled "An act authorizing the payment of certain pensions by the Secretary of War, at the seat of Government," was read the third time, and passed.

WEDNESDAY, January 4.

Mr. MILLEDGE, from the committee to whom was referred the amendments of the House of Representatives to the bill, entitled, "An act supplemental to an act, entitled 'An act for extending the terms of credit on revenue bonds in certain cases, and for other purposes,'" made report. Whereupon,

Resolved, That the Senate do agree to the amendments with an amendment.

Mr. MITCHILL, from the committee to whom was referred the bill, entitled "An act for the relief of Augustin Serry," reported it amended; and the House having agreed to the amendments, the President reported the bill accordingly.

Ordered, That this bill pass to the third reading as amended.

Mr. POPE, from the committee to whom was

referred the memorial of the Marine Insurance Company of Alexandria, asked and obtained leave to bring in a bill to authorize the Marine Insurance Company of Alexandria to alter their style and firm, and to insure against loss by fire; and the bill was read, and ordered to the second reading.

The bill, entitled "An act to authorize the transmission of certain documents, by the mail, free of postage," was read the second time and considered as in Committee of the Whole; and, on motion by Mr. LLOYD to commit the bill, it was determined in the negative; and the President having reported the bill to the House amended, on motion, by Mr. MILLEDGE, the further consideration of the bill was postponed to the first Monday in June next.

Mr. TIFFIN, from the committee, reported the amendments to the bill, entitled "An act authorizing the appointment and employment of an additional number of navy officers, seamen, and marines," correctly engrossed; and the bill was read the third time as amended. And the title having been also amended, the bill was passed with amendments.

The bill, entitled "An act to continue in force for a further time the first section of the act, entitled 'An act further to protect the commerce and seamen of the United States against the Barbary Powers,'" was read the third time, and passed.

On motion, the bill was reconsidered and amended, by unanimous consent; and the title having been amended,

Resolved, That this bill pass with amendments.

Mr. REED communicated the resolution of the Legislature of the State of Maryland, disapproving of the alteration proposed to the Constitution of the United States, by a resolution of the General Assembly of the State of Virginia, so as "to render the Senators in Congress of the United States removable from office by the vote of a majority of the whole number of the members of the respective State Legislatures by which the said Senators have been or may be appointed;" which was read, and ordered to lie on the table.

Mr. LLOYD submitted the following motion.

Resolved, That President of the United States be requested to cause to be laid before the Senate all the official as well as informal correspondence between Mr. Rose, the late British Minister to the United States, and the Secretary of State, or any other officer of this Government, which has not already been communicated to Congress.

THURSDAY, January 5.

Mr. GREGG from the committee to whom was recommitment the bill making a further appropriation towards completing the two wings of the Capitol at the City of Washington, and for other purposes, reported the bill without amendment.

The Senate proceeded to consider the bill as in Committee of the Whole. A motion was made, by Mr. REED, to strike out the words, "carrying up in solid work, and repairing the west side of the north wing, providing permanent accommo-

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dations for the library;" and on the question to agree to the striking out of these words, it was determined in the affirmative—yeas 20, nays 10, as follows:

YEAS—Messrs. Anderson, Bradley, Crawford, Franklin, Gilman, Goodrich, Hillhouse, Howland, Kitchel, Lloyd, Mathewson, Mitchell, Moore, Parker, Pickering, Reed, Robinson, Sumter, Tiffin, and Turner.

NAYS—Messrs. Condit, Gaillard, Giles, Gregg, Milledge, Pope, Smith of New York, Smith of Tennessee, Thruston, and White.

And the PRESIDENT reported the bill to the House amended.

On motion of Mr. THRUSTON the bill was further amended, by inserting, after the word "staircase," the words, "and providing temporary and adequate accommodations for the library, in the room now used for that purpose, and in the one in which the Senate now sit."

On motion, by Mr. REED, to strike out from the clause "for improvements and repairs of the President's House and square, including a carriage house," the words, "and square:" it was determined in the negative—yeas 15, nays 14, as follows:

YEAS—Messrs. Anderson, Crawford, Franklin, Gilman, Goodrich, Hillhouse, Howland, Lloyd, Mathewson, Moore, Parker, Pickering, Reed, Sumter, and Turner.

NAYS—Messrs. Bradley, Condit, Gaillard, Giles, Gregg, Kitchell, Milledge, Mitchell, Pope, Robinson, Smith of New York, Smith of Tennessee, Thruston, Tiffin, and White.

On motion, by Mr. THRUSTON, the clause for finishing the road on the south side of the President's square, and gravelling the same, with a bridge across the Tiber, on the north side of Pennsylvania avenue, to accommodate foot passengers,—thousand dollars," was amended, by inserting the words "of stone and brick," after the word "bridge;" and on motion, by Mr. REED, to strike out the whole clause as amended, it was determined in the affirmative—yeas 16, nays 14, as follows:

YEAS—Messrs. Anderson, Crawford, Franklin, Goodrich, Hillhouse, Howland, Kitchell, Lloyd, Mathewson, Moore Parker, Reed, Sumter, Tiffin, and Turner.

NAYS—Messrs. Bradley, Condit, Gaillard, Giles, Gilman, Gregg, Milledge, Mitchell, Pope, Robinson, Smith of New York, Smith of Tennessee, Thruston, and White.

On the question, Shall this bill be engrossed and read a third time as amended? it was determined in the affirmative.

The bill to authorize the Marine Insurance Company of Alexandria to alter their style and firm, and to insure against loss by fire, was read the second time, and considered as in Committee of the Whole; and the President having reported the bill to the House without amendment, on the question, Shall this bill be engrossed and read a third time? it was determined in the affirmative.

Mr. TIFFIN, from the committee, reported the amendment to the bill, entitled "An act for the relief of Augustin Serry," correctly engrossed; and the bill was read the third time as amended, and passed.

Mr. WHITE, from the committee to whom was referred the bill entitled "An act authorizing the proprietors of squares and lots in the City of Washington to have the same subdivided and admitted to record," reported it without amendment.

Ordered, That this bill pass to a third reading.

The following Message was received from the PRESIDENT OF THE UNITED STATES:

To the Senate and House of Representatives of the United States:

I communicate, for the information of Congress, the report of the Director of the Mint, of the operations of that establishment during the last year.

TH. JEFFERSON.

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The Message and communications were read and ordered to lie for consideration.

FRIDAY, January 6.

RETURN JONATHAN MEIGS, Jun., appointed a Senator by the General Assembly of the State of Ohio, to fill the vacancy occasioned by the resignation of JOHN SMITH, and, also, for six years ensuing the third day of March next, attended, and produced his credentials; which were read; and the oath prescribed by law was administered to him.

A message from the House of Representatives informed the Senate that the House have passed the bill, entitled "An act to enforce and make more effectual an act, entitled 'An act laying an embargo on all ships and vessels in the ports and harbors of the United States, and the several acts supplementary thereto,' with amendments, in which they request the concurrence of the Senate.

The amendments were read, and ordered to lie for consideration.

Mr. TIFFIN, from the committee, reported the bill making further appropriation towards completing the two wings of the Capitol at the City of Washington, and for other purposes; also, the bill to authorize the Marine Insurance Company of Alexandria to alter their style and firm, and to insure against loss by fire, correctly engrossed.

Mr. GILES presented the petition of Richard Bland Lee, stating the damages that he hath sustained from the troops of the United States when stationed at Harper's Ferry, and otherwise, and praying immediate and adequate redress; and the petition was read, and referred to Messrs. GILES, FRANKLIN, and MITCHELL, to consider and report thereon.

The following Message was received from the PRESIDENT OF THE UNITED STATES:

To the Senate and House of Representatives of the United States:

I now lay before Congress a statement of the works of defence which it has been thought necessary to provide in the first instance for the security of our seaport towns and harbors, and of the progress towards their completion. Their extent has been adapted to the scale of the appropriation, and to the circumstances of the several places.

The works undertaken at New York are calculated to annoy and endanger any naval force which shall

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enter the harbor, and still more, one which should attempt to lie before the city. To prevent altogether the entrance of large vessels, a line of blocks across the harbor has been contemplated, and would, as is believed, with the auxiliary means already provided, render that city safe against naval enterprise. The expense, as well as the importance of the work, render it a subject proper for the special consideration of Congress.

At New Orleans, two separate systems of defence are necessary, the one for the river, the other for the lake, which at present can give no aid to one another. The canal now leading from the lake if continued into the river, would enable the armed vessels in both stations to unite, and to meet in conjunction an attack from either side. Half the aggregate force would then have the same effect as the whole; or the same force double the effect of what either can now have. It would also enable the vessels stationed in the lake, when attacked by superior force, to retire to a safer position in the river. The same considerations of expense and importance render this also a question for the special decision of Congress.

TH. JEFFERSON.

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Accompanying the message is a detailed report of the Secretary of War, which shows that much has been done during the past year towards the defence of our ports and harbors.

The following are the sums expended in the several States:

New Orleans	\$80,373
Georgia, South and North Carolina	204,289
Virginia and Maryland	111,432
Delaware, Pennsylvania, and N. Jersey	5,000
New York	379,133
Connecticut and Rhode Island	11,000
Massachusetts and New Hampshire	223,475
	1,014,702

The Message and Report were referred to Messrs. GILES, MITCHELL, SUMTER, ANDERSON, and MILLEDGE.

The bill making further appropriation towards completing the two wings of the Capitol at the City of Washington, and for other purposes, was read the third time, and passed.

The bill to authorize the Marine Insurance Company of Alexandria to alter their style and firm, and to insure against loss by fire, was read the third time, and passed.

The bill entitled "An act authorizing the proprietors of squares and lots in the City of Washington to have the same subdivided and admitted to record," was read the third time, and passed.

The Senate resumed the consideration of the motion made on the 4th instant:

"That the President of the United States be requested to cause to be laid before the Senate all the official as well as informal correspondence between Mr. Rose, the late British Minister to the United States, and the Secretary of State, or any other officer of the Government, which has not already been communicated to Congress.

And a motion was made, by Mr. PICKERING, to insert the following as a preamble to the resolution:

"It having been stated to the Senate, by a member in his place, that besides the formal negotiations with the British Government, relative to the attack made on the United States' frigate *Chesapeake*, exhibited in the documents communicated to Congress during their last session, by the President of the United States, there had been certain informal overtures upon the same subject, between the British Minister, Mr. Rose, or some person authorized by him, and some person or persons on the part of our Government, which overtures and their result ought, according to the opinion expressed by the said member, to be made known to the people of the United States."

And on motion, by Mr. PICKERING, to amend the said preamble, by inserting, after the word "place," the words "that he had reason to believe:" it was determined in the negative. And, on the question, to agree to the preamble, it was determined in the negative—yeas 5, nays 24, as follows:

YEAS—Messrs. Goodrich, Hillhouse, Lloyd, Pickering, and White.

NAYS—Messrs. Anderson, Bradley, Condit, Crawford, Franklin, Gaillard, Giles, Gilman, Gregg, Kitchel, Mathewson, Meigs, Milledge, Moore, Parker, Pope, Reed, Robinson, Smith of New York, Smith of Tennessee, Sumter, Thruston, Tiffin, and Turner.

And, on the question to agree to the original motion, it was determined in the negative—yeas 7, nays 22, as follows:

YEAS—Messrs. Gilman, Goodrich, Hillhouse, Lloyd, Pickering, Reed, and White.

NAYS—Messrs. Anderson, Bradley, Condit, Crawford, Franklin, Gaillard, Giles, Gregg, Kitchel, Mathewson, Meigs, Milledge, Moore, Parker, Pope, Robinson, Smith of New York, Smith of Tennessee, Sumter, Thruston, Tiffin, and Turner.

On motion, by Mr. WHITE, that the bill, entitled "An act to enforce and make more effectual an act, entitled 'An act laying an embargo on all ships and vessels in the ports and harbors of the United States, and the several acts supplementary thereto,' be printed for the use of the Senate, it was determined in the negative.

Mr. THRUSTON reported from the committee, that they had this day laid before the President of the United States the enrolled bill, entitled "An act authorizing the President of the United States to employ an additional number of revenue cutters;" also, the enrolled bill, entitled "An act authorizing the payment of certain pensions by the Secretary of War, at the seat of Government."

SATURDAY, January 7.

ENFORCING THE EMBARGO.

The Senate proceeded to consider the amendments of the House of Representatives to the bill, entitled "An act to enforce and make more effectual an act, entitled 'An act laying an embargo on all ships and vessels in the ports and harbors of the United States,' and the several acts supplementary thereto;" and agreed to several amendments.

On motion, by Mr. LLOYD, to amend the amend-

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ment to seventh section, after the word defendant, by inserting the words "provided it be practicable to produce them, of which practicability the court before whom the cause is pending shall judge and determine:" it was determined in the negative—yeas 10, nays 20, as follows:

YEAS—Messrs. Gilman, Goodrich, Hillhouse, Lloyd, Mathewson, Parker, Pickering, Reed, Sumter and White.

NAYS—Messrs. Anderson, Bradley, Condit, Crawford, Franklin, Gaillard, Giles, Gregg, Howland, Kitchel, Meigs, Milledge, Moore, Pope, Robinson, Smith of New York, Smith of Tennessee, Thruston, Tiffin, and Turner.

On motion, by Mr. HILLHOUSE, to amend the second amendment to the tenth section, after the word "court," by insertion of these words: "provided nothing herein contained shall be construed to deprive the party aggrieved of his right of trial according to the rules of common law, as practised in the State where the parties reside," it was determined in the negative—yeas 7, nays 23, as follows:

YEAS—Messrs. Gilman, Goodrich, Hillhouse, Lloyd, Pickering, Reed, and White.

NAYS—Messrs. Anderson, Bradley, Condit, Crawford, Franklin, Gaillard, Giles, Gregg, Howland, Kitchel, Mathewson, Meigs, Milledge, Mitchell, Moore, Pope, Robinson, Smith of New York, Smith of Tennessee, Sumter, Thruston, Tiffin, and Turner.

On motion to concur in the amendment, as follows: after the word "defence," at the end of the section, add:

"And any person aggrieved by the acts of any collector, in either of the cases aforesaid, may file his petition before the district court of the district wherein the collector resides, stating the facts of his case, and, thereupon, after due notice given to the district attorney and the collector, the said court may summarily hear and adjudge thereupon as law and justice may require, and the judgment of the said court, and the reason and facts whereon it is grounded, shall be filed among the records of said court; and if restoration of the property detained or taken in custody, or permission to load as aforesaid shall be decreed, it shall be upon the parties giving such bond with sureties, as is or shall be required to be taken in similar cases by the collector, and not otherwise; but, if the said court shall adjudge against such petition, the collector shall be entitled to treble costs, which shall be taxed for him, and execution awarded accordingly by the court."

It was determined in the affirmative—yeas 23, nays 7, as follows:

YEAS—Messrs. Anderson, Bradley, Condit, Crawford, Franklin, Gaillard, Giles, Gregg, Howland, Kitchel, Mathewson, Meigs, Milledge, Mitchell, Moore, Pope, Robinson, Smith of New York, Smith of Tennessee, Sumter, Thruston, Tiffin, and Turner.

NAYS—Messrs. Gilman, Goodrich, Hillhouse, Lloyd, Pickering, Reed, and White.

On motion, by Mr. WHITE, to postpone the further consideration of the bill and the amendments to the first Monday in November next, it was determined in the negative—yeas 7, nays 22, as follows:

YEAS—Messrs. Gilman, Goodrich, Hillhouse, Lloyd, Pickering, Reed, and White.

NAYS—Messrs. Anderson, Bradley, Condit, Franklin, Gaillard, Giles, Gregg, Howland, Kitchel, Mathewson, Meigs, Milledge, Mitchell, Moore, Pope, Robinson, Smith of New York, Smith of Tennessee, Sumter, Thruston, Tiffin, and Turner.

Mr. REED moved to strike out "Secretary of the Treasury," in the 13th section, for the purpose of inserting "President of the United States." He supported the motion with a few pertinent remarks, which were not replied to.

When the vote was about to be taken, Mr. WHITE rose, and observed—

Mr. President, I have no hope of the present amendment succeeding, and, indeed, I distinctly perceive it is not the intention of the majority to vary the bill in any respect from the form in which it is now presented to us. In this, sir, perhaps, they may be right, for I view the bill myself as so vitally poisonous, so radically corrupt, that I do not believe it is amendable. It is under this solemn impression, I confess, more from a sense of duty than a hope of success, that I now arise to make one other last effort to ward off, if possible, this bold and deadly charge upon the Constitution and liberties of this country. For the purpose, therefore, of obtaining another vote of the Senate upon the bill itself, as well as the amendments, I now move you, that the further consideration of the subject be postponed till the first Monday in December next. I thank God that it is at least accorded to one branch of the Legislature to pass upon this bill in the day time, and to this I must attribute the sudden dumbness that seems to have fallen upon its advocates here—their refusal, not only to discuss, but their evident reluctance even to hear any discussion on this subject.

Upon the motion which I have submitted, I consider the bill, as well as the amendments from the other House, open to debate. It was not, however, with this view that I made the motion: I have no wish to talk for the sake of being heard, or to occupy the time of the Senate without, at least, the hope of attaining some object. I had not intended to have said a word on this subject, nor will I now enter upon the merits of the bill. My objections lay to every part of it. Yet, sir, I could not have patience to examine the minute details of a measure in the prominent points of which I see, concealed, a blow directed at the vital parts of everything dear to a freeman. Pass this bill, and the liberties of your country are prostrated. The civil authority is subjected to the military. Not only the property, but the personal liberty, nay, the life of every man in the community, is at the mercy of the Executive; and, what is worse, at the mercy of any instrument he may authorize to call out the military, under the pretence of executing the embargo laws. I see, in this bill, several palpable and glaring violations of the Constitution of the United States, which I am sworn to support. I consider it as laying the whole country under military law—as nothing less than a declaration of war, on the part of the Government, against our own citizens. And has it come to this, sir? For the purpose of executing the embargo, are we ready to sacrifice, or,

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at least, to hazard, everything dear and valuable? Let me beg gentlemen, once more, to read the eleventh section of this bill. It enacts, that—

"It shall be lawful for the President of the United States, or such other person as he shall have empowered for that purpose, to employ such part of the land or naval forces, or militia of the United States, or of the Territories thereof, as may be judged necessary, in conformity with the provisions of this, and other acts respecting the embargo, for the purpose of preventing the illegal departure of any ship or vessel, or of detaining, taking possession of, and keeping in custody, any ship or vessel, or, of taking into custody and guarding, any specie, or articles of domestic growth, produce, or manufacture; and, also, for the purpose of preventing and suppressing any armed or riotous assemblage of persons resisting the custom-house officers in the exercise of their duties, or in any manner opposing the execution of the laws laying an embargo, or otherwise violating, or assisting and abetting violations of the same."

I am aware, sir, that it may be said we have, in our statute books, a precedent for this section, and that the fifth section, I think, (for I have no book before me,) of a law further to preserve peace within the ports and harbors of the United States, may be resorted to in justification of it. But, it is a precedent only in verbiage. The cases are essentially different. The authority there given to the President, was for the purpose of preserving peace within our own waters, and could be exercised only against an offending vessel of war of a foreign nation. Is that the present case? Is it like it? No, sir. By this section, you delegate to the President, and to his irresponsible agents, uncontrolled authority over all the naval and military forces of the United States now in service and about to be raised; not, give me leave to say, for the purpose of preserving peace—not to be exercised against a foreign enemy, but, to be turned against the bosoms of your own citizens. Will freemen submit to this? Let me admit that the act will not be executed in this way—that even this inordinate and dangerous power may be safely confided to our present Executive—yet, I shudder at the precedent. It is in the days of political calms, and, of blind confidence in a favorite, that we are in danger of establishing precedents that, in more stormy times, may be resorted to by ambitious and desperate men, to subvert the Constitution and liberties of our country. And I contend, sir, that, whenever your Executive chair shall be filled by a bold and ambitious man, supported by a blind and dominant party in the two Houses of Congress, and such a man shall wish to play the tyrant, if he first procures a sufficient army to be provided, under any pretences, and can then get delegated to him, by Congress, the powers given in this eleventh section of the bill, his object is accomplished. Your Constitution and your liberties are at an end. He will establish a southern, a western, an eastern, or any other dynasty he pleases, in this country. And this bill will then be shown to Congress. They will then be told that no danger is to be apprehended from such a grant of power to a President, because similar

powers had heretofore been given and no injury had resulted to the country.

I arose, sir, with a promise not to occupy the time of the Senate, and it was then, indeed, my only object to move a postponement of the bill. I have, therefore, already said much more than I intended; but, while I am up, I must be permitted to notice for a moment the thirteenth section, which is not an original part of the bill, but has been sent to us by the House of Representatives. This section authorizes the hiring of thirty vessels, not exceeding an hundred and thirty tons each, to be armed and equipped for sea, for the purpose of executing the embargo laws. Sir, the man must be blind who cannot see through this. It savors so strongly of the source from whence it came that it is impossible to mistake it for a moment. It has the very fish-oil about it. It is a Marblehead trick. This is a rider to the famous Marblehead patriotic resolutions, read to us some days since by the gentleman from Virginia, (Mr. GILES.) These Marblehead patriots, not being permitted, during the embargo, to export their fish, for the want of some other capital, are about to commence trade upon their patriotism, and have sent that to market. It seems they not only approve of the embargo, but, with much patriotic modesty, recommend to the Government to hire them and their hundred-and-thirty-ton vessels to execute it. It is not impossible that this thirteenth section was considered and approved of by the same meeting that adopted the resolutions, and is now intended as a Governmental premium to buy patriots with. Hire these Marblehead men, sir; arm their vessels, and tell one of them to victual his vessel for a three, or six months' cruise upon our coast, and to go to sea; my word for it, the next news you have of your patriot, he is in the West Indies, exchanging the pork and flour of the United States for coffee and sugar for himself. This was the object of the resolutions. This is the concealed object of the section. It is intended to disgrace the Government by making it an accessory to the violation of its own laws. But, sir, I have another objection to this section. These thirty vessels, in addition to the twelve revenue cutters we have lately provided, and those now in service, will place under the exclusive direction, not of the President of the United States, but of a subordinate officer, the Secretary of the Treasury, more than fifty vessels of war. A larger number than has ever been intrusted to the control of the Government itself. And who are to appoint these officers? The President and this Senate? No, sir; the Secretary of the Treasury. He is to be the Marblehead President. We all know how difficult it is to restrain even the young officers commanding our gunboats, selected and appointed as they are by the President and Senate, from committing acts of violence and outrage upon our citizens. And what control do you expect the Secretary of the Treasury will be able to assume over these Marblehead marauders if once they are turned loose upon the little coasting commerce that yet remains to our citizens? Sir, I had rather see so many French

or British picaroons upon the coast, because they would not be permitted to rob with impunity.

Mr. HILLHOUSE.—I shall not trespass on the patience of the Senate by repeating any arguments already submitted to their consideration. But it will be remembered that the debate on passing the bill as it went from the Senate, was protracted to a late hour, when both speakers and hearers were much fatigued, and it became impossible to consider every point. I will therefore now take the liberty of noticing the precedents upon which the gentleman from Virginia (Mr. GILES) so confidently relies to justify the principles of this bill.

The first is, that clause in one of the embargo acts which gives to the President of the United States a discretionary power to suspend the embargo, "in whole or in part," which was indeed an extraordinary power, and nothing short of committing into his hands the power of involving the country in war. The gentleman ought further to have stated, that it was opposed at the time on that ground, and that the votes of gentlemen opposed to this bill are recorded on the journals against it. Who gave to the Executive that extraordinary power? It was the like overwhelming majority that laid the embargo, and would now enforce it by the arbitrary provisions contained in this bill. It is indeed extraordinary, that to justify an arbitrary and unwarrantable grant of power, gentlemen should quote a precedent, of a like nature, of their own making.

An act of March 3d, 1807, authorizing the President of the United States to use military force to remove from public lands, persons attempting to make settlements thereon, is also relied on to justify the principles of this bill; but the gentleman from Virginia will find by the Journals of the Senate, that an act making provision for carrying into execution an Indian treaty, was, at a previous session rejected, because it contained a like arbitrary and unwarrantable provision. The act, as stated by that gentleman, was afterwards passed; not, however, without a strenuous opposition—the votes were 17 to 15, as appears by the yeas and nays.* My vote was against that act, as I hope it will be against every act containing like arbitrary and oppressive provisions. The gentlemen from Virginia advocated and voted for that act, as he has done for others containing grants of extraordinary power to the Executive. Formerly that gentleman's voice was one of the loudest, and I think I have heard none louder, in proclaiming his love and adoration for the people; but now that he is got into the saddle, he, like many others who have acquired

power in the same way, is for riding on the necks of the people, and for exercising power in an arbitrary and oppressive manner.

I shall next notice the law of March 31, 1805, and a law containing a like provision, passed June 4th, 1794. As the gentleman from Virginia seems to attach some importance to his precedent, from the circumstance of my having in some instances voted for them, I do not hesitate to declare that I voted for the law of 1805, and it is probable I did also for that of 1794; as I could have no objection to a law which was necessary to preserve peace, and prevent insults to our Government, or the violation of the laws within our ports and harbors, and on waters within our jurisdiction, by foreign armed ships, or vessels fitting out with hostile views against any Power with which we were in amity. The military force authorized by those laws would in no instance be employed on the land, and against our own citizens, except to prevent the carrying on a military expedition or enterprise against such foreign Power. So cautious were the administrators of the General Government of calling in the aid of the military to enforce the laws, that no express power was given to the President of the United States by any act of Congress, to employ any part of the standing army or naval force, until, under the present Administration, the law mentioned by the gentleman from Virginia, of March 3d, 1807, in my opinion a very proper law, was passed, giving the President the power, in all cases where he might call forth the militia for the purpose of suppressing insurrections, or of causing the laws to be executed, to employ for the same purpose, such part of the land and naval force of the United States, as he may judge necessary, "having first observed all the prerequisites of the law in that respect." In the two last lines of this law are a few words of great significance and import—"having first observed the prerequisites of the law." The military is not to take the lead, as in the present bill, but is to come in aid of, and be subordinate to the civil power. That it may appear on our Journals that no effort consistent with the rules of the Senate has been omitted to prevent the passage of this fatal bill, I am glad the gentleman from Delaware, (Mr. WHITE,) has brought forward his motion for a postponement of the bill to the first Monday of December next. The amendments from the House of Representatives have not in the least reconciled me to the bill—one only is of any value. That offered to the seventh section is a mockery of justice, an insult to the understandings of the American people. By the original bill, as it passed the Senate, "neither capture, distress, nor any other accident whatever, shall be pleaded or given in evidence." The amendment proposes to add:

"Unless such capture shall be expressly proved to have been hostile, and such distress or accident occasioned by no negligence or deviation; nor unless such vessel shall have been, from the commencement of the voyage, wholly navigated by a master, mate or mates, mariners, and crew, all whom shall be citizens of the

*On the question, Shall the bill pass? it was determined in the affirmative, yeas 17, nays 15.

YEAS.—Messrs. Baldwin, Bradley, Condit, Fenner, Gaillard, Giles, Howland, Kitchel, Macley, Milledge, Mitchill, Moore, Plumer, Smith of Maryland, Smith of New York, Smith of Tennessee, and Turner.

NAYS.—Messrs. Adams, Bayard, Clay, Gilman, Hillhouse, Logan, Pickering, Reed, Smith of Ohio, Smith of Vermont, Stone, Thruston, Tracy, White, and Worthington.

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United States; nor unless such mate or mates, mariners and crew, shall all, if living, and the proof of their death shall lie on the defendant, be produced on the trial, and sworn as competent witnesses; nor unless such master, mate or mates, mariners and crew, shall have signed a shipping paper in due form of law, and a copy thereof, designating specially the master, mate or mates, mariners and crew, and their permanent places of residence, shall have been lodged with the collector of the port, to whom the bond aforesaid shall have been given before the commencement of the voyage; and subscribed and sworn to by the master before such collector; and any master who shall falsely, wilfully, and corruptly swear as to the facts contained in such copy, shall, on conviction, suffer the pains and penalties of perjury."

The impracticability and absurdity of this amendment will be best exemplified by a plain case. A vessel bound from Baltimore to Charleston, South Carolina, say the regular packet, takes on board flour and other articles, to the value, including vessel, of twenty thousand dollars, and twenty members of Congress, who must be presumed to be men of character. On the passage, in a storm, to save the vessel, and the lives of the passengers, part of the cargo is thrown overboard. On the arrival at Charleston every remaining article is fairly landed, and a certificate obtained, which with the testimony of those twenty members, to prove that every article not contained in the certificate was in fact thrown into the sea, are offered to exonerate the bondsmen from the penalty of the bond, which cannot be less than one hundred and twenty thousand dollars. By this amendment the evidence cannot be admitted; but judgment must be rendered for the whole amount of the bond; unless among other conditions, difficult and embarrassing, "the mate or mates, mariners and crew, shall all, if living, and the proof of their deaths shall be on the defendant, be produced on the trial, and sworn as competent witnesses." It is hardly a supposeable case, that the bondsmen residing in Baltimore, where the suit must be commenced, should after the lapse of two months, before which no suit can be brought, be able to bring from Charleston, and to court, the mate or mates, and every one of the mariners and crew: some one may have been taken out on the passage by an armed vessel of a foreign nation; or after the arrival at Charleston, it would be marvellous indeed, if some one or more of the crew had not within two months shipped on board some other vessel, and gone to parts unknown to the bondsmen. In the bill there is no provision to enable the master or bondsmen to hold the mate, mariners and crew in custody until a trial can be had, they cannot even summon them until a suit is commenced. In case of a hostile capture, most of the mariners and crew would be carried away to a foreign country, and it would be impossible for the bondsmen to have them in court.

Having offered my sentiments on the various amendments from the House of Representatives, and the amendments offered in the Senate to those amendments as they were severally under

consideration, I shall now close with a few remarks on the proposed new section for hiring and employing thirty vessels, not exceeding one hundred and thirty tons each, for enforcing the laws of the United States on the seacoast, and to be employed under the direction of the Secretary of the Treasury. The Constitution has placed the military and naval force of the United States under the direction of the President, who is to "take care that the laws be faithfully executed." This section places thirty armed vessels, a naval force of no small import, under the direction of the Secretary of the Treasury, for enforcing the laws. Even the revenue cutters, which from the circumstance of their commanders being deemed and by law declared to be officers of the customs, fall under the direction of the Secretary of the Treasury, under whose superintendence the law has placed the collection of the revenue; even those revenue cutters, when otherwise employed than in the collection of the revenue, are not permitted to remain under the direction of the Secretary; who of all the officers of Government is the most improper to have the direction of the military and naval force to be employed in executing the embargo; for to him alone is confided the power of mitigating the rigor of the several acts, and of remitting penalties and forfeitures. There is a manifest impropriety in making the same person both judge and executioner. The gentleman from Virginia, says we have heretofore reproached the Administration with the want of energy; and complained of them for relying on proclamations, paper resolutions, and legislative acts; and now that something is proposed that has in it the appearance of energy, we are equally clamorous in heaping reproach upon them. Sir, it is the inversion of the proper order of things of which we complain. The Administration and their friends have been making proclamations, paper resolutions, and legislative acts, to be aimed at foreign nations, against whom they are unavailing; whereas, in regard to our own citizens, aided by the marshal and posse commitatus, they might be effectual. And to complete the inversion, the same Administration and their friends have unnecessarily, and in my apprehension, wantonly directed against our own citizens, the bayonet, the military and naval force of our country, which might be efficient against foreign aggressions. It is for adopting this strange, this unaccountable policy we are dissatisfied.

I have opposed the bill in every stage of its progress, and used every exertion in my power to prevent its passage. I shall now only ask that the question may be taken by yeas and nays, that I may once more record my name on the journals against a measure, which, if acquiesced in, may prove fatal to the liberties of my country.

The question was now taken on Mr. REED's amendment, and determined in the negative—yeas 10, nays 20, as follows:

YEAS—Messrs. Gilman, Goodrich, Gregg, Hillhouse, Lloyd, Mathewson, Meigs, Pickering, Reed, and White.
NAYS—Messrs. Anderson, Bradley, Condit, Craw-

ford, Franklin, Gaillard, Giles, Howland, Kitchel, Milledge, Mitchell, Moore, Pope, Robinson, Smith of New York, Smith of Tennessee, Sumter, Thruston, Tiffin, and Turner.

On the question to agree to the amendment proposing a new section, as follows:

SEC. 13. *And be it further enacted,* That the President of the United States be, and he hereby is, authorized to hire, arm, and employ, thirty vessels, not exceeding in tonnage one hundred and thirty tons each, belonging to citizens of the United States, and so many seamen as shall be necessary to man the same for immediate service, in enforcing the laws of the United States on the seacoast thereof, and to dismiss the same from service whenever he shall deem the same expedient. *Provided, however,* That such hiring, arming, and employment, shall not be for a term exceeding one year; and the said ships or vessels, when so hired and armed, shall be employed under the direction of the Secretary of the Treasury."

It was determined in the affirmative—yeas 17, nays 13, as follows:

YEAS—Messrs. Anderson, Bradley, Condit, Crawford, Franklin, Giles, Howland, Kitchel, Milledge, Mitchell, Moore, Pope, Robinson, Smith of New York, Smith of Tennessee, Tiffin, and Turner.

NAYS—Messrs. Gaillard, Gilman, Goodrich, Gregg, Hillhouse, Lloyd, Mathewson, Meigs, Pickering, Reed, Sumter, Thruston, and White.

On the question to agree to the amendment proposing a new section, as follows:

SEC. 14. *And be it further enacted,* That the powers given to the President of the United States, by the seventh section of the act of March the twelfth, one thousand eight hundred and eight, to grant permission to citizens having property of value in places without the jurisdiction of the United States, to despatch vessels for the same, shall henceforth cease."

It was determined in the affirmative—yeas 26, nays 4, as follows:

Messrs. Anderson, Bradley, Condit, Crawford, Franklin, Gaillard, Giles, Gilman, Gregg, Howland, Kitchel, Mathewson, Meigs, Milledge, Mitchell, Moore, Pope, Reed, Robinson, Smith of New York, Smith of Tennessee, Sumter, Thruston, Tiffin, Turner, and White.

NAYS—Messrs. Goodrich, Hillhouse, Lloyd, and Pickering.

So it was *Resolved*, That the Senate concur in all the amendments to the bill last mentioned.

MONDAY, January 9.

Mr. MILLEDGE, from the committee to whom was referred the petition of William Brown, late an officer in the Revolutionary army, made report. Whereupon,

Resolved, That the petitioner have leave to withdraw his petition.

TUESDAY, January 10.

JAMES A. BAYARD, from the State of Delaware, attended.

Mr. GILES presented the petition of the President and Directors of the Bank of Potomac, praying an act of incorporation, with such privileges as may appear reasonable, to commence and take

effect from and after the expiration of the term of the charter of the Bank of the United States, for reasons mentioned in the petition; which was read, and referred to the Secretary of the Treasury, to consider and report thereon.

The PRESIDENT communicated the petition of Ebenezer S. Platt, now of Philadelphia, stating his services and sufferings during the Revolutionary war; and that, in consideration thereof, Congress, in August 1777, voted him one hundred guineas, which sum he hath never received. Being now, in his old age, through misfortune reduced to indigent circumstances, he prays that Congress will take his case into consideration, and grant him such relief as his services and sufferings may have merited; and the petition was read, and referred to Messrs. MILLEDGE, FRANKLIN, and BRADLEY, to consider and report thereon.

On motion by Mr. GILES, it was agreed that two members be added to the committee on the Message of the President of the United States, of the 6th instant, on the subject of fortifications; and Messrs. LLOYD and GILMAN were appointed.

Mr. MITCHELL presented the petition of Ebenezer Stevens and others, merchants, of the city of New York, stating, that they have imported from the East Indies large quantities of articles not intended for home consumption, and praying that provision may be made by law, whereby the petitioners may be permitted to re-export their aforesaid merchandise within a reasonable time after the embargo shall be raised, with the benefit of such drawback as has been in such cases heretofore allowed, for reasons mentioned in the petition; which was read, and ordered to lie on the table.

Mr. SMITH, of Maryland, from the committee appointed on the 11th of November last, asked and obtained leave to bring in a bill supplementary to an act, entitled "An act more effectually to provide for the national defence, by establishing an uniform militia throughout the United States;" and the bill was read, and passed to the second reading.

WEDNESDAY, January 11.

The bill supplementary to an act, entitled "An act more effectually to provide for the national defence, by establishing an uniform militia throughout the United States," was read the second time, and considered as in Committee of the Whole; and the PRESIDENT reported it to the House amended.

On motion, by Mr. HILLHOUSE, to strike out the following words from the second section of the bill, "to be painted and superscribed with such motto or device as the President may direct;" it was determined in the affirmative—yeas 12, nays 12, as follows:

YEAS—Messrs. Bayard, Crawford, Franklin, Gilman, Goodrich, Hillhouse, Howland, Lloyd, Mathewson, Parker, Reed, and White,

NAYS—Messrs. Anderson, Bradley, Condit, Gaillard, Gregg, Meigs, Milledge, Mitchell, Pope, Smith of Maryland, Sumter, and Turner.

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The votes being equally divided, the **PRESIDENT** determined the question in the affirmative. On the question, Shall this bill be engrossed and read a third time as amended? it was determined in the affirmative.

A message from the House of Representatives informed the Senate that the House have passed a bill, entitled "An act to authorize the transportation of certain documents, by mail, free of postage," in which they request the concurrence of the Senate.

The bill last brought up for concurrence was read; and on the question, Shall this bill be read a second time? it was determined in the negative.

Mr. BRADLEY gave notice that he should, tomorrow, ask leave to bring in a bill making further provision for a corps of engineers.

THURSDAY, January 12.

On motion, by **Mr. MITCHILL**, that the Senate do reconsider their vote of yesterday on the second reading of the bill, entitled "An act to authorize the transportation of certain documents, by mail, free of postage," it was determined in the negative—yeas 12, nays 13, as follows:

YEAS—Messrs. Crawford, Kitchel, Meigs, Mitchill, Parker, Reed, Robinson, Smith of Maryland, Sumter, Tiffin, Turner, and White.

NAYS—Messrs. Anderson, Bayard, Bradley, Condit, Franklin, Gaillard, Gilman, Gregg, Mathewson, Milledge, Moore, Smith of Tennessee, and Thruston.

Mr. TIFFIN, from the committee, reported the bill supplementary to an act, entitled "An act more effectually to provide for the national defence by establishing an uniform militia throughout the United States," correctly engrossed; and the bill was read the third time, and passed.

Agreeably to notice given yesterday, **Mr. BRADLEY** asked and obtained leave to bring in a bill making further provision for the corps of engineers; which was read, and passed to the second reading.

FRIDAY, January 13.

The following Message was received from the **PRESIDENT OF THE UNITED STATES**:

To the Senate and House of Representatives of the United States:

I now render to Congress the account of the fund established for defraying the contingent expenses of Government for the year 1808. Of the \$20,000 appropriated for that purpose, \$2,000 were deposited in the hands of the Attorney General of the United States, to pay expenses incident to the prosecution of Aaron Burr and his accomplices, for treasons and misdemeanors alleged to have been committed by them; \$990 were paid to the order of Governor Williams on the same account; the balance, of \$17,010, remains in the Treasury unexpended.

TH. JEFFERSON.

JANUARY 12, 1809.

The Message was read, and ordered to lie for consideration.

Mr. MITCHILL presented two memorials from
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the surviving officers of the New York and Connecticut lines in the Revolutionary army, stating the losses they have sustained by the commutation of half pay; which they were induced to receive; and praying remuneration, for reasons mentioned in the memorials; which were read, and referred to the committee appointed on the 12th of December last, to consider and report upon similar memorials.

The bill making further provision for the corps of engineers was read the second time, and made the order of the day for Monday next.

Mr. SMITH, of Tennessee, gave notice that he should to-morrow ask leave to bring in a bill supplementary to the act to amend an act establishing circuit courts, and abridging the jurisdiction of the district courts of the district of Kentucky, Tennessee, and Ohio.

MONDAY, January 16.

The credentials of **MICHAEL LEIB**, appointed a Senator by the Legislature of the State of Pennsylvania, to fill the vacancy occasioned by the resignation of Samuel Maclay, were read, and ordered to lie on file.

The **PRESIDENT** communicated the general account of the Treasurer of the United States, from October 1, 1807, to October 1, 1808; as, also, the accounts of the War and Navy Departments for the same period; together with the reports of the accounting officers of the Treasury thereon; which were read for consideration.

Mr. MITCHILL, from the committee appointed on the 3d instant, "to inquire whether any and what provisions ought to be made, at this time, for the relief of sick and disabled seamen of the United States," asked and obtained leave to bring in a bill for the relief of sick, disabled, and distressed seamen; and the bill was read, and passed to the second reading.

Agreeably to the order of the day, the Senate resumed, as in Committee of the Whole, the bill making further provision for the corps of engineers.

On motion, by **Mr. MITCHILL**, to strike out, after the word "repealed," to the end of the bill, as follows:

"And thereafter the said corps of engineers, constituting the Military Academy, shall be removed, under the direction of the President of the United States, from West Point, and stationed at Washington, in the District of Columbia:"

It was determined in the negative—yeas 12, nays 16, as follows:

YEAS—Messrs. Gilman, Goodrich, Hillhouse, Howland, Kitchel, Mathewson, Mitchill, Parker, Robinson, Smith of Maryland, Smith of New York, and Turner.

NAYS—Messrs. Anderson, Bayard, Bradley, Condit, Crawford, Franklin, Gaillard, Gregg, Meigs, Milledge, Moore, Pope, Smith of Tennessee, Sumter, Thruston, and White.

On motion, by **Mr. BRADLEY**, the bill was referred to a select committee; and Messrs. **BRADLEY**, **MITCHILL**, and **SMITH** of Maryland, were appointed the committee.

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Mr. MITCHILL, from the committee to whom was referred, on the 30th of December last, the Message of the President of the United States of that date, respecting a tribe of Alabama Indians, asked and obtained leave to bring in a bill for the relief of certain Alabama Indians; which was read, and passed to the second reading.

Mr. SMITH, of Maryland, submitted the following motion:

Resolved, That the President be requested to direct the proper officers to report to this House the measures which have been adopted to carry into execution the act of Congress, of 21st February, 1806, appropriating two millions of dollars for defraying any extraordinary expenses attending the intercourse between the United States and foreign nations; particularly whether the said two millions of dollars, or any portion thereof, was sent in specie, or by bills of exchange, to either France, Spain, Holland, or any other country, for the purpose of carrying into execution the said act; and, also, to what object the sums so remitted have been applied, or were authorized or intended to be applied.

Mr. SMITH, of Tennessee, asked and obtained leave to bring in a bill supplementary to the act, entitled "An act to amend the act, entitled 'An act establishing circuit courts, and abridging the jurisdiction of the district courts of the districts of Kentucky, Tennessee, and Ohio,'" and the bill was read, and passed to the second reading.

A message from the House of Representatives informed the Senate that the House have passed a bill, entitled "An act for the relief of sick, disabled, and distressed seamen," in which they request the concurrence of the Senate.

The bill last brought up for concurrence was read, and passed to the second reading.

TUESDAY, January 17.

A message from the House of Representatives informed the Senate that the House disagree to the amendments of the Senate to the bill, entitled "An act authorizing the appointment and employment of an additional number of navy officers, seamen, and marines."

The Senate resumed the consideration of the motion made yesterday; and

Resolved, That the President be requested to direct the proper officers to report to the House the measures which have been adopted to carry into execution the act of Congress of 21st February, 1806, appropriating two millions of dollars for defraying any extraordinary expenses attending the intercourse between the United States and foreign nations; particularly whether the said two millions of dollars, or any portion thereof, was sent in specie, or by bills of exchange, to either France, Spain, Holland, or any other country, for the purpose of carrying into execution the said act; and, also, to what object the sums so remitted have been applied, or were authorized or intended to be applied.

Ordered, That the Secretary lay this resolution before the President of the United States.

The bill supplementary to the act, entitled "An

act to amend the act, entitled 'An act establishing circuit courts and abridging the jurisdiction of the district courts of the districts of Kentucky, Tennessee, and Ohio,'" was read the second time, and referred to Messrs. ANDERSON, SMITH of Tennessee, and CRAWFORD, to consider and report thereon.

The following Message was received from the President of the United States:

To the Senate and House of

Representatives of the United States:

I communicate to Congress certain letters which passed between the British Secretary of State, Mr. Canning, and Mr. Pinkney, our Minister Plenipotentiary at London. When the documents concerning the relations between the United States and Great Britain were laid before Congress, at the commencement of the session, the answer of Mr. Pinkney to the letter of Mr. Canning had not been received, and a communication of the letter alone would have accorded neither with propriety nor with the wishes of Mr. Pinkney. When that answer afterwards arrived, it was considered that, as what had passed in conversation had been superseded by the written and formal correspondence on the subject, the variance in the statement of what had verbally passed was not of sufficient importance to be made the matter of a distinct and special communication. The letter of Mr. Canning, however, having lately appeared in print, unaccompanied by that of Mr. Pinkney, in reply, and having a tendency to make impressions not warranted by the statements of Mr. Pinkney, it has become proper that the whole should be brought into public view.

TH. JEFFERSON.

JANUARY 17, 1809.

The Message and communications were read, and one thousand copies thereof ordered to be printed for the use of the Senate.

The bill from the House of Representatives, entitled "An act for the relief of sick, disabled, and distressed seamen," was read the second time, and referred to Messrs. ANDERSON, MITCHILL, and BRADLEY, to consider and report thereon.

Ordered, That the bill reported by a committee of the Senate for the relief of sick, disabled, and distressed seamen, it having been read the second time, be referred to the same committee.

The bill for the relief of certain Alabama Indians was read the second time, and ordered to lie for consideration.

The Senate proceeded to consider the resolution of the House of Representatives disagreeing to the amendments of the Senate to the bill, entitled "An act authorizing the appointment and employment of an additional number of navy officers, seamen, and marines," and on motion, by Mr. ANDERSON, that the Senate do recede from their first amendment, in the words following:

SEC. 1. After the word "assembled," insert as follows: "That there be fitted out, officered, manned, and employed, as soon as may be, all the frigates and other armed vessels of the United States, and gunboats. That the President of the United States be authorized and empowered to cause the frigates and armed vessels, so soon as they can be prepared for actual service, respectively, to be stationed at such ports and places on the seacoast, as he may deem most expedient, or to

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cruise on any part of the coast of the United States, or territories thereof."

It was determined in the negative—yeas 7, nays 23, as follows:

YEAS—Messrs. Anderson, Condit, Crawford, Kitchel, Sumter, Tiffin, and Turner.

NAYS—Messrs. Bayard, Bradley, Gaillard, Giles, Gilman, Goodrich, Gregg, Hillhouse, Howland, Lloyd, Mathewson, Meigs, Milledge, Mitchell, Moore, Parker, Pickens, Robinson, Smith of Maryland, Smith of New York, Smith of Tennessee, Thruston, and White.

On motion, by Mr. BRADLEY,

Resolved, That the Senate do insist on all their amendments to the bill last mentioned, and ask a conference thereon.

And Messrs. BRADLEY, GILES, and HILLHOUSE, were appointed the managers on the part of the Senate.

Mr. MITCHELL presented the memorial of William Hardy, an officer in the Revolutionary war, stating his services and sufferings, and praying relief.

Ordered, That it be referred to Messrs. MITCHELL, CONDIT, and GILMAN; to consider and report thereon.

WEDNESDAY, January 18.

The Senate resumed, as in Committee of the Whole, the second reading of the bill for the relief of certain Alabama Indians; and the President having reported it to the House without amendment, on the question, Shall this bill be engrossed and read a third time? it was determined in the affirmative.

THURSDAY, January 19.

MICHAEL LEIB, appointed a Senator by the Legislature of the State of Pennsylvania, to fill the vacancy occasioned by the resignation of the honorable Samuel Maclay, attended, and the oath prescribed by law was administered to him.

Mr. TIFFIN presented sundry petitions from purchasers of public lands in the State of Ohio, stating "that, from the various incidents to which new settlers are liable, and more especially from the great uncertainty of commanding cash for produce at the present time, they will not be able to make up the final payments for their lands at the time they will respectively become due," and praying that Congress will "so modify the present land laws as will guard them from the embarrassments and ruin they otherwise apprehend may fall upon them;" and the petitions were read, and referred to Messrs. TIFFIN, GREGG, and BRADLEY, to consider and report thereon.

The PRESIDENT communicated the report of the Postmaster General respecting the salaries allowed to the clerks in his office, in obedience to the act of Congress of 21st February, 1806; which was read for consideration.

A message from the House of Representatives informed the Senate that the House insist on their disagreement to the amendments of the Senate to the bill, entitled "An act authorizing

the appointment and employment of an additional number of navy officers, seamen, and marines." They agree to the conference proposed by the Senate on the disagreeing votes of the two Houses, and have appointed managers on their part. The House have passed a bill, entitled "An act for dividing the Indiana Territory into two separate governments;" also, a bill, entitled "An act for the relief of Edmund Beamont;" in which bills they request the concurrence of the Senate.

The two bills last mentioned were read, and passed to the second reading.

Mr. TIFFIN, from the committee, reported the bill for the relief of certain Alabama Indians, correctly engrossed; and the bill was read the third time, and passed.

Mr. GILES, from the committee to whom was referred, on the 6th instant, the Message of the President of the United States on the subject of fortifications, reported, in part, a bill making appropriations to complete the fortifications commenced for the security of the seaport towns and harbors of the United States, and to defray the expense of deepening, and extending to the river Mississippi, the canal of Carondelet; and the bill was read, and passed to the second reading.

The PRESIDENT communicated the representation of the inhabitants of Newry, in the county of Oxford, and Commonwealth of Massachusetts, on the mode in which Electors of President and Vice President have been appointed by the two Houses of the Legislature of that State, in Convention; contrary, as they state, to the usual and constitutional mode of legislation; and the representation was read.

FRIDAY, January 20.

The bill making appropriations to complete the fortifications commenced for the security of the seaport towns and harbors of the United States, and to defray the expense of deepening, and extending to the river Mississippi, the canal of Carondelet, was read the second time, and the further consideration of the bill was postponed to Monday next.

Mr. BRADLEY presented the petition of the Baptist Church of the City of Washington, signed by their committee, praying "an act of incorporation, upon such principles as may seem meet;" and the petition was read, and referred to Messrs. BRADLEY, KITCHEL, and TIFFIN, to consider and report thereon, by bill or otherwise.

Mr. TIFFIN, from the committee to whom were referred sundry petitions from purchasers of public lands in the State of Ohio, asked and obtained leave to bring in a bill to extend the time for making payment for the public lands of the United States; and the bill was read, and passed to the second reading.

The bill, entitled "An act for the relief of Edmund Beamont," was read the second time, and referred, together with the accompanying papers, to Messrs. HILLHOUSE, BRADLEY, and FRANKLIN, to consider and report thereon.

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Additional Naval Force.

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The bill, entitled "An act for dividing the Indiana Territory into two separate governments," was read the second time, and referred to Messrs. POPE, TIFFIN, and BRADLEY, the committee to whom were referred, on the 15th of November last, the resolutions passed by the House of Representatives of the Indiana Territory on the 11th of October last, and that Messrs. MEIGS and HILLHOUSE be added to the committee.

Mr. ANDERSON, from the committee to whom was referred the bill supplementary to the act, entitled "An act to amend the act, entitled 'An act establishing circuit courts and abridging the jurisdiction of the district courts of the districts of Kentucky, Tennessee, and Ohio,'" reported amendments; which were read, and ordered to lie for consideration.

Mr. ANDERSON, from the committee to whom was referred the bill for the relief of sick, disabled, and distressed seamen, made a report. Whereupon,

Resolved, That the further consideration of the bill be postponed to the first Monday in December next.

Mr. ANDERSON, from the same committee, reported the bill, entitled "An act for the relief of sick, disabled, and distressed seamen," without amendment; and the bill was considered as in Committee of the Whole.

On motion, by Mr. HILLHOUSE, to strike out the following words:

"And the same shall be refunded to the Treasury of the United States, out of such surplus as may accrue to the fund for the relief of sick and disabled seamen, at such times and in such manner as shall not defeat the general purpose for which such fund is established."

It was determined in the affirmative—yeas 20, nays 11, as follows:

YEAS—Messrs. Anderson, Bayard, Bradley, Condit, Franklin, Gaillard, Giles, Goodrich, Gregg, Hillhouse, Howland, Mathewson, Meigs, Milledge, Pickering, Smith of New York, Sumter, Tiffin, Turner, and White.

NAYS—Messrs. Crawford, Kitchel, Leib, Lloyd, Mitchell, Moore, Parker, Pope, Smith of Maryland, Smith of Tennessee, and Thruston.

On motion of Mr. POPE, to strike out the words "and distressed," after the word "disabled;" it was determined in the affirmative—yeas 18, nays 14, as follows:

YEAS—Messrs. Anderson, Condit, Franklin, Gaillard, Gregg, Howland, Kitchel, Leib, Mathewson, Milledge, Pickering, Pope, Smith of Maryland, Sumter, Thruston, Tiffin, Turner, and White.

NAYS—Messrs. Bayard, Bradley, Crawford, Giles, Gilman, Goodrich, Hillhouse, Lloyd, Meigs, Mitchell, Moore, Parker, Smith of New York, and Smith of Tennessee.

On motion, by Mr. GILES, the further consideration of the bill was postponed to Monday next.

MONDAY, January 23.

Mr. HILLHOUSE, from the committee to whom was referred the bill, entitled "An act for the relief of Edmund Beamont," reported the bill

without amendment; and the bill was passed to the third reading.

The bill to extend the time for making payments for the public lands of the United States, was read the second time.

The Senate resumed, as in Committee of the Whole, the bill supplementary to the act, entitled "An act to amend the act, entitled 'An act, establishing circuit courts and abridging the jurisdiction of the district courts of the districts of Kentucky, Tennessee, and Ohio,'" and the PRESIDENT having reported the bill to the House amended, on the question, Shall this bill be engrossed, and read a third time as amended? it was determined in the affirmative.

The Senate resumed, as in Committee of the Whole, the bill, entitled "An act for the relief of sick, disabled, and distressed seamen."

On motion, by Mr. MITCHELL, the consideration thereof was further postponed.

The Senate resumed, as in Committee of the Whole, the second reading of the bill making appropriations to complete the fortifications commenced for the security of the seaport towns and harbors of the United States, and to defray the expense of deepening and extending to the river Mississippi the canal of Carondelet; and the PRESIDENT having reported the bill to the House without amendment, on the question, Shall this bill be engrossed, and read a third time? it was determined in the affirmative.

ADDITIONAL NAVAL FORCE.

Mr. BRADLEY, of the conferees from the Senate, on the disagreement between the two Houses, in relation to the bill, entitled "An act authorizing the appointment and employment of an additional number of navy officers, seamen, and marines," made the following report:

That they have met the conferees on the part of the House of Representatives, and have had a free conference on the subject of the disagreement between the two Houses; and regret that it has not been in their power to compromise the disagreement. They submit to the Senate certain propositions made by them to the conferees from the other House, as evidence of their earnest desire to have accommodated all differences, and a justification of their conduct to the nation; they subjoin the letter from the superintendent of the navy yard, in the absence of the Secretary of the Navy, that the state of the frigates might be fully known. They are compelled to say, they found no disposition on the part of the other conferees to depart in the least respect from the bill as passed by the House of Representatives, or in any manner to wish any accommodation, short of the Senate receding, in every instance, from their amendments. They therefore unanimously recommend to the Senate to adhere to their amendments.

Propositions, with the subjoined letter, communicated to the conferees on the part of the House of Representatives.

"The conferees from the Senate, on the disagreement between the two Houses, in relation to the amendments made by the Senate to the bill, entitled "An act authorizing the appointment of an additional number of navy officers, seamen, and marines," being sincerely desirous to accommodate all differences between

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the two Houses, do propose to the conferees from the House of Representatives, a middle course, which will impose little, if any, additional burdens on the nation; the four frigates being at present in a state of repair, as they are informed, can very soon be equipped for actual service; they presume, from the known liberality and spirit of accommodation, which has so uniformly marked the proceedings of both Houses of Congress, that they will readily concur therein, to wit:

"To amend the first amendment made by the Senate, to read as follows:

"That, in addition to the frigates now employed in actual service, there be fitted out, officered, and manned, as soon as may be, the four following frigates, to wit: the United States, Essex, John Adams, and President; and, moreover, the President of the United States is hereby authorized and empowered to equip, man, and employ, in actual service, so many of the other public armed vessels now laid up in ordinary, and gunboats, as, in his judgment, the public service may require; and to cause the frigates and other armed vessels, when prepared for actual service, respectively, to be stationed at such ports and places on the seacoast as he may deem most expedient, or to cruise on any part of the coast of the United States or Territories thereof, and"

And so modify the second amendment of the Senate, that, in lieu of the words "three hundred and fifty," insert only "three hundred."

And so modify the third amendment of the Senate, that, in lieu of "four thousand four hundred and forty-seven," insert the words, "three thousand six hundred."

And to recommend to the Senate, to recede from their two last amendments made to the second section of the bill.

And to amend the title to read,

"An act authorizing the employment of an additional naval force."

Subjoined is a letter from Captain Tingey, superintendent of the navy yard, showing the state of the frigates.

NAVY YARD, WASHINGTON,
January 20, 1809.

SIR: I have the honor to state, in reply to your note of this morning, that the frigates United States, Essex, and John Adams, are now in as good order in their hulls as on the day they were launched, and can be rigged in a few weeks if so ordered, and suitable appropriations made.

The frigates "Congress and Adams" might also proceed to a station in the mouths of any of our bays or harbors, but I do not consider their hulls in a situation fit to bear the sea in heavy weather.

The frigates Constellation and New York, I consider as unfit to proceed from this yard, until they shall have had a thorough repair, and the remaining frigate, the President, is now progressing under a thorough repair, and may, I presume, be ready for sea in May next, with the number of carpenters now employed here.

I have the honor to be, very respectfully, sir, your obedient servant,

THOMAS TINGEY.

HON. STEPHEN R. BRADLEY.

Ordered, That the report lie for consideration, and that it be printed for the use of the Senate.

And on motion, the Senate adjourned until tomorrow.

TUESDAY, January 24.

Mr. POPE, from the committee to whom was referred the bill, entitled "An act for dividing the Indiana Territory into two separate governments," reported the bill without amendment.

On motion, by Mr. WHITE, on behalf of the committee to whom was referred the report of the Secretary of the Treasury on roads and canals, it was ordered that the memorial and petition of the President and Directors of the Chesapeake and Delaware Canal Company, be printed for the use of both Houses of Congress.

Mr. TIFFIN, from the committee, reported the bill making appropriations to complete the fortifications commenced for the security of the seaport towns and harbors of the United States, and to defray the expense of deepening and extending to the river Mississippi the canal of Carondelet, correctly engrossed; and the bill was read the third time, and passed.

Mr. TIFFIN, from the committee, reported the bill supplementary to the act, entitled "An act to amend the act, entitled 'An act establishing circuit courts and abridging the jurisdiction of the district courts of the districts of Kentucky, Tennessee, and Ohio,' correctly engrossed; and the bill was read the third time, and passed.

The bill, entitled "An act for the relief of Edmund Beamont," was read the third time, and passed.

The Senate resumed, as in Committee of the Whole, the bill to extend the time for making payments for public lands of the United States; and the further consideration of the bill was postponed until to-morrow.

The Senate resumed the consideration of the report of the managers, on the part of the Senate, at the conference on the disagreeing votes of the two Houses, on the bill, entitled "An act authorizing the appointment and employment of an additional number of navy officers, seamen, and marines," in the words following:

"That they have met the conferees, on the part of the House of Representatives, and have had a free conference on the subject of the disagreement between the two Houses, and regret that it has not been in their power to compromise the disagreement.

"They submit to the Senate certain propositions made by them to the conferees from the other House, as evidence of their earnest desire to have accommodated all differences, and a justification of their conduct to the nation; they subjoined the letter from the superintendent of the navy yard, in the absence of the Secretary of the Navy, that the state of the frigates might be fully known.

"They are compelled to say, they found no disposition, on the part of the other conferees, to depart in the least respect from the bill as passed by the House of Representatives, or in any manner to wish any accommodation short of the Senate receding, in every instance, from their amendments. They therefore unanimously recommend to the Senate to adhere to their amendments."

On motion, to adhere to their amendments to the bill, agreeably to the report of the conferees,

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it was determined in the affirmative—yeas 23, nays 10, as follows:

YEAS—Messrs. Bayard, Bradley, Giles, Gilman, Goodrich, Gregg, Hillhouse, Howland, Leib, Lloyd, Mathewson, Meigs, Milledge, Mitchell, Moore, Parker, Pickering, Reed, Robinson, Smith of Maryland, Smith of New York, Smith of Tennessee, and White.

NAYS—Messrs. Condit, Crawford, Franklin, Gailard, Kitchel, Pope, Sumter, Thruston, Tiffin, and Turner.

A message from the House of Representatives informed the Senate that the House have passed a bill, entitled "An act to alter the time for the next meeting of Congress," in which they request the concurrence of the Senate.

The bill last mentioned was read, and passed to the second reading:

FOREIGN INTERCOURSE.

The following Message was received from the **PRESIDENT OF THE UNITED STATES**:

To the Senate of the United States:

According to the resolution of the Senate, of the 17th instant, I now transmit them the information therein requested, respecting the execution of the act of Congress of February 24, 1806, appropriating two millions of dollars for defraying any extraordinary expenses attending the intercourse between the United States and foreign nations.

TH. JEFFERSON.

JANUARY 24, 1809.

The Message and documents were read, and one thousand copies thereof ordered to be printed for the use of the two-Houses of Congress.

The documents are as follow:

In compliance with the resolution of the Senate, so far as the same is not complied with by the report of the Secretary of the Treasury of the 20th instant, the Secretary of State respectfully reports, that neither the whole nor any portion of the two millions of dollars appropriated by the act of Congress of the 21st of February, 1806, "for defraying any extraordinary expenses attending the intercourse between the United States and foreign nations," was ever authorized or intended to be applied to the use of either France, Holland, or any country other than Spain; nor otherwise to be applied to Spain than by treaty with the Government thereof, and exclusively in consideration of a cession and delivery to the United States of the territory held by Spain, eastward of the river Mississippi.

All which is respectfully submitted.

JAMES MADISON.

DEPARTMENT OF STATE, Jan. 21.

In compliance with the resolution of the Senate of the 17th instant, the Secretary of the Treasury respectfully reports:

That the President of the United States did, by virtue of the act of the 21st of February, 1806, authorize the Secretary of the Treasury to place two millions of dollars at the joint disposal of John Armstrong and James Bowdoin, Commissioners for settling all matters of difference between the United States and the Government of Spain, and in case of the death of one of them, at the disposal of the survivor, to be jointly applied, by the said John Armstrong and James Bowdoin, or in case of the death of one of them, by the survivor, to such purposes, as he, the said President,

should think proper to direct in his instructions to them.

That the Secretary of the Treasury did, accordingly, on the 18th day of March, 1806, authorize the said John Armstrong and James Bowdoin, to draw bills of exchange for the said two millions of dollars, in the manner following, viz: on the bankers of the United States at Amsterdam for one million of dollars, and on the Treasury of the United States for one million of dollars.

That the bankers of the United States at Amsterdam were, at the same time, authorized to pay the bills, which might be thus drawn on them, out of the funds in their hands on account of the foreign debt, for which purpose remittances to that amount, and which were not necessary for the payment of that debt till the year 1807, were purchased and transmitted to them, between the 13th day of February and the 18th day of March 1806.

That this transaction was officially communicated by the Secretary of the Treasury, to Congress at their next session, in his annual report on finances, of 5th December 1806, and in the following words—"It is here proper to state, that, under the authority given by that act, a credit of one million of dollars has been opened in Holland to the Ministers of the United States appointed to treat with Spain. Should the credit be used, the million will be charged to the proper appropriation; but, although the balance chargeable to the expenditure of the year 1807, will in that case be only one, instead of two millions, as stated in the above estimate, the general result will be the same; as it will then be necessary to replace in Holland the million thus employed for a different object than the payment of the foreign debt, to which it now stands charged."

That no specie was sent to any country whatever, nor any other remittances made, nor any other measures, than those above stated, taken by this department, for the purpose of carrying into execution the abovementioned act.

That John Armstrong and James Bowdoin have not, jointly or separately, drawn either on Holland or on the Treasury, or in any other manner, for any part whatever of the sum which had been thus placed at their disposal: and that all the remittances which had, with a view to that object, been made to the bankers at Amsterdam, sooner than was necessary for the payment of the foreign debt, have by them been exclusively applied, in the course of the year 1807, to the payment of that debt.

That the authority which had been given to John Armstrong and James Bowdoin to draw for that money, or any part thereof, ceased with the return of the last mentioned gentleman to the United States.

And that no part of the moneys appropriated by the abovementioned act, of the 13th February 1806, has been, or can hereafter be expended: the appropriation, untouched and entire, having expired on the 31st day of December last, and been carried to the credit of the surplus fund, in conformity with the provisions of the act, entitled "An act making further provision for the support of public credit, and for the redemption of the public debt," passed March 3, 1795.

Respectfully submitted,

ALBERT GALLATIN.

TREASURY DEPARTMENT, Jan. 20, 1809.

By virtue of the act, entitled "An act making provision for defraying any extraordinary expenses attend-

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ing the intercourse between the United States and foreign nations," passed on the 13th day of February 1806, and of which the annexed is an official exemplification:—I, Thomas Jefferson, President of the United States of America, do hereby authorize and empower Albert Gallatin, Secretary of the Treasury of the United States, to take all proper and necessary measures for placing the two millions of dollars appropriated by the act above recited, at the joint disposal of John Armstrong and James Bowdoin, Commissioners Plenipotentiary and Extraordinary, for settling all matters of difference between the United States and the Government of Spain, and in case of the death of one of them, at the disposal of the survivor—to be jointly applied by the said John Armstrong and James Bowdoin—or, in case of the death of one of them, by the survivor, to such purposes as I may think proper to direct in my instructions to them: and for so doing this shall be his sufficient warrant.

In testimony whereof I have caused the seal of the United States to be hereunto affixed.

Given under my hand, at the City of Washington, this eighteenth day of March, one thousand eight hundred and six.

TH. JEFFERSON.

By the President:

JAMES MADISON, *Secretary of State.*

Be it known, that I, Albert Gallatin, Secretary of the Treasury of the United States for the time being, by virtue of the within commission, power, or warrant of the President of the United States, have authorized and empowered, and by these presents do authorize and empower the within mentioned John Armstrong and James Bowdoin, jointly, or, in case of the death of one of them, the survivor, to draw bills of exchange, for the two millions of dollars appropriated by the annexed act of Congress, in manner following, viz: on Wilhelm and Jan Wilink, N. & J. & R. Van Staphorst, bankers of the United States at Amsterdam, for two millions, five hundred thousand guilders, current money of Holland, equal at par to one million of dollars, and on the Treasury of the United States for one million of dollars, being the remainder of the sum appropriated as aforesaid—the bills for one fourth part of the last mentioned million to be made payable on demand, and the bills for the remaining three-fourths thereof, to be drawn at thirty, sixty, and ninety days after sight.

In testimony whereof, I have caused the seal of the Treasury to be affixed to these presents, and have hereunto subscribed my hand at the City of Washington, the 18th day of March, one thousand eight hundred and six.

An Act making provision for defraying any extraordinary expenses attending the intercourse between the United States and foreign nations.

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That a sum of two millions of dollars be, and the same is hereby, appropriated towards defraying any extraordinary expenses which may be incurred, in the intercourse between the United States and foreign nations, to be paid out of any money in the Treasury not otherwise appropriated, and to be applied under the direction of the President of the United States, who shall cause an account thereof to be laid before Congress as soon as may be.

Sec. 2. And be it further enacted, That the Presi-

dent of the United States be and he is hereby authorized, if necessary, to borrow the said sum, or any part thereof, in behalf of the United States, at a rate of interest not exceeding six per cent per annum, redeemable at the will of the Congress of the United States. And it shall be lawful for the Bank of the United States to lend the whole or any part of the same.

Sec. 3. And be it further enacted, That so much as may be necessary of the surplus of the duties on imports and tonnage beyond the permanent appropriation, heretofore charged upon them by law, shall be and hereby is pledged and appropriated for the payment of the interest, and reimbursement of the principal of all such moneys as may be borrowed in pursuance of this act, according to the terms and conditions on which the loan or loans may be effected.

NATHANIEL MACON,

Speaker of the House of Representatives.

GEORGE CLINTON,

Vice President U. S. and Pres't of Senate.

Approved, February 13th 1806.

TH. JEFFERSON.

I, James Madison, Secretary for the Department of State of the United States of America, hereby certify, that the writing within contained is a true copy of an act of the Congress of the said States, passed on the 13th day of February last, entitled "An act making provision for defraying any extraordinary expenses attending the intercourse between the United States and foreign nations," the said copy having been compared with the original roll remaining in the office of the Department of State, aforesaid.

Witness my hand and official seal, at the City of Washington, the eighteenth day of March, in the year of our Lord, one thousand eight hundred and six; and of the independence of the said States the thirtieth.

JAMES MADISON.

MARCH 18, 1806.

GENTLEMEN: Having been directed by the President of the United States to place at your disposal two millions of dollars, under the authority vested in him by the act, entitled "An act making provision for defraying any extraordinary expenses attending the intercourse between the United States and foreign nations," passed on the thirteenth of February, 1806, I have the honor to enclose a power under the seal of this office, authorizing you to draw 2,500,000 guilders current money of Holland, and equal to one million of dollars, on the bankers of the United States at Amsterdam, and the other million of dollars on the Secretary of the Treasury at Washington. An open letter to the said bankers, is also enclosed, which you will be pleased to transmit to them only in case you may find it necessary to draw on them for that sum, as I have not thought it proper to give them any previous information on the subject, and have only placed sufficient funds in their hands without apprizing them of the object. It will therefore be necessary, that you make arrangements with them respecting the manner in which you will draw; but I believe they will be able to answer your drafts even if they were at ten days sight. It is proper for me to add that you are not authorized to draw partially on that fund, nor for any other object than that pointed out to you by the Secretary of State. And it will be necessary that you should inform me as early as possible, whether you will draw on Amsterdam or not; as the extent of the remittances

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to be made by this department on account of the foreign debt, will depend on the knowledge of that fact.

In relation to the drafts on the Secretary of the Treasury for the other million of dollars, you will be pleased to observe that they must not be at shorter sights than is mentioned in the power, that they must be expressed in dollars, and that they must not be negotiated under par. Letters of advice must accompany every set, and in addition thereto, a triplicate of all the bills should at the same time be transmitted.

I have the honor to be, respectfully, gentlemen, your obedient servant,

ALBERT GALLATIN.

JOHN ARMSTRONG and JAMES BOWDOIN, Esqrs.

TREASURY DEPARTMENT, March 18, 1808.

GENTLEMEN: In my three letters of the 1st and 13th instant, and of this day, I enclosed remittances, amounting altogether to Grs. 2,597,660 11; which remittances were made on account of the principal and interest of loans obtained by the United States in Holland, but subject nevertheless to such other dispositions as I might think proper to direct.

I have now the honor to inform you, that, in conformity with orders received from the President of the United States, I have this day authorized John Armstrong, Minister Plenipotentiary of the United States at Paris, and James Bowdoin, Minister of the United States at Madrid, (who have been appointed Commissioners Plenipotentiary and Extraordinary, to adjust all differences between the said States and Government of Spain,) jointly, or in case of the death of one of them, the survivor, to draw on you for two millions five hundred thousand guilders, current money of Holland. You will, therefore, be pleased to honor their joint, or, in case of death, the survivor's drafts on you to that amount, and as soon as you shall have received notice of their intention thus to draw to give me immediate intimation, in order that I may have time to replace the funds necessary to meet the demands payable at Amsterdam in 1807, on account of the principal and interest of the loans obtained by the United States in Holland.

From my view of the funds heretofore placed in your hands, I presume that you may honor the drafts of those gentlemen even before the time when the remittances above-mentioned shall become due. But, in order to prevent any inconvenience or disappointment, Messrs. Armstrong and Bowdoin have been requested to write to you, and to make in concert the necessary arrangements on that subject.

I have the honor to be, respectfully, gentlemen, your obedient servant,

ALBERT GALLATIN.

Messrs. Wilhem & Jan Willink, N. & J. & R. Van Staphorst, merchants, Amsterdam.

WEDNESDAY, January 25.

The bill entitled "An act to alter the time for the next meeting of Congress," was read the second time, and ordered to the third reading.

The Senate resumed, as in Committee of the Whole, the bill, entitled "An act for dividing the Indiana Territory into two separate governments," and, the PRESIDENT having reported it to the House without amendment.

Ordered, That it pass to a third reading.

THURSDAY, January 26.

Mr. BRADLEY, from the committee to whom was referred the petition of Obadiah Brown and others, a committee in behalf of the Baptist Church in the City of Washington, reported a bill to provide for the incorporation of religious societies in the District of Columbia; and the bill was read, and passed to the second reading.

The bill, entitled "An act to alter the time for the next meeting of Congress," was read the third time, and passed.

FRIDAY, January 27.

Mr. MITCHILL, from the joint committee of the two Houses of Congress, appointed to direct the expenditure of the sum appropriated for the Library, made a report; which was read, and ordered to lie for consideration.

The bill to provide for the incorporation of religious societies in the District of Columbia was read the second time.

Mr. WHITE, from the committee to whom was referred, on the 28th November last, the report of the Secretary of the Treasury on roads and canals, together with the memorials of the President and Directors of the Delaware and Chesapeake Canal Company, reported a bill authorizing the sale and grant of a certain quantity of public land to the Chesapeake and Delaware and Ohio-Canal Companies; and the bill was read, and passed to the second reading.

The Senate resumed, as in Committee of the Whole, the second reading of the bill to extend the time for making payments for the public lands of the United States; and the PRESIDENT having reported the bill to the House amended, on the question, "Shall this bill be engrossed and read a third time as amended?" it was determined in the affirmative.

The bill, entitled "An act for dividing the Indiana Territory into two separate governments," was resumed, and, on motion, the further consideration of the bill was postponed to Monday next.

A message from the House of Representatives informed the Senate that the House have passed the bill, entitled "An act to provide for arming, manning, and fitting out for immediate service, all the public ships of war, vessels, and gunboats, of the United States," with amendments, in which they request the concurrence of the Senate. They have passed a bill, entitled "An act to revive and continue for a further time the authority of the Commissioners of Kaskaskia;" also, an act making appropriations to complete the fortifications commenced for the security of the seaport towns and harbors of the United States, and to defray the expense of deepening, and extending to the river Mississippi, the canal of Carondelet;" in which bills they request the concurrence of the Senate.

The bill last mentioned was read, and passed to the second reading.

The Senate proceeded to consider the amendments of the House of Representatives to the bill,

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entitled "An act to provide for arming, manning, and fitting out for immediate service, all the public ships of war, vessels, and gunboats, of the United States." Whereupon,

Resolved, That the Senate concur in the said amendments.

The bill, entitled "An act to revive, and continue for a further time, the authority of the Commissioners of Kaskaskia," was read, and passed to the second reading.

The following motion was submitted by Mr. BAYARD:

Resolved, That a committee be appointed to prepare and bring in a bill making provision for the support of such of the Judges of the United States as, from age, sickness, or infirmity, shall be incapable of discharging the duties of their offices, and who shall resign the same.

MONDAY, January 30.

The VICE PRESIDENT having retired, the Senate proceeded to the election of a President *pro tempore*, as the Constitution provides; and the Hon. JOHN MILLEDGE was appointed.

Mr. LEIS presented the memorial of William Hall, surviving partner of Hall & Sellers, and Robert B. Sellers, administrator on the estate of William Sellers, deceased, stating the services rendered by Hall & Sellers, Printers to Congress during the Revolutionary war, in printing bills of credit, certificates, &c., and praying to be allowed a considerable balance which remains due to them; and the memorial was read.

The PRESIDENT communicated the report of the Postmaster General, made in obedience to the act of the 21st April, 1806, concerning public contracts; together with his report on unproductive routes, pursuant to the thirtieth section of the act to establish the Post Office; and the reports were read, and ordered to lie for consideration.

Mr. TIFFIN, from the committee, reported a bill to extend the time for making payments for the public lands of the United States correctly engrossed; and the bill was read the third time and passed.

The bill, entitled "An act making appropriations to complete the fortifications commenced for the security of the seaport towns and harbors of the United States, and to defray the expense of deepening, and extending to the river Mississippi, the canal of Carondelet," was read the second time, and the consideration of the bill was postponed until to-morrow.

The bill, entitled "An act to revive, and continue for a further time, the authority of the Commissioners of Kaskaskia," was read the second time, and referred to Messrs. ANDERSON, POPE, and THRUSTON, to consider and report thereon.

Mr. MITCHILL, from the committee to whom was referred the bill, entitled "An act for the relief of William White and others," reported the bill without amendment; also, a statement of facts on the subject-matter thereof; which was read for consideration.

Mr. THRUSTON gave notice that he should to-morrow ask leave to bring in a bill to repeal so

much of an act or acts as authorizes the courts of the United States to make compensation to their officers for unenumerated services out of the public Treasury; also, a bill fixing the allowance to be made to private physicians and surgeons employed in the public service.

The following Message was received from the PRESIDENT OF THE UNITED STATES:

To the Senate and House of Representatives of the United States:

I transmit to Congress a letter recently received from our Minister at the Court of St. James, covering one to him from the British Secretary of State, with his reply. These are communicated as forming a sequel to the correspondence which accompanied my Message to both Houses, of the 17th instant.

TH. JEFFERSON.

JANUARY 30, 1809.

The Message and papers were read, and one thousand copies thereof ordered to be printed for the use of the Senate.

The bill authorizing the sale and grant of a certain quantity of public land to the Chesapeake and Delaware and Ohio Canal Companies, was read the second time, and considered as in Committee of the Whole; and on motion by Mr. LLOYD to amend the bill, it was agreed that the further consideration thereof, together with the amendment, be postponed until Wednesday next.

The bill, entitled "An act for dividing the Indiana Territory into two separate governments," was read the third time, and the further consideration thereof postponed until to-morrow.

The Senate resumed the consideration of the motion made the 27th instant, and

Resolved, That a committee be appointed to prepare and bring in a bill making provision for the support of such of the Judges of the United States as, from age, sickness, or infirmity, shall be unable to discharge the duties of their offices, and who shall resign the same; and Messrs. BAYARD, CRAWFORD, and BRADLEY, were appointed the committee.

TUESDAY, January 31.

Mr. GREGG presented the memorial of the President, Managers, and Company, of the Philadelphia, Brandywine, and New London Turnpike Road, praying the assistance and support of Congress in their undertaking, for reasons mentioned in their memorial; which was read, and ordered to lie for consideration.

Mr. GAILLARD presented the memorial of the officers of the American Revolutionary army residing in the State of South Carolina, praying to be allowed remuneration for their losses in consequence of receiving commutation in lieu of half-pay for life; and the memorial was read, and referred to Messrs. GREGG, MITCHILL, and CRAWFORD, the committee to whom were referred, on the 12th December last, similar memorials, to consider and report thereon.

Mr. THRUSTON asked and obtained leave to bring in a bill to repeal so much of any act or acts as authorizes the courts of the United States to

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make compensation to their officers for unenumerated services out of the public Treasury; and the bill was read, and ordered to the second reading.

The Senate resumed, as in Committee of the Whole, the bill sent from the House of Representatives, entitled "An act making appropriations to complete the fortifications commenced for the security of the seaport towns and harbors of the United States, and to defray the expense of deepening, and extending to the river Mississippi, the canal of Carondelet."

On motion of Mr. BRADLEY, it was ordered that the further consideration of this bill be postponed until to-morrow.

The Senate resumed, as in Committee of the Whole, the bill to provide for the incorporation of religious societies in the District of Columbia; and the PRESIDENT having reported the bill to the House without amendment, on the question, Shall the bill be engrossed and read a third time? it was determined in the affirmative.

The Senate resumed the third reading of the bill, entitled "An act for dividing the Indiana Territory into two separate governments; and it was resolved that this bill pass.

Mr. BAYARD, from the committee to whom the subject was referred, reported a bill making provision for Judges of the United States, in certain cases; and the bill was read, and passed to the second reading.

WEDNESDAY, February 1.

The Senate resumed, as in Committee of the Whole, the bill, entitled "An act making appropriations to complete the fortifications commenced for the security of the seaport towns and harbors of the United States, and to defray the expense of deepening, and extending to the river Mississippi, the canal of Carondelet; and the PRESIDENT having reported the bill to the House amended, it was ordered to the third reading as amended.

The bill making provision for Judges of the United States, in certain cases, was read the second time, and considered as in Committee of the Whole; and no amendments being offered, on the question, Shall this bill be engrossed and read a third time? it was determined in the negative.

The bill to repeal so much of any act or acts to authorize the courts of the United States to make compensation to their officers for unenumerated services out of the public Treasury, was read the second time, and referred to Messrs. THRUSTON, BAYARD, and ANDERSON, to consider and report thereon.

The bill, entitled "An act for the relief of William White and others," was resumed, as in Committee of the Whole; and, after debate, the Senate adjourned.

THURSDAY, February 2.

The credentials of SAMUEL WHITE, appointed a Senator by the Legislature of the State of Delaware, for six years, commencing on the 4th

of March next, were read, and ordered to lie on file.

Mr. SMITH, of Maryland, presented the petition of Robert Brent, and others, inhabitants of the City of Washington, praying that a company may be incorporated for opening a canal through the city, for reasons mentioned in the petition; which was read, and referred to Messrs. SMITH of Maryland, BAYARD, and WHITE, to consider and report thereon.

Mr. BAYARD stated that he, together with his colleague, were instructed on the subject, and submitted the following resolution, which was agreed to:

Resolved, That the Secretary of War be required to inquire and report to the Senate whether it be expedient that one or more batteries or fortifications should be erected at or near Wilmington, at or near Newcastle, at or near Port Penn, and at or near Lewis, in the State of Delaware, for the protection of the said towns and the country adjacent; and in case he be of opinion that it would be expedient to erect such batteries or fortifications, that he report whether any, and what, additional appropriations will be necessary for the purpose.

Mr. TIFFIN, from the committee, reported the amendments to the bill, entitled "An act making appropriations to complete the fortifications commenced for the security of the seaport towns and harbors of the United States, and to defray the expense of deepening, and extending to the river Mississippi, the canal of Carondelet," correctly engrossed, and the bill was read the third time as amended.

Resolved, That this bill pass as amended.

Mr. TIFFIN, from the committee, reported the bill to provide for the incorporation of religious societies in the District of Columbia, correctly engrossed; and the bill was read the third time, and passed.

Mr. THRUSTON asked and obtained leave to bring in a bill fixing the allowance to be made to private physicians and surgeons employed in the public service; and the bill was read, and passed to the second reading.

The Senate resumed, as in Committee of the Whole, the bill authorizing the sale and grant of a certain quantity of public land to the Chesapeake and Delaware and Ohio Canal Companies, and the motion made on the 30th of January to amend the bill was withdrawn.

On motion, by Mr. LLOYD, to strike out the sixth section of the bill, as follows:

"SEC. 6. *And be it further enacted*, That a quantity of land, not exceeding — acres, shall be sold and granted to the Ohio Canal Company, at the rate, and subject to all the rules, regulations, and conditions of the grant made by this bill to the Chesapeake and Delaware Canal Company, to be located on any of the public lands of the United States in the Indiana Territory, in the manner provided for the said Chesapeake and Delaware Canal Company?"

It was determined in the affirmative—yeas 18, nays 11, as follows:

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YEAS—Messrs. Bradley, Condit, Franklin, Gaillard, Giles, Gilman, Goodrich, Gregg, Hillhouse, Howland, Kitchel, Leib, Lloyd, Parker, Pickering, Robinson, Smith of New York, and Sumter.

NAYS—Messrs. Anderson, Bayard, Crawford, Meigs, Milledge, Pope, Smith of Tennessee, Thruston, Tiffin, Turner, and White.

And the bill having been further amended, the President reported it to the House accordingly; and on the question, Shall this bill be engrossed and read a third time as amended? it was determined in the affirmative.

Ordered, That the bill, entitled "An act for the relief of William White, and others," be farther postponed.

FRIDAY, February 3.

The bill fixing the allowance to be made to private physicians and surgeons employed in the public service, was read the second time, and referred to Messrs. THRUSTON, LEIB, and CONDIT, to consider and report thereon.

Mr. TIPPIN, from the committee, reported the bill authorizing the sale and grant of a certain quantity of public land to the Chesapeake and Delaware Canal Company, correctly engrossed; and the bill was read the third time, and the blanks filled as follows: First, two hundred thousand acres; second, two thousand shares; third, four hundred thousand dollars; fourth, seven years.

Resolved, That this bill pass, and that the title thereof be "An act authorizing the sale and grant of a certain quantity of public land to the Chesapeake and Delaware Canal Company."

A message from the House of Representatives informed the Senate that the House do not concur in the amendments of the Senate to the bill, entitled "An act making appropriations to complete the fortifications commenced for the security of the seaport towns and harbors of the United States, and to defray the expense of deepening and extending to the river Mississippi the canal of Carondelet."

Mr. ANDERSON, from the committee to whom was referred the bill, entitled "An act to revive and continue, for a further time, the authority of the commissioners of Kaskaskia," reported the bill without amendment, and the consideration of the bill was postponed to Monday next.

The Senate proceeded to consider their amendment to the bill, entitled "An act making appropriations to complete the fortifications commenced for the security of the seaport towns and harbors of the United States, and to defray the expense of deepening and extending to the river Mississippi the canal of Carondelet," disagreed to by the House of Representatives; and it was agreed that the further consideration thereof be postponed.

Mr. PORZ gave notice that on Monday next he should move for leave to bring in a bill authorizing the sale and grant of a certain quantity of public land to the Ohio Canal Company.

Mr. ANDERSON gave notice that he should, on

Monday next, ask leave to bring in a bill to authorize the making of a turnpike road from Mason's causeway to Alexandria.

Mr. SMITH, of Maryland, submitted the following motion, which was read and agreed to:

Resolved, That a committee be appointed, to join such committee as may be appointed by the House of Representatives, to ascertain and report a mode of examining the votes for President and Vice President, and of notifying the persons elected of their election; and for regulating the time, place, and manner, of administering the oath of office to the President.

Ordered, That Messrs. SMITH of Maryland, and GAILLARD, be the committee on the part of the Senate.

MONDAY, February 6.

Mr. SMITH, of Maryland, from the committee to whom was referred the petition of Robert Brent and others, by permission, reported a bill to incorporate a company for opening a canal in the City of Washington; and the bill was read, and passed to the second reading.

Mr. ANDERSON obtained leave to bring in a bill to authorize the making of a turnpike road from Mason's causeway to Alexandria; and the bill was read, and passed to the second reading.

The Senate resumed the consideration of their amendment, disagreed to by the House of Representatives, to the bill, entitled "An act making appropriations to complete the fortifications commenced for the security of the seaport towns and harbors of the United States, and to defray the expense of deepening and extending to the river Mississippi the canal of Carondelet; and, on motion, by Mr. MITCHELL,

Resolved, That the Senate do recede from their said amendment.

The PRESIDENT communicated the report of the Commissioners of the Sinking Fund, stating that the measures which have been authorized by the Board, subsequent to their report of the 5th of February, 1808, so far as the same have been completed, are fully detailed in the report of the Secretary of the Treasury to this Board, dated the third day of the present month, and in the statements therein referred to, which are therewith transmitted and prayed to be received as part of their report. And the report was read, and ordered to lie for consideration.

The bill, entitled "An act to revive and continue for a further time the authority of the Commissioners of Kaskaskia," was resumed as in Committee of the Whole; and the consideration of the bill further postponed.

A message from the House of Representatives informed the Senate that the House concur in the resolution of the Senate for the appointment of a joint committee to ascertain and report a mode of examining the votes for President and Vice President, and of notifying the persons elected of their election; and for regulating the time, place, and manner, of administering the oath of office to the President, and have appointed a committee on their part.

TUESDAY, February 7.

The bill to authorize the making of a turnpike road from Mason's causeway to Alexandria was read the second time, and referred to Messrs. ANDERSON, FRANKLIN, and SMITH of Maryland, to consider and report thereon.

Mr. SMITH, of Maryland, from the joint committee appointed to ascertain and report a mode of examining the votes for President and Vice President, and of notifying the persons elected of their election, and for regulating the time, place, and manner, of administering the oath of office to the President, reported in part the following resolution; which was read and agreed to:

Resolved, That the two Houses shall assemble in the Chamber of the House of Representatives, on Wednesday next, at 12 o'clock; that one person be appointed a teller on the part of the Senate, to make a list of the votes as they shall be declared; that the result shall be delivered to the President of the Senate, who shall announce the state of the vote, and the persons elected, to the two Houses assembled as aforesaid; which shall be deemed a declaration of the persons elected President and Vice President, and, together with a list of the votes, to be entered on the Journals of the two Houses.

Ordered, That Mr. SMITH, of Maryland, be appointed teller on the part of the Senate, agreeably to the foregoing resolution.

A message from the House of Representatives brought to the Senate "the several memorials from sundry citizens of the State of Massachusetts, remonstrating against the mode in which the appointment of Electors for President and Vice President has been proceeded to on the part of the Senate and House of Representatives of said State, as irregular and unconstitutional, and praying for the interference of the Senate and House of Representatives of the United States, for the purpose of preventing the establishment of so dangerous a precedent."

The message last mentioned, referring to the memorials of sundry citizens of the State of Massachusetts, was read.

Ordered, That the message and memorials lie on the table.

The Senate resumed, as in Committee of the Whole, the bill, entitled "An act to revive, and continue for a further time, the authority of the Commissioners of Kaskaskia," and no amendment having been proposed, the bill was ordered to the third reading.

The bill to incorporate a company for opening a canal in the City of Washington was resumed as in Committee of the Whole, and no amendment having been proposed, on the question, Shall this bill be engrossed and read a third time? it was determined in the affirmative.

A message from the House of Representatives informed the Senate that the House agree to the report of the joint committee "appointed to ascertain and report a mode of examining the votes for President and Vice President, and of notifying the persons elected of their election, and to regulate the time, place, and manner, of admin-

istering the oath of office to the President," and have appointed Messrs. NICHOLAS and VAN DYKE tellers on their part.

WEDNESDAY, February 8.

The PRESIDENT laid before the Senate a letter from Joshua Clark, an American seaman, stating that he was imprisoned at Bordeaux, and otherwise experienced great sufferings, under the authority of the American Consul at that place, and praying redress; and the letter was read.

Ordered, That it be transmitted to the Secretary of State.

A message from the House of Representatives informed the Senate that the House is now ready to attend the Senate in opening the certificates and counting the votes of the Electors of the several States in the choice of a President and Vice President of the United States, in pursuance of the resolutions of the two Houses of Congress of the seventh instant; and that the President of the Senate will be introduced to the Speaker's Chair by the Speaker of the House of Representatives.

The two Houses of Congress, agreeably to the joint resolution, assembled in the Representatives' Chamber, and the certificates of the Electors for the several States were, by the President of the Senate, opened and delivered to the tellers appointed for the purpose, who, having examined and ascertained the number of votes, presented a list thereof to the President of the Senate, which was read, as follows:

STATES.	For President.			For Vice President.				
	James Madison.	George Clinton.	C. C. Pinckney.	George Clinton.	James Madison.	James Monroe.	John Langdon.	Rufus King.
New Hampshire	-	-	7	-	-	-	-	7
Massachusetts	-	-	19	-	-	-	-	19
Rhode Island	-	-	4	-	-	-	-	4
Connecticut	-	-	9	-	-	-	-	9
Vermont	6	-	-	-	-	-	6	-
New York	18	6	-	13	3	3	-	-
New Jersey	8	-	-	8	-	-	-	-
Pennsylvania	20	-	-	20	-	-	-	-
Delaware	-	-	3	-	-	-	-	3
Maryland	9	-	2	9	-	-	-	2
Virginia	24	-	-	24	-	-	-	-
North Carolina	11	-	3	11	-	-	-	3
South Carolina	10	-	-	10	-	-	-	-
Georgia	6	-	-	6	-	-	-	-
Kentucky	7	-	-	7	-	-	-	-
Tennessee	5	-	-	5	-	-	-	-
Ohio	3	-	-	-	-	-	3	-
Totals	122	6	47	113	3	3	9	47

The whole number of votes being 175, of which 88 make a majority.

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Whereupon, the President of the Senate declared JAMES MADISON elected President of the United States for four years, commencing with the fourth day of March next; and GEORGE CLINTON Vice President of the United States for four years, commencing with the fourth day of March next.

The votes of the Electors were then delivered to the Secretary of the Senate; the two Houses of Congress separated; and the Senate returned to their own Chamber.

On motion, by Mr. SMITH of Maryland,

Resolved, That the President of the United States be requested to cause to be delivered to JAMES MADISON, Esq. of Virginia, now Secretary of State of the United States, a notification of his election to the office of President of the United States; and to be transmitted to GEORGE CLINTON, Esq. of New York, Vice President elect of the United States, notification of his election to that office; and that the President of the Senate do make out and sign a certificate in the words following, viz :

Be it known, That the Senate and House of Representatives of the United States of America, being convened at the City of Washington, on the second Wednesday in February, in the year of our Lord one thousand eight hundred and nine, the underwritten, President of the Senate *pro tempore*, did, in presence of the said Senate and House of Representatives, open all the certificates and count all the votes of the Electors for a President and Vice President of the United States. Whereupon, it appeared that JAMES MADISON, of Virginia, had a majority of the votes of the Electors as President, and GEORGE CLINTON, of New York, had a majority of the votes of the Electors as Vice President. By all which it appears that JAMES MADISON, of Virginia, has been duly elected President, and GEORGE CLINTON of New York, has been duly elected Vice President of the United States, agreeably to the Constitution.

In witness, whereof, I have hereunto set my hand, and caused the seal of the Senate to be affixed, this — day of February, 1809.

And that the President of the Senate do cause the certificate aforesaid to be laid before the President of the United States with this resolution.

Mr. GILES submitted the following resolution :

Resolved, That the several laws laying an embargo on all ships and vessels in the ports and harbors of the United States, be repealed on the 4th day of March next, except as to Great Britain and France, and their dependencies, and that provision be made by law for prohibiting all commercial intercourse with those nations and their dependencies, and the importation of any article into the United States, the growth, produce, or manufacture, of either of the said nations, or of the dominions of either of them.

Mr. GILES also submitted the following motion :

Resolved, That provision ought to be made by law for interdicting all foreign armed ships from the waters of the United States.

And on motion, the Senate adjourned until tomorrow.

THURSDAY, February 9.

The President communicated a report of the Secretary of War, in obedience to the orders of the Senate of February 2, respecting fortifications in the State of Delaware; which was read, and ordered to lie for consideration.

The PRESIDENT communicated a letter signed James Sykes, Speaker of the Senate of the State of Delaware, enclosing a certificate of the appointment of SAMUEL WHITE, a Senator of the United States, for six years, commencing with the 4th of March next.

Mr. TIFFIN, from the committee, reported a bill to incorporate a company for opening the canal in the City of Washington, correctly engrossed.

Mr. ANDERSON, from the committee to whom was referred the bill to authorize the making of a turnpike road from Mason's causeway to Alexandria, reported an amendment; which was read, and ordered to lie for consideration.

FRIDAY, February 10.

Mr. MITCHILL, from the committee to whom was referred the petition of William Hardy, made report. Whereupon,

Resolved, That the petitioner have leave to withdraw his petition.

The bill to incorporate a company for opening the canal in the City of Washington was read the third time; and the blanks having been filled, as follows: first, one hundred thousand; second, forty thousand; third, forty thousand—

Resolved That this bill pass, and that the title thereof be "An act to incorporate a company for opening the canal in the City of Washington."

The Senate resumed, as in Committee of the Whole, the bill to authorize the making of a turnpike road from Mason's causeway to Alexandria; and the PRESIDENT having reported the bill to the House amended, on the question, Shall this bill be engrossed and read a third time as amended? it was determined in the affirmative.

The bill, entitled "An act to revive and continue for a further time the authority of the Commissioners of Kaskaskia," was read the third time, and passed.

SATURDAY, February 11.

Mr. TIFFIN, from the committee, reported the bill to authorize the making of a turnpike road from Mason's causeway to Alexandria, correctly engrossed; and the bill was read the third time, and passed.

A message from the House of Representatives informed the Senate that the House have passed a bill, entitled "An act making appropriations for the support of Government during the year 1809, in which they request the concurrence of the Senate.

The bill last brought up for concurrence was twice read by unanimous consent, and referred to Messrs. SMITH of Maryland, FRANKLIN, and CRAWFORD, to consider and report thereon.

SENATE.

Disbursement of Public Moneys.

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MONDAY, February 13.

On motion, by Mr. GREGG, the following resolution was agreed to:

Resolved, That the committee to whom the petition of the marine officers was referred, be instructed to inquire whether any, and if any, to what extent, augmentation of the marine corps is necessary; and that they be authorized to report by bill or otherwise.

Mr. WHITE presented two memorials from citizens of the State of Delaware, whose names are thereunto subscribed; praying the repeal of the embargo laws, for reasons stated in the memorials; which were read, and ordered to lie for consideration.

The PRESIDENT communicated the memorial of the inhabitants of Point Coupee, in the Territory of Orleans, praying to be allowed the right of pre-emption to certain lands rendered fit for cultivation by their exertions, or that the said lands may be granted to them as a donation or compensation for their industry, care, and expense; and the memorial was read, and ordered to lie for consideration.

DISBURSEMENT OF PUBLIC MONEYS.

Mr. HILLHOUSE—Mr. President: I hold in my hand a resolution, which I intend to submit to the consideration of the Senate, after having made a few remarks to show the ground on which it rests, and explained my reasons for bringing it forward at this time.

In the discharge of my official duty, as one of a committee to inquire after facts in relation to a nomination which has recently been under the consideration of the Senate, I was led to inspect sundry accounts and documents in the public offices, from which I derive the knowledge of what I am about to state, and concerning which there can be no mistake, as the several items are taken from those accounts and documents.

Having formerly had some acquaintance with the manner of conducting business in the public offices in relation to our money concerns, I did suppose there existed a complete check upon all improper expenditures of public money, and a perfect security against its being drawn out of the Treasury in a manner not warranted by law. One predominant and principal ground of security, I had understood to consist in the control which the head of each department had over the business confided to his department, and his responsibility for a due and reasonable exercise of his discretion and judgment. But having discovered, by an opinion of the Senate lately expressed, an opinion which I am bound to respect, that the Secretary of War is not responsible for what I consider an improper expenditure of public money in that department, I am of opinion that some further and more effectual provision ought to be made. To show on what I ground my opinion, that there has been an improper disbursement of public money, I will read part of two sections of the law fixing the Military Peace Establishment of the United States, passed March 16th, 1802; and exhibit a brief statement of facts.

The 4th section fixes the monthly compensation of the Brigadier General as follows: "to the Brigadier General two hundred and twenty-five dollars, which shall be his full and entire compensation, without a right to demand or receive any rations, forage, travelling expenses, or other perquisite or emolument, whatsoever, except such stationery as may be requisite for the use of his department." The fifth section fixes the number of rations to which each officer and soldier shall be entitled, by which no officer above the rank of colonel is entitled to any rations at all. That section further provides that there shall be allowed, "to the commanding officer of each separate post, such additional number of rations as the President of the United States shall from time to time direct, having respect to the special circumstances of each post." Under the provisions of that law there have been allowed, at Natchitoches, to Colonel Cushing double rations from September 1st to 23d of October, 1806, and from the 8th to the 20th of November, 1806. At New Orleans, to Lieutenant Colonel Freeman, triple rations from July 1st to 11th December, 1806; and to Colonel Cushing in the like manner, from the 17th December, 1806, to 20th of May, 1807; and in June 1809, Brigadier General Wilkinson's account for extra rations as commanding officer at those same posts was allowed as follows, viz:

At Natchitoches, 36 rations per day, from the 13th to the 30th September, 1806, 18 days at 17½ cents	113 40
Same place, 36 rations, from October 1, to November 11, 1806, 20½ rations at 18 cents	272 16
	385 56

At New Orleans, 36 rations per day, from November 12, 1806 to 24th May, 1807, 194 days, 9,312 rations at 15 cents	1,047 60
Quarters, stabling, &c. from 25th November, 1806 to 24th May, 1807, six months	600 00
	\$2,033 16

Notwithstanding the express provisions of the law, and the allowance of extra rations to other officers at the same posts, the above account was admitted by the Secretary of War, and sanctioned by his signature; but was disallowed by the Accountant of the War Department as being against the law of March 16th, 1802. Whereupon the final decision was referred to the Comptroller of the Treasury, who decided that the account might be passed to the credit of General Wilkinson, because it had been admitted by the Secretary of War, with the approbation of the President of the United States, and sanctioned by the opinion of the Attorney General. By which it appears that the approbation of the President of the United States, supported by the opinion of the Attorney General, is considered as a sufficient authority for the allowance of accounts and the payment of

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money in direct opposition to a positive law of the United States, an error which ought to be corrected.

By the act establishing the Department of War, Indian affairs are placed under the direction and control of the Secretary of War; and in that Department there have been allowed and paid, as compensation to Indian Commissioners to hold treaties, for the table expenses of the Commissioners, supplying the Indians, and other expenses, the following sums, viz:

To General Wilkinson, as compensation for holding a treaty with the Cherokees, at Southwest Point, from July 12th, to September 10th, 1801, at \$8 per day - - - 443 00

The Chickasaws, at Wolf River, from September 11th, to October 28th 1801, at \$8 per day - - - 384 00

The Choctaws, at Fort Adams, from October 29th to December 31st, 1801, at \$8 per day - - - 512 00

At Fort Adams, treating with Choctaw Commissioners for carrying the last mentioned treaty into execution, from January 1st to March 22d, 1802, at \$8 per day - - - 548 00

The Creeks at Fort Wilkinson, from March 23d to July 18th, 1802, at \$8 per day - - - 944 00

\$2,831 00

For the expense of the Commissioner's table - - - 5,026 20

For supplies for the Indians, including a part of the expense of the Commissioner's table, which cannot be separated - - - 9,968 41

For the amount of articles purchased by the Quartermaster General for the use of the Commissioners - - - 3,121 49

18,116 10

As compensation to Benjamin Hawkins, from July 23d, 1801, to June 21st, 1802, 247 days - - - 1,976 00

Do. to Andrew Perkins, 61 days, including \$18 for travelling expenses - - - 506 00

\$20,598 10

There has also been paid to General Wilkinson, as compensation for treating as sole Commissioner with the Choctaws at Fort Confederation, from July 19th to October 20th, 1802, 94 days, at \$8 per day - - - \$752 00

Marking boundary lines, from October 21st to 31st December, 1802, 72 days, at \$6 per day - - - 432 00

Ditto ditto, continuation from January 1st to 28th February, 1803, 59 days, at do. - - - 354 00

Ditto, ditto, Choctaw, west of Mobile, &c., and Creeks, east of the Alabama, &c., from March 1st to 3d December, 1803, 278 days, at do. - - - 1,668 00

Returning from Mobile to New Orleans on his way to Philadelphia, from December 4th to 16th December, 1803, 13 days, at \$8 per day - - - 104 00

Returning from New Orleans to Philadelphia as Indian Commissioner, from April 25th to June 1st, 1804, 37 days, at \$8 per day - - - 296 00

3,606 00

For the personal expenses of General Wilkinson for 1802 and 1803, as settled at the War Office - - - 2,715 29

For expenses other than personal - - - 3,152 10

9,473 39

Officers of the United States receiving salaries or monthly pay, have been occasionally employed on other business for a short time, and, on account of extraordinary trouble and expense attending such employment, have received, in addition to their ordinary compensation, the per diem allowance fixed by law or usage for such service. The present is, I believe, the first instance in which such an officer has been employed every day in the year for two or three years in succession, and has been permitted to receive, in addition to his entire salary or monthly pay, a per diem allowance exceeding his salary or monthly pay, and the whole of his expenses. The salary of Judge Ellsworth, while employed on a foreign mission, had been received during his absence, by his attorney, but was refunded, and he received only his compensation as a foreign Minister; and in the case of Mr. Jay, his expenses only were paid. There can be no propriety in such allowance, and a remedy ought to be provided.

There has also been allowed and paid in the War Department an account amounting to \$6,619 72, for the table expenses of General Wilkinson and Governor Claiborne, from December 7th, 1803, to April 24th, 1804, four months and seventeen days, the time they were employed as Commissioners to take possession of New Orleans, and for a private secretary \$548, and for stationery \$27 50, amounting in the whole to \$7,266 62. The allowance of this account is under the hand of the Secretary of War, who states that it was done by order of the President of the United States. As this account had no relation either to the military service or to Indian affairs, I am unable to say why it was carried for settlement to the War Department and not to the Accounting officers of the Treasury.

It appears, by authentic documents which I have examined, that there have been paid to General Wilkinson, this favorite of the Administration, (for I think none other than a favorite could have obtained from the Treasury of the United States money to such an amount,) the following sums, viz:

For his pay as Brigadier General from March 16th, 1802, the date of the law, to February 1, 1809, at \$225 per month - - - \$16,562 50

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For extra rations, quarters, &c., as per amount before stated - - -	2,033 16	1st to June 30th, 1808, as per receipt February 18th, 1808 - - - - -	\$900 00
For his compensation as Indian Commissioner, from July 12, 1801, to July 18, 1802 - - - - -	2,976 00	Per warrant No. 1,212, signed by himself as the Commander-in-Chief, for his pay in advance for July and August, 1808, as per receipt June 28th, 1808 - - - - -	450 00
For his compensation as Indian Commissioner, and running lines, from July 19, 1802, to 1st June, 1804 - - -	3,606 00	Per warrant No. 10, signed by the Secretary of War, for his pay in advance, from September 1, 1808, to 28th February, 1809, per receipt July 14, 1808 - - -	1,350 00
For his personal expenses for 1802 and 1803 - - - - -	2,715 29	Per warrant No. 161, signed by the Secretary of War, for his pay in advance, March, April, and May, 1809, three months, per receipt November 28, 1808 - - - - -	675 00
For his salary as Governor of Upper Louisiana from July 4, 1805, to March 2, 1807 - - - - -	3,326 02	Per warrant No. 249, dated 16th January, 1809, signed by the Secretary of War, for his pay in advance, from May 1 to December 1, 1809, six months - - - - -	1,250 00
For amount of moneys and supplies furnished him by public agents, with which he is chargeable on the public books, and for which he has not accounted - - - - -	7,891 03	There is only one other statement from the accounts of the Department which I will mention—it is that of Henry A. S. Dearborn, employed by the Secretary of War as an engineer to construct a fort at Portland, from April 8th to November 29th, 1808, 204 days, at \$3 per day - - -	\$612 00
For moneys charged by John Wilkins, late Quartermaster General, as advanced to General Wilkinson, and for which he has not accounted - - -	3,879 71	And an allowance of two per cent. commission on the money expended, being \$30,796 97 - - - - -	768 33
For secret service money, received January 10, 1809, on the certificate of the President of the United States, for that sum "disbursed for objects in relation to the contingent expenses of intercourse between the United States and foreign nations, the specification of which disbursement at this time is deemed inexpedient" - - -	1,196 00		1,380 33
For his compensation as a witness on the trial of Burr, at Richmond, Circuit Court United States, May term, 1807 - - - - -	284 50		
	44,470 21		
To which, if there be added the table expenses of General Wilkinson and the other Commissioners holding treaties in 1801 and 1802, exclusive of the expense of furnishing the Indians - - - - -	5,026 00	Which account has been paid. The compensation allowed was at the rate of more than \$200 per month, when the pay of a brigadier general, exclusive of rations and forage, is only \$104 per month. The person employed had no claim to experience. While we have artillery officers and a corps of engineers in public pay, it would seem as though some of them should have been employed in such service.	
And the table expenses of General Wilkinson and Governor Claiborne at New Orleans, from December 7th, 1803, to April 24, 1804 - - - - -	6,619 82	Perhaps the accounts of Indian agents ought to be examined, to see if some provision be not necessary to prevent the improper expenditure of public money; for in that business there is great latitude of discretion, which opens a door to favoritism, which in a government like ours ought to be carefully guarded against. There may be, and often is, not only the appearance, but the exercise of the most rigid economy, nay parsimony, as regards a poor soldier, or person having little influence, while there is a lavish expenditure of public money on favorites.	
Makes the enormous sum of - - -	56,116 03	Mr. HILLHOUSE then offered the following resolution which was ordered to lie on the table.	

More than \$50,000 of which may fairly be placed to the account of General Wilkinson.

It may also be proper, by some legislative provision, to regulate the business of advance pay to the officers of the Army. There may be circumstances when it would be proper, as when ordered on distant service; but, unless regulated, it is liable to great abuse, as is obvious from an inspection of General Wilkinson's account, by which it appears that he has received, since March 1st, 1808, his pay in manner following, to wit:

Per warrant No. 1,114, signed by himself as Commander-in-Chief, for his pay from March

Resolved, That a committee be appointed to examine and report whether any, and what, further regulations or provisions are necessary to check the allowance or payment of extravagant claims, or unreasonable accounts, and to prevent an improper expenditure of public money; and that the committee be authorized to call on the several Departments for such information and papers as may be necessary to aid them in their inquiry; and to report by bill or otherwise.

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Partial Repeal of the Embargo.

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PARTIAL REPEAL OF THE EMBARGO.

The Senate resumed the consideration of Mr. GILES's motion made on the 8th instant, for repealing, on the 4th of March, the laws laying an embargo on all ships and vessels in the ports and harbors of the United States, except as to Great Britain and France, and their dependencies; and prohibiting all commercial intercourse with those nations and their dominions.

Mr. GILES addressed the Senate as follows:

Mr. President: In times of great public trial and difficulty, when a proposition deeply affecting the character and the interests of the nation is presented for adoption, an indispensable obligation is imposed upon its author to state the considerations upon which it is founded. Under this impression, I shall now proceed to make as full and as frank a development of my inducements in moving the present resolution, as may consist with the ordinary limits of discussion.

It is a circumstance greatly to be regretted, sir, that as our dangers and difficulties are increasing and pressing upon us, our divisions of opinion respecting the proper course to be pursued in relation to them, appear to be increasing in the same proportion. This probably arises, in a great degree, from the unfortunate state of mind produced by collisions in argument. Gentlemen are in the habit of bending their whole thoughts upon the discovery, not only of arguments for fortifying their own opinions, but for repelling the differing opinions of their friends. If this habit of reflection could be reversed—if each gentleman could prevail upon himself to give full weight to the arguments, to respect more the opinions and motives of his friend, and to doubt more the infallibility of his own, it is scarcely possible to believe, that when an union of interests is admitted by all, but that some point of union in the measures to promote those interests, might be found and agreed upon. And may we not be permitted to hope, sir, when the fatal consequences of divisions are so obvious to all, that the urgency of our difficulties will produce this course of reflection? Amidst all these difficulties, it is fortunate however, that there is one point in which we are all united—that is, resistance to foreign aggressions. It is true, no vote upon that point specifically has yet been taken in this House; but in the other House it has, after much discussion and great deliberation, and the result was as near unanimity as could be expected upon any occasion involving so many considerations. The only points of difference now to be adjusted and compromised, relate to the extent of that resistance, and the mode of its application.

The resolution I have had the honor to submit, is brought forward solely in reference to those points; and is dictated by that spirit of concession and conciliation which I have taken the liberty of recommending to others, and which, in my judgment, is imperiously demanded by the present critical situation of our affairs.

I am fully sensible, Mr. President, of the high responsibility incurred by moving the present resolution; and I also know, that when nothing is

left us but a choice of difficulties, it is much easier to criticise any expedient that may be chosen, than to devise and present a better for consideration. But, sir, it should be recollected, that merely to criticise or find fault, when no expedient is left us altogether free from objection, is the most subordinate office that genius can perform; and at the same time it is the least honorable for the individual, and the most unprofitable to the nation and to the people. I make this observation, not with a view of deterring gentlemen from bringing forward any fair objections to the resolution under consideration, but merely to remind them that I shall consider the task unaccomplished, until they present some substitute better calculated to save the honor and protect the interests of the nation; and when this is done, I will readily pay them the tribute of superior wisdom, and unite with them with the most fervent devotion.

The resolution before you, sir, is not the one of my choice, nor the one by which I could wish that my responsibility could be tested. It is the offspring of conciliation and of great concession on my part. I feel, sir, in common with my fellow-citizens, a great repugnance to war. I think the dreadful resort should only be made in a case of self-defence. I protest against war merely for the purposes of conquest, or aggrandizement: but in my opinion, war is amply justified by the existing crisis.

In my judgment, if the public sentiment could be brought to support them, wisdom would dictate the combined measures of embargo, non-intercourse, and war. I have no doubt but that their combined influence would be the most efficacious in meeting and subduing the crisis; but, sir, very few gentlemen, I believe, have brought their minds up to this state of energy; and perhaps, in the present state of the public mind, distracted and drawn by various delusions, as it is, from the real source of our injuries, the experiment might be deemed a rash one, even if it could be obtained. I have, however, sir, so much confidence in the good sense and patriotism of the people, and in the efficacy of these measures, that I will briefly state their probable effects for the consideration of the people; and I am the more disposed to do so, because I believe the time is not past, but is fast approaching, when the whole energy of the nation must be called forth to save what we have left of our honor, independence, and dearest interests. These would be the obvious effects of the combined influence of the measures suggested. Embargo would deprive our real enemy of many of our productions which I believe to be indispensable to his prosperity in many respects. Non-intercourse would deprive him of our market for his surplus manufactures, an operation not less injurious to him than the other, whilst war could be made to retort upon him some of the evils of his own injustice. I would present nothing of value to him on the ocean, to whet his cupidity, and stimulate him to a perseverance in the war. I would front him on the ocean with empty destructive ships, brave and hardy defenders of them, and rusty iron guns. If he achieved a conquest, it should be a conquest of hard knocks, while there

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should be nothing of value to gratify his cupidity, or compensate his own losses.

I would at the same time, seize upon his colonial possessions upon this continent. If the whole energy of the nation could be brought to act vigorously in this way, I will venture to predict, that within six months Great Britain would be brought to value our friendship as much as she would to deprecate our enmity. But, sir, whilst I would apply the scourge with one hand, with all the severity which the active energy of the whole nation could inflict, I would, with sincerity and good faith, hold out the olive branch with the other; my demands should be moderate, and within the limits of justice. And believe me, Mr. President, Great Britain would soon learn how to make a choice. Whilst, sir, you would expose nothing of value to her, she would necessarily present to your spoliations a rich commerce, a commerce which her Orders in Council were intended to enlarge, and which she considers as almost indispensable to her national existence. Permit me at the same time to express an opinion that the whole British navy would be very far from affording a competent protection to this wide spread commerce. With respect to prejudices against the embargo, I would remark, that considering the zeal, ability, and artifices, which have been employed to excite them, particularly in one section of the Union, it is matter of surprise that the people have submitted to the privations, which have been delusively ascribed to that measure, with no greater discontents than have been manifested by them; and the experiment has rather confirmed, than lessened my opinion of the patriotism of the people; but still perhaps so many prejudices have been excited, as to justify some relaxation in that respect. In that case however, letters of marque and reprisal, and the invasion of Canada ought, in my judgment, to have been substituted; war would then have been resorted to in a less efficient form, and the people upon the experiment, I have no doubt, would regret the sacrifice; but the House of Representatives has thought proper to reject that proposition, and the one now offered seems to be the next best calculated to save the honor and protect the rights and interests of the nation.

I have never relied so much on the coercive effects of the embargo, singly, as some gentlemen have done; and I have at all times been of opinion that preparations for more efficient measures should have been made to come in aid of, or to substitute the embargo, whenever it should be ascertained that it had failed of its coercive objects. I was, notwithstanding, willing at the commencement of the present session to persevere in the system until the events which I anticipated should take place in Spain, and become known in Great Britain, and until the early proceedings of Congress should also be known there. It appeared to me that if a relaxation on the part of Great Britain, should not be coerced by the influence of these events combined, upon their first impression in Great Britain, all hope of a relaxation from the embargo alone would then be at

an end, and that no other alternative would be left us but war. The first impression produced by these results, would probably be the greatest; because the spirit of speculation would be stimulated thereby, and the natural effect of that spirit is to drive prices beyond the level which would be produced by the ordinary causes; and if, under such an impression, no relaxation should take place, none could be afterwards rationally expected. My sincere love of peace, and the little remaining hope of avoiding war, induced me at that time sternly to set my face against the repeal of the embargo; but I then thought, and still think, that at some period of this session some other measures ought to be resorted to, either with or without the embargo. That period is now arrived, submission cannot for a moment be taken into consideration. The decisive course of measures which I conceived were imperiously demanded by the existing circumstances of the country, are still more strongly called for by the contents of Mr. Canning's letter of the 23d of November last, to Mr. Pinkney. This letter I have heard represented as wholly unimportant. I view its contents in a very different light. I deem them highly important. They go to take away my last hope of peace. They go to satisfy my mind, that we have now no alternative but war. Submission is out of the question. Permit me to read an extract or two from that letter, upon which my opinion is founded. They will be found in pages 13, 14, of the last printed Message of the President—

"The purpose of this letter is not to renew the discussion upon the subject of your proposal, but merely to clear up any misunderstanding which had existed between us in the course of that discussion. I cannot conclude it, however, without adverting very shortly to that part of your letter, in which you argue that the failure of France, in the attempt to realize her gigantic project of the annihilation of the commerce of this country, removes all pretext for the continuance of the retaliatory system of Great Britain."

"If the foundation of the retaliating system of Great Britain was, (as we contend it to have been) originally just, that system will be justifiably continued in force, not so long only, as the decrees which produced it are mischievously operative, but until they are unequivocally abandoned, and, if it be thus consistent with justice to persevere in that system, it is surely no mean motive of policy for such perseverance, that a premature departure from it, while the enemy's original provocation remains unrepealed, might lead to false conclusions, as to the efficacy of the decrees of France, and might hold out a dangerous temptation to that Power to resort to the same system on any future occasion."

Here we find Mr. Canning, although in a tone somewhat different, not only confirming his rejection of the first and honorable overture made by Mr. Pinkney, for the revocation of the hostile orders, &c., contained in his letter to Mr. Pinkney of the 23d of September preceding, but we find him introducing the subject apparently for the purpose of preventing any similar overture, under any circumstances, and expressly declaring that the orders shall continue in force, not only

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so long as the French decrees shall be mischievously operative, but until they shall be unequivocally abandoned, and leaves a strong inference on my mind that they are not to be abandoned on any terms; and, I believe, are intended to become the permanent law of the land. If this point were clearly ascertained, surely all America would eagerly unite in the war. But, sir, I shall have occasion again, in the course of the observations I propose to make, to remark further upon the contents of this letter. Although this resolution is not the one of my choice, and is, as gentlemen must now see, several points below the ground which in my judgment the best interests of the nation would authorize and require us to take, yet I will state some of the effects, which I presume will flow from it, and which, under all circumstances, are the best that can now be obtained. It will put the destructive influence of the Orders of Council to the test of practical experiment, and thus settle for us the question of peace or war. It will be a resumption of our commerce with all nations, except the belligerents having in force against us hostile orders or edicts, whilst it will be a continual protest against them. It will manifest our attention to the wishes and interests of our Eastern friends, who will not be satisfied, of the destructive effects of the Orders in Council upon their commerce, by any inferences drawn from the obvious meaning of those orders, but insist upon a practical experiment upon them. Their vessels may be put in motion, and trade to all countries, where they can trade without compromising their own and their country's honor. It will demonstrate the necessity of putting the nation into a better state of defence, whilst it will postpone, for a time, the resort to war; in my judgment, the ultimate and only resource now left us against belligerent aggressions. It is therefore the only remaining chance for preserving peace. It will leave no chasm in our protest against the belligerent orders and edicts, and thus far save us the disgrace of submission.

I am bound in charity to presume, Mr. President, that gentlemen must differ essentially with me in opinion respecting the causes of war, or it is not possible that we should differ so much as to the propriety and necessity of resorting to it. I therefore propose to state with openness and candor the real causes of our sufferings, the real causes of war. These may principally be summed up in the monstrous and extravagant claim set up by Great Britain to the despotism of the ocean. The despotism claimed upon the land by France, although equally reprehensible, is less injurious to us. It is felt, no doubt, with great severity by those nations whose situation has subjected them to its influence—but it has pleased a kind and beneficent Providence to place us beyond the sphere of its destructive influence, whilst the impotency of France, upon the ocean, relieves us from any great and serious injuries from her upon that element.

Great Britain has assumed the principle of the conquest of the ocean, and, as a reward of that conquest, asserts and maintains the right to carry

on herself the commerce of the world, or to prescribe rules for conducting it by other nations, and thus render it subservient to her own views, and her own interests. This claim of exclusive dominion upon the ocean by Great Britain, is hostility against the rights of all other nations. It is in fact war against all nations having equal rights with herself to navigate the ocean. It compels all other nations either to surrender to Great Britain the monopoly of the commerce of the world, or to submit to such rules as she shall prescribe for conducting it. This extravagant notion was conceived by the British jurists as early as the commencement of the French revolution; and since the destruction of the French fleet at Toulon, the Government has made several attempts to introduce it into practice; sometimes with more, sometimes with less restraint or disguise. It is impossible for me to refer to all the instances of this kind; I must, therefore, turn the recollection of the Senate generally to the various orders issued since that time, restraining neutral commerce, in utter contempt of all public law, and acknowledged neutral rights. During the latter part of Mr. Pitt's administration this doctrine had become popular, and it was resolved to put it into practice. It was, however, deemed proper to prepare the world for the reception of the monstrous pretension: accordingly, a pamphlet was written as the precursor of the system proposed to be introduced for the government of the commercial world. I pay but little respect to pamphlets in general, and should not now, but the pamphlet alluded to has always been represented as written under the direction of the then British Ministry, and intended to prepare the world for this new system of commercial warfare; and in this point of view it is entitled to the most serious consideration, and the rather, as the course of policy recommended by it, has since been strictly pursued by the British Ministry, and they have even extended the system since, beyond the utmost limit prescribed in that work.

The pamphlet alluded to, is entitled "War in Disguise." I beg to call the attention of the Senate to two or three short paragraphs therein. They will be found in pages eight and nine:

"Have we then lost the triumphant means of such effectual warfare, or have the ancient fields of victory been neglected?"

"Neither such a misfortune, nor such folly, can be alleged. Never was our maritime superiority more decisive than in the last and present war. We are still the unresisted masters of every sea; and the open intercourse of our enemies with their colonies, was never so completely precluded."

Here the pretension of the unresisted masters of the ocean is explicitly assumed, and it can hardly be necessary to remark, that the whole policy recommended in the book, is founded upon that assumed principle. Again, in pages 183, 184, in considering the prudence of applying the proposed remedy in regard to the colonial trade, I find these expressions:

"The sum of all these opposing considerations seems to be this, 'we may provoke a quarrel with the neu-

tral Powers.' I propose, therefore, briefly to consider, first, the degree of this danger; and next, whether the evils of such a quarrel, if certain, would be greater than those to which we at present submit."

"It is certain, that should His Majesty's Government think fit to recall the indulgent instruction that has been so much abused, and revert to the rule of the war in 1756, with such modifications only as can be safely allowed, great clamors would immediately arise in the neutral countries. The neutralizing agents, deprived of a large portion of their fraudulent gains, would exclaim aloud against the measure; and even such merchants as have carried on the colonial trade on their own account, would not be well satisfied to find their field of commerce materially narrowed by the assertion of our belligerent rights.

The neutral Governments therefore would, no doubt, complain and remonstrate; 'but would they, if firmly though temperately resisted, push the controversy into a quarrel?' Would they maintain their pretensions to the trade in question, at the expense of a war with Great Britain? I firmly believe they would not."

These passages serve to show, that the principle was assumed with a full knowledge of its destructive influence on neutral rights.

The next, or the Fox Administration, seemed to think there was some hazard and delicacy in making this unprovoked attack upon the rights of all nations, and seemed to entertain some doubts of the practicability of the profligate system; but they were compelled, by the infatuated jurists of the day, to make some essay towards carrying it into effect; 'witness their orders of January 7, 1807, interdicting neutrals from going from one port to another port of their enemy. This extraordinary order, too, was issued only seven days after signing a Treaty of Amity and Commerce with the United States. But, sir, this partial compliance with the public sentiment could not retain them in office. The little respect they retained for neutral rights, and their timid doubts, were amongst the causes which drove them from office, to make way for an energetic administration—one totally destitute of all respect for public law, for neutral rights—destitute of all the scruples and obligations of justice. I propose to give a short sketch of the history of this energetic administration.

1st. As its operations have affected other nations:

2d. As they have affected the United States.

Let us see the consequences which have resulted, and which are likely to result from this energy, originating in folly and in pride; stimulated to its ends in utter disregard of every principle of justice and of public law, and directed to unattainable objects. Permit me, sir, in this exposition, to pay some attention to dates—they will serve to illustrate some of my ideas. The change of Ministry took place either in the month of January or February, 1807. Preparations for executing this lawless system of energy were made with great activity, and in the month of August following, they were made to burst upon the head of an unsuspecting and unoffending friend.

In that month, a surrender of the Danish fleet is demanded. This demand is founded upon a

false suggestion, that the Danes had, by a secret article in the Treaty of Tilsit, agreed to give up their fleet to France, to facilitate the invasion of Great Britain. This suggestion was utterly false and unfounded, and so the Ministry were flatly told, to their faces, in Parliament afterwards, by Lord Hutchinson, at that time Minister at the Court of St. Petersburg. Upon the refusal of this iniquitous demand, Copenhagen was immediately sacked, and a profligate and indiscriminate slaughter of men, women, and children ensued. The Danish fleet was forcibly seized, and borne off in triumph. But, sir, with their unhallowed trophies, the British bore off the distrusts and detestation of the world, and left behind them the hatred and the enmity of Denmark. Do you believe, sir, that the British Ministry, or the British nation, have gained any solid advantage by this wanton display of energy? Do you believe, sir, that the loss of character, and the enmity of Denmark, are compensated for by the booty of the Danish fleet, which Great Britain did not want? No, sir. The one might excite in the nation a thoughtless and transitory exultation, but the others are durable losses and stains, which time itself cannot wipe away, so long as history shall remain to record the acts of men and of nations.

The next effort to display this energy makes its appearance in Sweden. A nation fighting for its independence against all Europe, and protected from their lawless power, more from the inaccessibility of the country, its lakes, morasses, &c., than by its resources and arms. Under these circumstances, Sir J. Moore, a great military chief, is sent to offer to the King of Sweden the aid of British co-operation, probably the admission of the British fleet into Swedish ports. How was this flattering overture received by that monarch, in the depth of his distress? Sir, he instantly saw the danger of British perfidy, and he ordered the messenger to be confined—to be incarcerated. But, fortunately for him, he escaped in disguise and disgrace. For this, and other acts, the King of Sweden has been called a madman; but, sir, this act, in my judgment, serves to show that he is a statesman, as well as a soldier. The British perfidy towards Denmark was the cause, and the justification, of his conduct. He had just seen the British, upon a false suggestion, seize upon the fleet of his neighbor, Denmark, and he justly concluded, that, if he admitted a British fleet into his ports, his fleet would also be seized upon, and borne off, whenever the convenience or interest of Great Britain should require it. Here sir, are seen some of the fruits of the perfidious energy practised upon Denmark. And, in the month of July, 1808, Sir John Moore returned to London, to give some mysterious and unintelligible account of the disgraceful issue of his perfidious embassy.

About the same time, those generous interposers in the affairs of other nations sent a fleet and army to Portugal, their friend and ally, to aid the Portuguese in expelling or subduing a French army, then in the bosom of their country. These

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wretched and devoted people, deserted by a weak and impotent Government, left almost without the smallest semblance of internal police, and struggling against a French army in their bosom, hailed with acclamations of joy the arrival of their generous deliverers. And what happens? In the month of September, following, a convention for the evacuation of Portugal is made by the British and the French—the Portuguese, the principals in the war, and the allies of Great Britain, not even consulted—and, upon taking down the French standard of despotism, the Portuguese, with indignation and astonishment, behold unfurled, in its stead, the British standard of despotism.

I now find, sir, from the London newspapers, by the last accounts from Portugal, that a formidable party has risen up against the Regency; or, in plain English, against British insolence and despotism—for, sir, the cause of the Regency is the cause of the British—and is not this the natural consequence of such conduct? Yes, sir, that miserable and devoted people are probably divided in opinion. The one-half thinks the despotism of their French oppressors the most intolerable; the other-half, that the despotism of their generous British deliverers is still worse.

Spain is now also receiving the generous interposition of this energetic Administration. The tragic scene in this devoted and commiserated country is not yet closed, or, at least, not known here. But, I should not be at all surprised to hear, by the very next intelligence which shall be wafted from that bloody scene of action, that the generous Britons have run away, and left the Spanish patriots in the lurch, and have forcibly borne away the Spanish fleet as a slight reward for the generous aid afforded the patriots. And, if such should be the fact, Mr. President, do you not believe it would be justified in this country? Yes, sir, some old rule, or some new rule, or some no rule, would instantly be hunted out for its justification. After so many atrocious acts of Great Britain, affecting the dearest interests of our own country, have been justified, there is no act she could perform towards other nations, which would leave her without her advocates here.

I turn with disgust and mortification from this horrible picture of wrongs inflicted by Great Britain upon other nations, to a recollection and recapitulation of the injuries and insults heaped upon my own country, and particularly by the present energetic Administration; and I feel degraded as an American, when I review and recollect our patient forbearance under them, and particularly, sir, when I hear one of my fellow-citizens say there are no causes of war; wait for a further accumulation of injuries and insults. I hope, sir, I am mistaken in the views I have of the causes of war. A discovery of the mistake might relieve me from feelings which, as an American, I cannot but possess, but which I am unable to describe. But, sir, to call the attention of gentlemen with more certainty and precision to the injuries and insults inflicted on us, I have reduced the disgusting catalogue to writ-

ing. Sir, I believe that nearly contemporaneous with the determination of the British Ministry to seize the Danish fleet, was its determination to plunder and destroy American commerce. The principle of that determination applied with equal force to both nations. It was exclusive dominion on the ocean; and as one false suggestion was made the pretext for seizing the Danish fleet, so another suggestion, equally false, was made the pretext at once for the destruction of our commerce, and for sowing the seeds of division among our people. That false suggestion was, sir, that the Government of the United States was acting under French influence, and engaged in some secret negotiation with the French Emperor for some ridiculous and visionary division of the United States. The success of this falsehood, and the extent of its circulation, &c., are now pretty generally known in all parts of the United States. Without any further prefatory observations, therefore, let me read to you the catalogue of injuries and insults inflicted by Great Britain, on the United States. I think it probable, sir, I have omitted some, because it is a subject to which I turn my mind with disgust, and from it with pleasure.

Catalogue of British Injuries and Insults.

Impressment of American seamen.

Seizing and confiscating our vessels upon various unauthorized pretexts.

Blockading our ports, seizing vessels entering therein, and sending them to some neighboring ports for condemnation.

Firing at, and detaining coasting vessels within our acknowledged jurisdiction; murdering a citizen in these acts of wantonness.

Violating our neutrality by destroying a French ship of war within our jurisdiction, and thus entitled to protection.

Attacking a public armed ship of the United States.

Rifling some, and murdering others of her crew. Refusing atonement for these outrages. Regulating and restraining our commerce. Colonizing and taxing us by Orders of Council, reduced to the form of law by an act of Parliament.

Interfering in our political concerns, by inviting our citizens to violate our laws, and by publishing a letter from the British Secretary of State, by way of appeal to the people against their own Government.

Forcing a contraband trade with armed ships, &c.

Mr. President, am I mistaken in these facts, or are they true? If true, sir, is there a gentleman here present prepared to tell the American people that all these injuries and insults have been inflicted upon them by Great Britain, and all atonement for them refused, and that there is no cause of war? That their honor and interest do not demand war, that they are not yet sufficiently degraded, but must wait for a greater accumulation of injuries and insults! But, sir, permit me to press this inquiry still further. Its im-

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portance demands it. It is of the last importance to the people to understand it correctly; that not a doubt should be suspended over the facts. Sir, I have said twice before this session, and I now say a third time, and I beg gentlemen to answer me explicitly, yea or nay—I have twice said, and I now say a third time, that Great Britain by her Orders in Council, now reduced to the form of law, has abridged the rights of national sovereignty, that she has colonized and taxed the people of the United States. Here let me stop, sir; let me single out these acts alone, and ask gentlemen if they are true? Gentlemen have not denied them; gentlemen cannot deny them. Well, sir, are gentlemen prepared to tell the people of the United States that Great Britain has abridged their rights of national sovereignty, that she has colonized and taxed them, and perseveres in so doing, and in the same breath, and at the same time, to tell them there are no causes of war, that they must wait for further injuries and insults! I have so much confidence in the intelligence and patriotism of the people in every section of the Union, that I do not believe such language would be justified or even tolerated in any part of the United States. No, sir, the people of Boston, enveloped as they are with prejudices, would repel the degrading expostulation if it were fairly presented to their view and consideration. But, sir, I propose to press the examination of this subject still further. I propose to select two or three of the most formidable and intolerable acts of outrage from the disgusting catalogue, and to bestow on them a more critical attention. These will be acts of the present energetic Administration. I suppose that other gentlemen cannot understand the Orders of Council as I do; if they did, it would be impossible for an American to offer an apology for, or even a palliation of them. They shall, therefore, receive my first attention: First, as they affect our rights of national sovereignty; secondly, as they affect the different occupations of commerce, agriculture, and fishing; thirdly, the pretexts upon which they are attempted to be justified.

The Orders of Council, now reduced to the form of law, abridge our national sovereignty, in undertaking coercively to regulate our commerce, in defiance of our own laws and the laws of nations, and in subjecting it to heavy taxes or tribute. The power to regulate the commerce of the United States with foreign nations, is given by the people to Congress. These Orders of Council undertake to regulate it by force, and in defiance of the laws of Congress. Indeed, the orders extend their regulation of it further than Congress is authorized to do by the people; for they have charged our exports with heavy duties, which Congress is prohibited from doing by the Constitution. Great Britain may, by municipal regulations, lay any tax she pleases upon the exports of our productions from Great Britain, but she has no right to force our commerce into her ports for the purpose of collecting a tax from it, nor subjecting it to capture and condemnation

for any departure from the rules she prescribes for conducting it upon the ocean. Submission to these regulations would be the surrender of some of the most essential attributes of national sovereignty, and would justly exclude us from the family of nations, because we should thereby consent to be excluded from the exercise of some of the essential rights of sovereignty, which are indispensable to the equality of nations. This result is so plain, that I suppose that there can be but one opinion respecting it.

But, sir, I am the more disposed to examine the operation of these orders upon the different occupations of commerce, agriculture, and fishing, because I have lately heard it said and repeated, that they merely affect the *occupation* of commerce, and as a consequence resulting from this interpretation of them, it is said that the merchants may go out and take care of themselves. This, sir, is an extremely fallacious suggestion, and gentlemen, particularly agriculturists, ought to be very cautious in adopting it. This mistake has probably arisen from the want of a due consideration of the subject. It has arisen from the want of discriminating between the right of commerce, or rather the right of regulating commerce, of prescribing the rules for conducting it, and the occupation of the merchant. The right of commerce is a national right; it belongs to the nation collectively. The occupation or the exercise of the right only belongs to the merchant. The right to carry on commerce does not belong to the merchant exclusively; any other citizen may, if he chooses, exercise the right; but these Orders of Council affect both the right of commerce, and the occupation of commerce; they also affect the right of agriculture, and of fishing, still more. They affect the occupation of commerce by limiting its extent and objects; but the principle of the orders once admitted, it will regulate the occupation of agriculture, and probably destroy the occupation of fishing. If submitted to, it would probably lessen the value of every farm in the United States, as well the farms upon the water, as the farms upon the land. Apply the orders to the articles of either flour, cotton, tobacco, or fish. I will select two articles only for the purposes of illustration; but the operation of the orders will apply equally to all. Take tobacco, for example. According to the orders, every hogshead of tobacco exported from the United States, is to be carried first into a British port, there to pay an export duty of three dollars per hundred weight, before it can be permitted to find its way to the Continent of Europe, where it is principally consumed. The value of the article to the grower is upon an average about \$6 per hundred weight. The merchant in purchasing the tobacco of the grower, will tell him, your tobacco is worth \$6, but I can give you three only, because I am compelled to call in Great Britain, and there pay the other three to make up the price to the British treasury, and besides to incur all the charges of the ports, and the circuitry of the voyage, &c. The same observations will apply with equal

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force to every other article of agriculture. And thus, the principle of the Orders of Council once submitted to, will enable Great Britain as effectually to regulate the various occupations of agriculture, as if she were permitted to say at once, the colonists may raise grain, &c., but they shall not raise tobacco, &c. If you permit her to impose taxes at pleasure, on any of your productions on their way across the ocean, to their market of consumption, she can in that way as effectually prohibit its cultivation, as if she were authorized to prohibit it in the first instance by a positive prohibitory regulation. The effect of the principle in each case is the same, the only difference consists in the mode or the medium through which the principle is effectuated. It is not likely Great Britain would discourage the cultivation of grain, because she generally requires the importation of a certain quantity for her own consumption. But if the Orders of Council were to be submitted to, living in a part of the country where I have an election to cultivate grain or tobacco, I should certainly abandon the cultivation of tobacco altogether, because, charged with the present export tax, I am persuaded it would afford nothing to the grower.

Now, sir, let me see how these orders are likely to operate on the American fisheries, and American fish. I believe no American fish is allowed to be consumed in Great Britain; yet all the American fish carried to foreign markets for consumption, must first call at a British port, and there pay a duty. I do not recollect the precise amount. [Mr. SMITH, of Maryland, said ninety cents per quintal.] I do not know the proportion that this tax bears to the whole value of the quintal, but it is not material to my illustration. Admit the principle, and the proportion of the tax to the value of the articles can be varied at the pleasure of the British Government. When you come to recollect, sir, the extreme jealousy entertained at all times by the British Government of the American fisheries, the importance they attach to their own fisheries, as the nursery of their seamen, and as almost indispensable to the prosperity of their navy, would you not conclude, sir, that the farms upon the ocean were in as much danger from the operation of the Orders of Council, as the farms upon the land? And I beg gentlemen more particularly interested upon this subject to give these observations a fair and impartial consideration.

But, Mr. President, this suggestion of withholding the protection of the Government from commerce, I conceive wholly inadmissible; for, exclusively of many other considerations, it must have been the result of some very cursory reflections, or superficial observations, upon the attitude the Government has assumed in relation to revenue, or an entire miscomprehension of it. Sir, the occupation of commerce is as much entitled to the protection of the Government as any other occupation, and an abandonment of it as injurious to the interests, and as derogatory to the character of the Government, as the abandonment of any other. Once avow that principle,

once have it understood by foreign nations that your commerce is abandoned to its fate, and its prosperity is impossible, its destruction is inevitable. Its very prosperity would produce its destruction, by inviting the cupidity and violence of foreign nations. But, sir, the attitude the Government has taken upon the subject of revenue, forbids the abandonment of commerce. Almost your whole revenue is derived from commerce. You have dispensed with your internal taxes, and your only internal resource is derived from the sale of your public lands. Whatever may be the productiveness of that fund hereafter, it is not now more than equal to one-twentieth of the demands of the Government. Hence, sir, the Government must either afford protection to commerce, or renew the internal taxes. Can you doubt, sir, which of these alternatives the Government would choose? We are told, sir, there are prejudices against a navy. I know there are, sir, and I believe I have partaken of them as much as any gentlemen in the United States, and stand as much committed to the nation upon that point. But the circumstances of the country, at the time of discussing the question of creating a navy, formerly and at the present time, are extremely different. Our commerce then was comparatively small to what it now is. The proposed expenditure upon the navy would have been nearly equal to the whole annual product of the revenue derived from commerce. The revenue now derived from commerce is nearly quadrupled, and besides, at that time, our commerce was almost exempt from foreign aggressions. Its present prosperity, and unprotected state, has invited aggressions from abroad, and unless it is protected it will be destroyed.

Whatever my prejudices or opinions may have been, or may now be upon this subject, I am not so weak and obstinate as to suppose that those prejudices or opinions can control the practical progression of human affairs, nor that there is any consistency in applying the same opinions to a different state of circumstances and events. These must and will control prejudices and opinions. Mr. President, notwithstanding all the existing prejudices against a navy, I now confidently express an opinion, that if you continue to draw your revenue through the medium of commerce, if that commerce should continue to prosper and increase, and if foreign cupidity and violence should continue to exist, you will have a navy to protect your commerce. I consider the effect as certain as any other effect produced by irresistible causes. When this effect will take place, when these prejudices will be overcome, whether this year or the next, or at some more future time, I will not pretend to say; but that it will happen at some time, is as certain as that any other effect will happen that is impelled by irresistible causes. The extent of this protection will depend on the discretion of the Government, and there is a security against its being carried too far by the great preponderating influence of the landed and mechanical interests of the United States. The present measures, dictated by

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the present state of things, are in my judgment peculiarly favorable to the acceleration of this result; and I am surprised that our Eastern friends, instead of encouraging them, should be throwing obstructions in the way. A result at all times so desirable to them, and so well calculated to give them that weight in the scale of the Union which they now seem to think they do not possess, but which they have lately manifested great anxiety to possess.

Whilst upon this part of the subject, Mr. President, permit me to express my deep mortification and regret at the unfortunate differences of opinion which exist between the Eastern and Southern people respecting our foreign relations. I will not examine into the causes of these differences of opinion, because it might excite unpleasant feelings in some gentlemen, which I wish particularly to avoid. These differences are the more to be wondered at, when we all know that our interests are common in that respect; and that in relation to each other they are peculiarly mutual and reciprocal. Never were there people whose occupations rendered their interests more mutual and reciprocal than the Eastern and Southern people of this Union, whose wants and supplies were better suited to each other, or presented fewer points of rivalry. The Eastern people have ships and seamen, and delight in employment upon the water; the Southern have lands, and delight in agriculture. Their productions too are bulky and heavy, and peculiarly suited to furnish employment for the Eastern carriers, not only coastwise, but for foreign trade. The Southern people have no desire to enter into the competition, but are perfectly content to permit their Eastern friends to take the trouble of carrying their productions to the markets of their consumption, and to enrich themselves from the fruits of their labors and their speculations; yet, notwithstanding all these things, and notwithstanding we all know the horrible consequences of divisions, we still witness alarming differences of opinion, which have not only encouraged and invited the interference of a foreign nation in our political concerns, but have also pervaded social intercourse, and even materially lessened the enjoyments of society. And after all, Mr. President, permit me emphatically to ask you, to whose, or to what good? Why, sir, our foreign adversaries may profit by our divisions, but they are equally destructive to the real interests of all parties among ourselves.

Sir, without pressing this subject further, may I not be permitted to indulge the flattering hope, that when these solemn truths shall be presented to the serious reflection of all the people of the United States, in every quarter and section, that they may be impelled by a sense of common interests, and common dangers, to unite heart and hand against our common adversaries; and notwithstanding present appearances, that our unfortunate differences of opinion may finally eventuate in renewed acts of reciprocal kindness, confidence, and friendship?

Permit me now, sir, to inquire into the pretenses

upon which the British Ministry undertake to justify these extraordinary Orders in Council, and I will venture to assert that they will be found both false and insincere. The pretext set up for the justification of these orders, is suggested to be founded on the right of retaliation upon their enemy. The right to retaliate through the United States is said to be founded on the culpable neglect of their Government to resist French aggressions upon their neutral rights, by which it is pretended that Great Britain has sustained an injury, and thus claims a right to counteract the injury through the United States. Upon the same pretext France claims and exercises what she calls the same right, in consequence of the culpable neglect of the United States in not resisting the aggressions of Great Britain. The suggestion of each is false in fact. The United States have not been guilty of any culpable abandonment of its rights in relation to either of the aggressing belligerents. The Government has constantly interposed all reasonable resistance to the aggressions of both; of which reasonable resistance it was the proper judge; at least it was entitled to its full share in the decision, and any forcible resistance to that decision when made was an act of war. I do not therefore propose to enter into the question, whether Great Britain or France first commenced their aggressions, since both were properly and reasonably resisted. But, if I were to express an opinion upon this question, I should have no hesitation in saying that Great Britain first began, and so far France has more pretenses for her conduct. There were many acts of the most serious aggressions committed by Great Britain, under pretended blockades, before the Berlin decree; and the impressment of American seamen was contemporaneous with the commencement of the war. (a) This was not, and is not the less an act of aggression, because it is stale, has been long practised, and because we are habituated to it—but it was not acquiesced in. It was met by reasonable remonstrance, and resistance, and therefore is no justification of the French decrees; but at the same time it takes away even the shadow of a pretext from Great Britain upon the question of who began to do wrong first; for there is a reciprocal condemnation of each other, and so far a joint exculpation of us, at least from the commencement of the wrong to either. But, sir, let me now examine the pretext of the British Ministry according to Mr. Canning's own exposition of it.

The acts of France complained of are admitted by Mr. Canning now to be merely nominal in relation to Great Britain, that they are utterly harmless and contemptible, that they have ceased to be mischievous, operative, &c. Yet he tells you that he will not revoke the Orders in Council for fear his motives in doing so may be mistaken; not that it is not in itself just and proper to revoke them, according to the principle of retaliation upon which they were originally adopted; but merely for fear his motive in doing an act of justice and propriety, may be mistaken or misconceived by others. But, sir, let us hear him in his own words:

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"The struggle has been viewed by other Powers, not without an apprehension that it might be fatal to this country. The British Government has not disguised from itself, that the trial of such an experiment might be arduous and long, though it has never doubted of the final issue. But if that issue, such as the British Government confidently anticipated, has providentially arrived much sooner than could even have been hoped; if 'the blockade of the continent,' as it has been triumphantly styled by the enemy, is raised even before it had been well established, and if that system, of which extent and continuity were the vital principles, is broken up into fragments, utterly harmless and contemptible, it is nevertheless important in the highest degree to the reputation of this country (a reputation which constitutes great part of her power) that this disappointment of the hopes of her enemies should not have been purchased by any concession; that not a doubt should remain to distant times of her determination and of her ability to have continued her resistance, and that no step which could even mistakenly be construed into concession, should be taken on her part, while the smallest link of the confederacy remained undissolved; or while it can be a question whether the plan devised for her destruction has, or has not, either completely failed, or been unequivocally abandoned." [*Canning to Pinkney, Sept. 23, 1808.*]

"The purpose of this letter is not to renew the discussion upon the subject of your proposal, but merely to clear up any misunderstanding which had existed between us in the course of that discussion. I cannot conclude it, however, without adverting very shortly to that part of your letter, in which you argue that the failure of France in the attempt to realize her gigantic project of the annihilation of the commerce of this country, removes all pretext for the continuance of the retaliatory system of Great Britain. This impotency of the enemy to carry his projects of violence and injustice into execution, might, with more propriety, be pleaded with him, as a motive for withdrawing decrees at once so indefensible, and so little efficacious for their purpose, than represented as creating an obligation upon Great Britain to desist from those measures of defensive retaliation, which those decrees have necessarily occasioned. If the foundation of the retaliating system of Great Britain was (as we contend it to have been) originally just, that system will be justifiably continued in force, not so long only as the decrees which produced it are mischievously operative, but until they are unequivocally abandoned; and, if it be thus consistent with justice to persevere in that system, it is surely no mean motive of policy for such perseverance, that a premature departure from it, while the enemy's original provocation remains unrepealed, might lead to false conclusions, as to the efficacy of the decrees of France, and might hold out a dangerous temptation to that Power to resort to the same system on any future occasion." [*Canning to Pinkney, Nov. 22, 1808.*]

What, sir, does Mr. Canning here tell us? Why, sir, on the 22d of September last, that the French blockading decrees were then broken up into fragments, utterly harmless and contemptible; and on the 22d of November following, that they had ceased to be mischievously operative, &c. &c. Retaliation may be defined an injury returned for a wrong received. Well, sir, if the United States had done no other wrong to Great Britain but neglecting to repel the wrong

of France, and the wrong of France ceased to produce any injurious consequences, why not revoke the orders inflicting the most destructive injuries upon the United States? Why, Mr. Canning in substance tells us, not that it would be wrong to do so, but he is afraid that the world would mistake his motive for doing right. And, sir, is the commerce of the United States to be destroyed, the people to be colonized and taxed, and the nation to be insulted and degraded, merely because Mr. Canning fears, if he should cease to inflict these wrongs, his motive for ceasing to do so may be misconceived or mistaken! And are the people of the United States to be told that all these injuries and insults are to be continued merely to expiate Mr. Canning's idle and pretended fears, that his motive for his conduct may be mistaken? What, sir, can be more derogatory to the character? what more injurious to the interests? what more insulting to the understanding of the American people? Yet, sir, we are told there are no causes of war! We must wait for more degradation! Sir, Mr. Canning tells us he thinks this is no mean motive of policy for continuing these orders after the original causes ceased. Sir, I will not pretend to think against Mr. Canning upon this subject; but, sir, I think, and I know that it will be a mean, an infinitely mean motive of policy on our part to submit to his injuries, his insults, and his degradations, as well as his absurd and sophisticated exposition of his motives for them. But, sir, permit me again to ask if the United States had not a right to judge of the extent and mode of resisting the French decrees? They certainly had, and did so; and after having made their decision in those respects, a contrary hostile decision by Great Britain was an act of war against the United States; and, according to her own principle of retaliation, the proper act of retaliation on their part was an act of war, not indeed through the ribs of a third innocent, unoffending party, but directly back upon herself, and it ought instantly to have been resorted to upon her refusal to revoke her hostile orders.

But, sir, permit me to put this doctrine in a still stronger point of view. The right of retaliation, I presume, is equal and reciprocal among all nations, and when the British Ministry ventured to retaliate upon their enemy through us, they adopted that policy upon their own responsibility; they subjected themselves to all its consequences; we certainly had a right to adopt a counteracting policy; war would have been the natural, legitimate, and correct act of retaliation. But, sir, suppose I were now, in a spirit of mitigated retaliation, to propose to pass a law imposing a duty equal to one-half of the value of all the original productions of Great Britain, and direct, that all her vessels sailing with such productions either to Spanish America, or any of the American Indies or isles, or to any other place under the protection of the laws of nations, should first call at some port of the United States, either Boston, New York, Baltimore or Charleston, and there pay the tribute; and if they failed or refused so to do, to

authorize our armed ships to capture and bring them in for condemnation; would not the proposition be thought extravagant and monstrous? the proposition of a madman? Yet, sir, it would be more reasonable than the Orders in Council, which are the same in substance, but were adopted without provocation or pretext. Yes, sir, the pretext is false, it is insincere. The real ground of the Orders in Council will be found in the settled determination of the British Cabinet to monopolize the commerce of the world, or to render it subservient to their own views and interests, and particularly to involve in this general destruction the commerce of the United States. Sir, I draw this conclusion not only from Mr. Canning's own prevaricating letters and sophisticated expositions, but from various intimations to that effect by the British jurists, and particularly from a late pamphlet, written it is said, under the direction of the Ministry, and for the express purpose of preparing the British nation and the world for the monstrous pretension. Indeed the production is ascribed to the elder Mr. Rose, one of the most influential advisers of the Cabinet, and it is extremely probable we shall see the doctrine openly avowed in the British Parliament, now expected to be in session. The pamphlet is entitled "Hints to both Parties," from which I beg leave to read a few extracts:

"The Orders in Council have been stigmatized, as being at once absurd and contemptible, in relinquishing the principle of right on which their justification is founded, for a paltry consideration of pounds, shillings and pence. But how can that measure be deemed absurd, which at once unites interest and policy? And so far from rendering Great Britain contemptible, how can she possibly assume a more dignified character, than in thus showing the world that Bonaparte, with all his dependent Kings, are but her tributaries; that they can receive no article either of comfort or necessity, without paying an acknowledgment to her maritime supremacy, and contributing to the expense of carrying on that war, which the ambition, injustice, and aggressions of their tyrant have rendered necessary."

Here, sir, we see a picture of the fantastic and gigantic attitude which the inflated pride of Great Britain has assumed. Bonaparte and all his dependent Kings are her tributaries, paying tribute to her treasury, and homage to her pride. Why, sir, to be sure, this dreaming delusive vision must be very fascinating to British pride, and gratifying to British cupidity, and I should have said nothing about the Ministry's indulging themselves in these delightful reveries, if they had not included the United States in the magnificent train of their humble tributaries. It is true, sir, they are not expressly included in this sentence, but they are made so in fact, and it was intended they should be so included, as I shall presently show by another quotation from this ministerial production. Yes, sir, I shall presently show you one single word, which is the key that unlocks the whole views of this energetic Ministry in relation to the United States. But let me first present you another passage, sir, which will serve to show how far this Ministry calculates upon effecting their

objects by interfering in our political concerns, and by fomenting divisions and discontents among us? After speaking with apparent exultation of the assassination of the Emperor of Russia, in consequence of his interruptions of the trade of his subjects with Great Britain, an event impliedly admitted to have been produced by British stratagem, the author thus proceeds in page 37:

"If any further elucidation of the principle to which this event is ascribed were wanting, it promises to be found in the United States of America, where the cultivators of the soil are deprived of the fruits of their labors, and the merchants of their commercial gains, by the present embargo. This forced state of things cannot be of long continuance. Already have the Vermontese set the constituted authorities at defiance, and persist in carrying on their trade with the Canadians across Lake Champlain, while the Northern States manifest strong symptoms of discontent."

I shall only remark upon this sentence, that it serves to show how greedily these events were seized upon, and how greatly they were overrated, and proceed to the 39th page:

"From what has been adduced upon the subject of privations, it may be inferred that the attempts of other Powers to injure Great Britain, by pursuing this system, must be abortive. But it is not so with the same system adopted by Great Britain, in retaliation upon them. What they can only threaten, she can execute. While they can only partially restrict her commerce, her naval superiority gives her the means of annihilating theirs. The people, thus reduced to misery and distress, will consider their rulers as the authors of their sufferings; and this sentiment once excited, will lead to revolt, through revolt to revolution, through revolution to a change of measures, and ultimately to peace."

"Let then the principle of the Orders in Council be strictly enforced. When the enemy feels the pressure of our retaliations, and relaxes his decrees, we should reject, instead of admitting those commodities, by the sale of which he procures resources for his revenue, gives relief to his subjects, encourages them to the continuance of the war, and reconciles them to his authority."

Here sir, we see the vital principle of all our wrongs, of all our sufferings. It is the supremacy of the British navy. What others threaten, Great Britain can execute. While her commerce is protected, she has the means of annihilating the commerce of others. But this is not all of the horrid picture which is here exhibited. Although the British navy is admitted to be the destructive machine for inflicting all the wrongs upon the people of the United States, they will be told to look for the real cause of their sufferings to their rulers, as the authors of them; and this sentiment once excited, will lead to revolt; through revolt to revolution, through revolution to a change of measures, &c.; and thus the people are to be deluded and made the unsuspecting instruments of their own slavery and sufferings. And Mr. President, permit me, with the most humiliated feelings as an American citizen, to ask, whether the course of events in this country has not corresponded precisely with these anticipations?

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and whether there be a doubt that the authors of these anticipations have also been instrumental in practising these delusions upon the people for the purpose of effecting their objects, and realizing their calculations and predictions? But, Mr. President, may we not indulge the pleasing hope, that these unfortunate delusions of the people are nearly at an end? or that they will be so, as soon as the real authors of their delusions and sufferings are pointed out to them? I will now turn over to the next page, and there you will find the key which unlocks the whole iniquitous views of this energetic Ministry towards the United States. The author is urging the country gentlemen in England to unite with the Ministry in this gigantic project of universal dominion on the ocean, and thus he expresses himself:

"Many gentlemen connected with the landed interest opposed the substitution of sugar for corn in the distilleries, as a discouragement to the agriculture of Great Britain. How much more strongly ought they to oppose these licenses to trade in the staple commodities of France and Holland; not only on the same principle, but on every consideration of sound policy? The former measure is temporary, the latter is permanent. The former gives relief and encouragement to our own subjects; the latter gives relief and encouragement to our enemies. The former promotes the agriculture of our own colonies; the latter promotes the agriculture of our enemies. The former enables us to consume an additional quantity of sugar, which is paid for in British corn, or manufactures; neither of which are taken in exchange for the commodities imported under the latter. The sugars imported under the former, are brought home in British ships, and add to that carrying trade which is the nursery of our naval strength; the articles imported under the latter, are brought in foreign vessels, and increase the naval strength of other Powers. Let the country gentlemen, then, unite their efforts, and support the cause of British commerce, and the British navy, against the agriculture, the commerce, and the navy, of our enemies or rivals."

Here the United States are expressly included in this scene of general destruction meditated against commerce. Enemies or rivals! The word rivals, sir, is the key which unlocks the designs of the Ministry against the United States. Do you suppose, sir, the author did not know the meaning of the word rivals, or that it was slipped in without design? No, sir, it was intended to tell the British nation that they must not stop at the destruction of the commerce of their enemies. The destruction must be indiscriminate; it must extend to rivals as well as enemies. And, sir, who are the rivals of Great Britain in commerce? The United States, and the United States alone. The term rivals, is as descriptive of the United States as the term United States itself. I think, sir, from the combined influence of all the preceding circumstances, it is demonstrated beyond a doubt, that all our sufferings arise from the settled determination of the British Ministry to exercise exclusive dominion upon the ocean. To monopolize the commerce of the world, or render it subservient to British views and British interests.

Permit me now, sir, to select another act of

this energetic administration towards the United States for a few animadversions. I mean, sir, their interfering in our political concerns in many respects, but particularly by holding out inducements to our citizens to violate our laws; and even appealing to the people against their own Government, by some invisible agency. I allude, sir, to the order (b) issued shortly after the passing of our embargo laws, for receiving vessels which should violate those laws, even without the customary papers; and to the publication of Mr. Canning's letter addressed to Mr. Pinkney on the 23d of September last, in one of the newspapers printed in Boston.

I consider both these acts as highly insulting to the American people and Government, and they ought to have been repelled with indignation, and would have justified hostility itself. Sir, in issuing this order, the British Ministry appears to me to have set a dangerous example to other nations, particularly to the United States, because the United States might retort her favorite retaliatory system upon herself. Suppose, sir, immediately upon the receipt of that order in the country, the United States had retorted by passing a law holding out inducements to British seamen to desert from their ships, and to afford them protection, and even to promise them protection and rewards upon bringing in the ships themselves. Do you think, sir, that Great Britain would have been altogether free from apprehensions as to the effects of such a retaliatory measure? The British fleet, sir, is extremely formidable to the Government—the floating dungeons and severe discipline, not always palatable to the seamen. They have several times been very much out of humor, and it is impossible to foresee the consequences of the inducements the United States have in their power to offer the disaffected. But sir, this subject presents another consideration to my mind. In the year 1793, Great Britain entered into the war against France solely upon the ground of resisting the spirit of disorganization, which, it was alleged, France was introducing into all nations. It was for the alleged act of separating the people from their Government. Now, sir, how is Great Britain likely to wind up the war? Why, sir, she seems now to have become the champion of the very system against which she originally entered into the war. She now seems to have become the common disturber of the peace of all nations. Surely, sir, the British nation or Parliament never can, upon cool reflection, approve of this profligate act of its Ministry.

Let me now, sir, implore your most serious attention to the publication of Mr. Canning's letter in the Boston newspaper. The time and circumstances attending its publication aggravate the act. It was an unpardonable insult, and ought to be repelled with indignation. Particularly insulting was it to those for whose use it was more immediately intended. Is it possible that the British Parliament or nation can justify this act of abandoned profligacy? In the cases of Genet, Yrujo, &c., their Ministerial functions were suspended. Their recall was immediately requested, and com-

plied with. In those cases, the authors were known; in this, he is concealed. The publication is conducted, or directed, by an invisible hand. But, sir, the act is not the less dishonorable or reprehensible on that account.

No, sir, the author, skulking from public view, stamps the character of the transaction with peculiar disgrace. Insults of this kind, sir, have been practised upon the British Government and nation. Let us see how insults of this nature were received and treated by that Government and nation. Several cases of this nature have occurred in Great Britain, but I will select one in point, which occurred in the time of George the First, in the year 1727. It will be found recorded in "Belsham's Memoirs of George the First," pages 192, 193, and in the proceedings of Parliament of that day, in reference to that subject. These I have examined, and find them still more pointed than the historical account of them, particularly the resolutions of the House of Commons, which are highly worthy of imitation. They are contained in a very large book, and I therefore declined bringing it to the Senate. The case was, sir, that the Imperial Resident at the Court of London, Count de Palm, was instructed by His Government to present to His Britannic Majesty a strong and pointed memorial against certain expressions or intimations in the King's Speech to Parliament, which were suggested by the Imperial Court to be unfounded and false, as they probably were, &c., &c., and to publish the memorial for the information of the British nation. How, sir, did the British Government and nation receive and repel this insult? Sir, it was received with universal detestation, and repelled with universal indignation. It hushed, for the moment, the spirit of party. It was deemed an insult to every man, woman, and child, in Great Britain, &c., &c. But, sir, let me give you the account in the words of the historian.

"With the memorial also was transmitted, from Vienna, a letter from the Chancellor, Count Zinzendorf, to Count Palm, expressly commanding him, in the name of His Imperial Majesty, after presenting the memorial to the King of Great Britain, to publish it, together with the letter annexed, for the information of the British nation. The Chancellor Zinzendorf affirms, in this letter, that, 'it is easy to see that the speech was made for no other purpose but to exhort the nation to a rupture and open war with the Emperor and Spain, and to make the Parliament approve the precipitate and burdensome measures which the Government has taken for private ends, too well known. That, on the first report of these false suppositions, the Emperor, and the King of Spain, in order to silence them, proposed a formal act, *de non offendendo*, into which all the contracting parties of the Treaties of Vienna and Hanover might enter, till such time as a definitive agreement might have taken place, but, that this proposition was rejected. He says that, the articles of the quadruple alliance are expressly and publicly laid down as the unalterable basis of the Treaty of Vienna, and, that to affirm, that by a secret pact, concluded at the same time, engagements have been entered into by their Imperial and Catholic Majesties, repugnant to the same,

is an outrageous insult to the majesty of the two contracting Powers, who have a right to demand a reparation proportioned to the enormity of the affront. And, that the high contracting parties had no other view than that of making peace between themselves without injuring any one else.' The allegations contained in this letter and memorial seem but too well founded, but the intemperate language of these papers gave high and just offence; and Mr. Shippen, Mr. Hungerford, Sir William Wyndham, and all the leaders of opposition in Parliament, warmly concurred in the address presented to the Throne on this occasion, and which passed the House without a dissentient vote. And an order was sent to M. de Palm, signifying 'that the said Palm, having delivered into the hands of His Majesty, at his late audience, a memorial highly injurious to the honor and dignity of his Crown; and having, also, publicly dispensed the same, with a letter from the Count de Zinzendorf to him, the said Palm, still more insolent than the memorial, His Majesty looked upon him no longer as public Minister, and required him forthwith to depart out of this kingdom.'"

Here, sir, we find the Imperial Resident, the Count de Palm, immediately ordered out of the country, and the nation rising into instant war to repel the insult and retrieve the wounded honor of the nation. Here, sir, we find the bickerings of party silenced; we find every heart united; we find the opposition facing about, and the whole nation presenting a hostile front to the authors of the insult. Can you believe, Mr. President, that a nation which feels so just a sensibility, when an insult is inflicted by others upon itself, can for a moment justify its Ministry in inflicting a similar insult upon another nation? Can you believe, sir, that the British nation or Ministry can feel any respect for those for whose use the publication was intended, when you contrast their conduct with the generous and correct conduct of the British Opposition? When, instead of rousing every American feeling to repel the insult with indignation, it seems to have been received with complacency, and directed to its iniquitous end! And shall we be compelled to believe that all honorable feeling is lost and buried under the dominant influence of party sensibility? Surely, sir, this cannot be an attitude which any party would wish to assume, and thus present itself either to the American or the British nation! Yet, sir, the only difference in the character of the insult in the two cases is, that in one the author was known and avowed, and in the other, he secures himself by his invisibility. But, sir, if the author of the publication be an authorized British agent, and he will avow himself in a bold and manly way, I have no hesitation in saying he ought instantly to be sent out of the country, let the consequences be what they may. Sir, in no country in the world ought this point to be held more sacred, and the insult more firmly repelled than in the United States, where our presses are under no restraint—where not only freedom, but licentiousness, characterizes almost every page.

But, sir, our degradation does not stop here. Let me select one other act for a single animadversion. The British are now driving a forced trade, in vio-

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lation of our laws, on our Southern frontier; and whilst it demonstrates the importance of our commerce to their prosperity, it at the same time degrades us below the Spanish colonies; for they do sometimes resist such aggressions, but we take them with patient forbearance and quiet submission. Let me now, sir, compare the injuries and insults received by the United States, and by other nations, from Great Britain, and contrast the resistance. Sir, I wish I could spare myself the pain and mortification of performing this task; but, sir, I deem it indispensable. It is a sacred duty I owe to the people, and must be performed. Sir, the demand upon Denmark, whilst observing an honest neutrality, was, to be sure, flagitious, but it was resisted by war. The overture to Sweden, whilst in the depth of distress and difficulties, to be sure, was perfidious, but the messenger was ordered to be incarcerated. The conduct in Portugal, whilst weak—deserted by its Government—conquered almost by a foreign host—was cruel and insulting; but it was repelled with indignation, and perhaps by hostility. The horrid catastrophe of the bloody tragedy in Spain is not yet known; and as my mind is perfectly exempt from even the semblance of a wish to exaggerate British outrage, so I will suppress my anticipations in relation to the fate of the Spanish fleet. Whilst the United States, more injured and insulted than all these nations together, are alone to bear with patient meekness and long-suffering; and the gallant, honorable, and high-minded American people to be told there are no causes of war!—that they must be still more humiliated—still further degraded! Wait, with patience, till another catalogue of injuries and insults shall stain the fair, unsullied page, of your national character! And some men go so far as to recommend submission altogether! Mr. President, the love of peace is one of the most amiable passions of the human mind. It is fondly cherished by the American people. But, sir, when it degenerates into a fear of war, it becomes, of all passions, the most despicable. In its application, it is, of all others, the most unfortunate and ruinous to a nation. It excites contempt and invites attack from abroad, whilst at home it dispirits the people, and disqualifies them from exerting the energy they possess. Is there not ground to fear, sir, that Great Britain has mistaken the character of the people and Government of the United States in that respect? And, if so, is it of no importance to undeceive her? And how can this be done? It can only be done by manly, open, direct, and honorable war. Let war, then, sir, be openly resorted to, and vigorously conducted. Give the people an opportunity of retrieving their character, or at least of proclaiming their true character to the world. It will even be found economical of blood and treasure; it will in the end be favorable to peace itself; for, sir—permit me to borrow an appropriate and emphatical expression of a gentleman from Connecticut, (MR. HILLHOUSE)—it will be a war for peace. Yes, sir, as that gentleman expresses it, we must fight for peace. Without war, or fortunate events abroad, I am satisfied we can have no peace.

I fear, Mr. President, I am trespassing too much on the kind indulgence of the Senate, but, sir, I cannot conclude my observations without examining the most prominent objections urged against a war with Great Britain. This I propose to do with candor and impartiality.

The first objection is derived from the supposed character of the quarrel in which Great Britain is engaged. It is said she is fighting the battles of the world against the spirit of French domination. That her national existence is at stake. That she is fighting merely for her *natale solum*, &c., whilst France is contending for the dominion of the world. This is not the true character of the quarrel. They are both fighting for domination; each upon the element to which he can apply his power. France claims domination on the land—Great Britain on the ocean. But it is said if the Emperor of France should succeed and destroy Great Britain, or control her fleet, his power would be directed against the United States, and they would be the next victim. This is a remote and extremely improbable contingency. It is my opinion that the chances are greatly in favor of Great Britain's succeeding in the contest; and I believe that our situation would be just as critical, if Great Britain, having the command of her fleet, had also the command of the men on the continent, as if France, having the command of the men on the continent, had also the command of the British fleet. In either event we could expect no mercy, and our only reliance for preserving our independence would, as it ought always to, be, upon our own courage and resources. I would, therefore, deprecate either of these events. But, sir, whilst I should deplore the circumstances of either of these nations subduing the other, I think the chances of ultimate success in favor of Great Britain. I will state a few of the grounds of this opinion. In Great Britain the Government is strong, stable, popular, and from her insular situation, the navy affords the nation a complete protection against foreign invasion. The resources of Great Britain are great, and her people brave and loyal, &c. These afford her strong securities. In France, the order of things is scarcely settled. The dynasty is new, probably depending on the life of a single individual; the chances of his death alone and the probable consequences flowing from that single event, give to Great Britain a better prospect of final success in the contest than any reasonable calculation of probable events would give France, in relation to the conquest of Great Britain. This consideration, therefore, has no alarms or terrors for me. It is certainly a mere possible contingency against every calculation upon probable events—it is visionary. But, sir, where does this sensibility—(I will not call it sympathy, because Great Britain has no feeling from which it can be derived) where, I say, sir, does this sensibility for the safety of Great Britain exist? I believe in the United States alone; certainly not in the British nation nor Ministry. Let me call your recollection to Mr. Canning's language on this subject. Do you hear him express any whining fears of the loss of national existence?

any timid alarms from the influence of French power? What does he say, sir? On the 23d of September last he tells you, that Bonaparte's gigantic projects of domination were then broken up into fragments, utterly harmless and contemptible. And on the 22d of November last, that Bonaparte's decrees were merely nominal; that from his impotency they had ceased to be mischievous in practice, &c., &c. And what do the Ministerial pamphleteers tell you? Why, sir, that Bonaparte and his train of dependent Kings are the tributaries of Great Britain; and that the British rivals also shall follow in the train to grace the magnificence of the scene, and shall contribute their homage also to the supremacy of the British navy! Is this the language of a nation struggling for its existence? Is this the language of a nation trembling with alarms of subjugation from French power? No, sir, the British nation has no such feelings nor apprehensions; this sensibility exists only in the United States. If Great Britain really felt these alarms, she would feel more respect for the rights of other nations; she would moderate her claims upon the ocean; she would leave to other nations some little share in the exercise of rights upon that element. But, sir, where will this argument end? If on account of some remote, improbable, and contingent danger, we are to bear all the wrongs already heaped upon us by Great Britain, when are we to stop? When will the load become too grievous to be borne? I wish this point ascertained and fixed, that Great Britain may know it; as well as ourselves; for there is no doubt she will pile on us as long as we will bear, and perhaps she may overstep the bounds from the want of knowing the limits. Sir, these grounds of objection are unsubstantial; they are nothing more than mere pretexts for indulging our habitual predilections for Great Britain, and if we think otherwise we deceive ourselves. The plausibility of these suggestions may, perhaps, however, have extended their influence beyond the sphere of British predilections. But, sir, I am convinced in all those cases, it has arisen from the want of due consideration of the subject.

The only effects of entering into the war against Great Britain, would be to lessen the range of her commerce, and limit the dangerous influence of her navy, and thus to restore to ourselves some of our lost commercial rights. But her national existence even in that case would not be endangered, and even if it were, she could stop the war at pleasure, by doing us less than justice. (c)

Indulge me now, sir, in examining another objection against entering into a war with Great Britain; which, while it is the most unaccountable, has, I believe more influence on the minds of gentlemen, than all other considerations taken together. It is, sir, the strange suggestion, that the British Ministry had refused to accede to the just and reasonable propositions made on the part of the United States, from a belief of the insincerity of our Government in conducting the negotiation; and that, if the overture could be renewed in sincerity and good faith, it would be accepted on the

part of the British Government. Groundless and extravagant as this supposition is, permit me to make a few observations on it. In the first place I would ask, by whom have our negotiations with Great Britain been conducted since the commencement of the present Administration? First, by Mr. King. Has Mr. King ever made any intimations of insincerity on the part of the Administration during his agency? I believe not. I believe that Mr. King entirely approved of the course pursued during his time, and I am sure the Administration highly approved of his conduct. I believe it was judicious, honorable, and dignified. I presume some respect might be paid to his negotiations by Federal gentlemen, for I believe he has not yet forfeited their confidence, if I am to form an opinion from the votes given to him for the Vice Presidency at the late election. The Federalists gave him all the votes which were at their disposal. The next agent on the part of the United States was Mr. Monroe. From late occurrences it cannot be presumed that Mr. Monroe is in possession of the knowledge of any circumstance of insincerity against the Administration, which he would withhold from the public. Mr. Monroe has, in fact, written a book. He has told all he did know. Although, sometime since, we often heard it said, he could tell more than he would tell. But no evidence of insincerity has yet appeared. Our present agent is Mr. Pinkney. He is a Federalist: an intelligent, honorable, and respectable Federalist. Some confidence, it is supposed, might be paid to his opinions, and communications. Yet it is known that he approves of the measures of the Administration, as far as they go, but he would go further. If, however, sir, gentlemen disrespect the testimony of all these witnesses, let me present them with another, to whom, upon this point at least, they will certainly yield some respect. It is Mr. Canning. Although his desire to cherish and encourage this delusion may clearly be seen, through the prevarications of his two last letters to Mr. Pinkney, yet he expressly tenders Mr. Pinckney the homage of his respect for the candor and liberality displayed by Mr. Pinkney in conducting the negotiation, and it is very easy to discern that he is compelled to respect the motives which dictated Mr. Pinkney's instructions. (d) But, sir, it was placed completely in Mr. Canning's power to put the sincerity of our Government to the test, by accepting, instead of rejecting, the frank and reasonable proposition offered to him by Mr. Pinkney. His rejection of it is proof positive, that he did not wish to put the sincerity of our Government to the test. Again, sir, let me beg your attention to another consideration. Whatever errors the political opponents of the President may fancy they see in his general character, their prejudices could never carry them so far, as not to exempt him entirely from the passions of political ambition, and personal aggrandizement. His voluntary retirement from his present station, is irresistible proof of his exemption from these passions. In a few days he goes into a chosen retirement, to enjoy the blessings, in common with his fellow-citizens, which

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his wise Administration has spread over this extended country; and, sir, in his solitude, with a heart overflowing with gratitude, I sincerely hope he will enjoy all the happiness which is the just reward of the amiableness and philanthropy of his character. But, sir, under such circumstances, what possible inducement could he have for an act of insincerity in conducting our foreign relations? What possible inducement could he have to involve his country unnecessarily in war? In his retirement, he will be as much subject to the good or bad consequences of his own measures, as any other citizen; it is not, therefore, possible to conceive that he would adopt ruinous measures, while he himself would be subject to all their consequences. No, sir, this suggestion of insincerity is nothing more than a miserable delusive vision; a mere catch of the human mind, to indulge itself in its own passions and prejudices, when there is no justification that can be derived from more substantial considerations. It is the result of a forced suspicion, for the want of some document or paper, as a justification for the indulgence of these unfortunate passions. Observe, too, the inconsistencies and absurd contradictions of gentlemen laboring under the influence of these passions. In the same breath, sir, they accuse the President of such a devotion to a vain philanthropy and speculative philosophy, as to disqualify him for the rugged duties of a politician, and of an insincerity in conducting our foreign relations, with a view of involving the United States in war, in direct opposition to the habitual and dominant passions of his mind. No, sir, the President is the lover of peace, and I fear that his amiable and anxious solicitude to preserve it, may have had some tendency towards rendering war indispensable. Sir, these prejudices and jealousies, so causelessly indulged by gentlemen, may have, it is feared, the most unfortunate influence upon the interests of the American people, and upon the character of the American nation. For, sir, when jealousies and prejudices once take hold of the human mind, they distort all facts, they invert all just inferences, and they make themselves the food for their own subsistence and indulgence.

Let me now, sir, solicit your attention to one more consideration in relation to this subject. If it be once admitted that the hostile measures of Great Britain against the commerce of the United States, are dictated by the settled determination of the Ministry to exercise exclusive dominion upon the ocean, you will find in that principle alone the solution of all our difficulties in our negotiations with Great Britain, without resorting to the delusive and extravagant suspicion of an insincerity on the part of the Administration. That this is the real principle which has dictated her measures, I think I have demonstrated beyond the possibility of a doubt; and nothing but adverse events in Europe, or war by the United States, can, in my judgment, induce her to recede from a principle at once so fascinating to national pride, and gratifying to mercantile cupidity.

No, sir, I am perfectly satisfied, if the Admin-

istration were to send a deputation of a chosen band of British partisans, even headed by Mr. Erskine himself, that the British Ministry would not sacrifice this favorite visionary project of aggrandizement upon the altar of their combined supplications and intercessions. This is not a question of mere complaisance between the two nations. It is a question of power, of lawless, unrelenting power on one side, against right, unquestionable unassuming right on the other.

Mr. President, does it not appear from a review of all the facts and observations I have now had the honor of presenting to this Senate, that forbearance has extended to its utmost limit; that without some relaxation on the part of the belligerents, war is inevitable; and that we have no expedient left, but to demonstrate by our own energies, both to Great Britain and France, how much more interest they have in cultivating our friendship than in provoking our enmity? Mr. President, from these observations, it will be also readily seen that the proposition before us is pitched to a key several tones below that which my wishes and my views of the public interests would strike. I hope, sir, it is still within the limits of national honor and national interests. Strike only one key lower, sir, and I fear it will sound in national disgrace and dishonor. How desirable, therefore, is it, sir, that we should all, of all parties, unite in some proposition to save the honor and protect the interests of the nation? And may not this yet be hoped for, when Federalists, as well as Republicans, have all entered their solemn protest against submission? After having displayed an almost unanimity in favor of resistance, may we not hope for an equal unanimity in favor of the extent and mode of resistance? May we not indulge the hope, that gentlemen who differ with us upon political subjects generally, will now meet us upon this proposition of conciliation and concession? Particularly, sir, when they must know and see the dangers of division! When other nations have lately presented so many instructions and horrible examples of divisions; that at all times one party is as much the victim of them as the other; that the ruin to both is equal and indiscriminate, and the advantages alone to the common adversary of both. And, sir, can it be necessary to urge any arguments to those who have usually associated in political measures and opinions against the ruinous effects of divisions amongst themselves? Surely not, sir. The ruinous effects must be obvious to every gentleman. Is it not better then, sir; is it not more honorable, wise, and magnanimous, for each gentleman to concede something of the particular views which he has taken of our difficulties, to the varying views of his friend and associate, than by pertinaciously adhering to the full extent of his own, paralyze and destroy the views of both? The spirit of conciliation and concession is peculiarly recommended by the novelty and difficulty of our situation; and surely, sir, no gentleman has yielded to its influence more readily, or to a greater extent, than myself. I could not give a stronger example of its operat-

ing influence on myself, than the proposition now under consideration affords; and I would require no greater concession on the part of any other gentleman. Let us then, sir, unite in this proposition. I believe it will save the honor of the nation; it will settle for us the question of peace or war, by the meeting of the next Congress; it will be a continual protest against the hostile edicts of the aggressing belligerents; and it will give us time for effectual and active preparations for defence and of offence. Let us then, for the present, assume this attitude, and direct all our attention to those indispensable objects. Let us meet here in May next, in a state of readiness for war; and if, in the interval, no relaxation of the hostile orders and edicts of the belligerents should take place, let us then call into action the whole resources and energies of the nation to assert our rights, and to do ourselves that justice which is now so ruinously and iniquitously withheld.

[NOTES.]

(a) *Extract from a convention between His Britannic Majesty and the Empress of Russia, signed at London, 15th of March, 1793.*

"Article 3. Their said Majesties reciprocally engage to shut all their ports against French ships; not to permit the exportation, in any case, from their said ports for France, of any military or naval stores, or corn, grain, salt meat, or other provisions; and to take all other measures in their power for injuring the commerce of France, and for bringing her, by such means, to just conditions of peace.

"Article 4. Their Majesties engage to unite all their efforts to prevent other Powers, not implicated in this war, from giving, on this occasion of common concern to every civilized State, any protection whatever, directly or indirectly, in consequence of their neutrality, to the commerce or property of the French, on the sea or in the ports of France."

A similar treaty was entered into between His Britannic Majesty and the King of Spain, on the 23d of May following; with the King of Prussia, on the 14th July following; and with the Emperor of Austria, on the 30th of August following.

Extract of a letter from Thomas Pinckney to the Secretary of State, dated London, July 5th, 1793.

"I urged every argument that suggested itself to me, in support of the neutral rights which I contended were injured in this instance; pointed to inconveniences that would attend the execution of the instructions, and urged that the case put by Vattel, of a well grounded hope of reducing the enemy by famine, did not exist, provisions being cheaper in the ports of France than in those of England. Lord Grenville, on being asked, said Spain would pursue the same line of conduct; and upon its being objected, that even their late convention with Russia did not extend to this subject, he answered that, though it was not expressly mentioned, it was fully understood by both parties to be within the intention of it. At the close of the conversation, I told him I should transmit these instructions to you, accompanied by his reasons in their justification. Lord Grenville spoke in high terms of approbation of the answers to Mr. Hammond's memorial, which he received by the packet.

Extract from a report made by a committee of the Senate on the 18th of April, 1808, on the subject of foreign relations, recapitulating the order of belligerent aggressions on neutral trade.

"1st. The British order of June, 1803, unlawfully restricting the trade of the United States with a certain portion of the unblockaded ports of her enemies, and condemning vessels with innocent cargoes, on a return from ports where they had deposited contraband articles.

"2d. The capture and condemnation in the British Courts of Admiralty of American property, on a pretended principle, debaring neutral nations from a trade with the enemies of Great Britain interdicted in time of peace. The injuries suffered by the citizens of the United States, on this head, arose not from any public order of the British Council, but from a variation in the principle upon which the Courts of Admiralty pronounced their decisions. These decisions have indeed again varied, without any new Orders of Council being issued; and, in the higher Courts of Admiralty, some of the decisions, which had formed the greatest cause for complaint, have been reversed and the property restored. There still remains, however, a heavy claim of indemnity for confiscations, which were made during the period of these unwarrantable decisions, and for which all negotiation has hitherto proved unavailing.

"3d. Blockades notified to the Minister of the United States at London, and thence made a ground of capture against the trade of the United States, in entire disregard of the law of nations, and even of the definition of legal blockades, laid down by the British Government itself. Examples of these illegitimate blockades, will be found in the notifications of the blockade of May 16th, 1808, of the coast from the river Elbe inclusive—blockade of 11th May, 1807, expounded 19th of June, 1807, of the Elbe, Weser, and Ems, and the coast between the same—blockade 11th of May, 1807, of the Dardanelles and Smyrna—blockade of the 8th of January, 1806, of Carthage, Cadiz and St. Lucar, and of all the intermediate ports between Carthage and St. Lucar, comprehending a much greater extent of coast than the whole British navy could blockade, according to the established law of nations.

"4th. To these injuries, immediately authorized by the British Government, might be added other spurious blockades by British naval commanders, particularly that of the island of Curacao, which for a very considerable period was made a pretext for very extensive spoils on the commerce of the United States.

"5th. The British Proclamation of October last, which makes it the duty of the British officers to impress from American merchant vessels, all of such of their crews as might be taken or mistaken for British subjects—those officers being the sole and absolute judges in the case.

"For the decrees and acts of the French Government, violating the maritime law of nations in respect to the United States, the committee refer to the instances contained in the report of the Secretary of State, January 25th, 1806, to the Senate; in one of which, viz. a decree of the French General Ferrand, at St. Domingo, are regulations sensibly affecting the neutral and commercial rights of the United States.

"The French act next in order of time is, the decree of November 21, 1806—declaring the British Isles in a state of blockade, and professing to be a retaliation on antecedent proceedings of Great Britain violating the law of nations.

"This decree was followed, first by the British order

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of January, 1807, professing to be a retaliation on that decree, and subjecting to capture the trade of the United States, from the port of one belligerent to a port of another—and secondly, by the orders of November last, professing to be a further retaliation on the same decree, and prohibiting the commerce of neutrals, with the enemies of Great Britain, as explained in the aforesaid letter of Mr. Erskine.

"These last British orders again, have been followed by the French decree of December 17th, purporting to be a retaliation on the said orders, and to be put in force against the commerce of the United States, as stated in the aforesaid letter of Mr. Champagny."

(b) *GROVER R.—Instruction to the commanders of our ships of war and privateers; given at our Court at Windsor, the 11th day of April, in the 48th year of our reign.*

"Our will and pleasure is, that you do not interrupt any neutral vessel laden with lumber and provisions, and going to any of our colonies, islands or settlements in the West Indies or South America, to whomsoever the property may appear to belong, and notwithstanding such vessel may not have regular clearances and documents on board; and in case any vessel shall be met with, and be in her due course to the alleged port of her destination, an endorsement shall be made on one or more of the principal papers of such vessel, specifying the destination alleged, and the place where the vessel was so visited. And in case any vessel so laden shall arrive and deliver her cargo at any of our colonies, islands or settlements aforesaid, such vessel shall be permitted to receive her freight, and to depart, either in ballast, or with goods that may be legally exported in such vessel, and to proceed to any unblockaded port, notwithstanding the present hostilities, or any future hostilities which may take place; and a passport for such purpose shall be granted to the vessel by the Governor, or other person, having the chief civil command in such colony, island or settlement. G. R."

(c) Can any thing be more important to the United States, than to ascertain with unequivocal certainty the true principle upon which the Orders in Council are founded? If, as I conscientiously believe, they are founded upon the principle of exclusive dominion upon the ocean; what would be the effects of a war with France, which is recommended as a palliative by some gentlemen? Would it not be to rivet upon the United States the commercial shackles under which they are now groaning? In what character would this nation act with Great Britain in the war? As a colony, or as an independent nation? In the event of success in establishing the principle of the war, the exclusive dominion of Great Britain on the ocean; what share of jurisdiction would she deal out to the United States? What share could her rivals expect from her domineering pride, her spirit of monopoly, and her mercantile cupidity? Fellow citizens! ponder upon these questions!

(d) The following paragraph contains an extraordinary example of Mr. Canning's prevarications. It is taken from his letter to Mr. Pinkney, of the 22d November last. The object of writing this letter, appears principally to have been, to prepare Parliament, now probably in session, by anticipation, for the explanation of an assertion made by him to the preceding Parliament. It is presumed, he thought this assertion necessary to induce Parliament to give his energetic Orders in Council the form of law. Hear him, in his own words—

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"It is to these missions that I particularly referred, when I said that I had 'more than once expected you to open a correspondence with me upon the subject of the Orders in Council.' This expectation it was that alone prevented the sending instructions to Mr. Erskine to reply to the note addressed to him by Mr. Madison, on the 25th of March, in answer to that note of Mr. Erskine's in which he communicated the Orders in Council, and in allusion to these missions, particularly to that of the Osage, and to the expectation which had been founded here, upon the return here of that vessel after its voyage to France, &c. was, that I made that declaration in Parliament which, I see, has been the subject of some misapprehension, (I will not say misrepresentation) in America, that 'since the termination of Mr. Rose's mission, the American Government had not made any communication here in the shape of remonstrance, or in a tone of irritation.'"

The public will doubtless be surprised to be informed, that previous to Mr. Canning's making this unfounded assertion in Parliament, he had not only received from Mr. Pinkney the most pointed and eloquent remonstrance against these Orders in Council, within a very few days after they were first issued, but that he had also previously received the most formal and urgent remonstrance from Mr. Madison, dated — day of —, through Mr. Erskine; the medium of communication pointed out by himself. I had, on a former occasion, made such observations in the Senate upon this profligate conduct, as it appeared to me to merit. The repetition therefore was deemed unnecessary in this debate, although the subject was intimately connected with it. But as those observations have never found their way to the public view, and as it is deemed highly important that this transaction should appear in its true character before the public, I have thought proper to subjoin it by way of note; and merely to remark, that the assertion made by Mr. Canning was a false suggestion, both in its essence, and in its consequences; and even, according to the most indulgent construction of Mr. Canning's own dexterous explanatory equivocation, it is an intentional suppression of the truth. How far the British Parliament will be pleased, or feel itself disrespected, in being thus entrapped into a measure, involving the deepest interests of that country, is for its exclusive determination. But it must be peculiarly aggravating to the American people to be informed, that an attempt has been made to blot them from the list of independent nations, to colonize, and to tax them, upon no better foundation than a mere Ministerial stratagem.

Extracts from the Journals of the House of Commons.

"MERCURI, 8 DIE MARTII;

"Anno 13, Georgii Regis, 1726.

"Resolved, That an humble Address be presented to His Majesty, that he will be graciously pleased to give directions, that the memorial presented to His Majesty on Thursday last, by Monsieur de Palm, the Imperial Resident, may be laid before this House.

"Ordered, That the said Address be presented to His Majesty by such members of this House as are of His Majesty's most honorable Privy Council."

"LUNÆ, 13 DIE MARTII;

"Anno 13, Georgii Regis, 1726.

"And a complaint being made to the House, that the substance of the said memorial had been printed and published in a paper, entitled:

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"Translation of the memorial presented in Latin to the King of Great Britain, by Monsieur de Palm, the Imperial Resident, upon the Speech of his Britannic Majesty made to the two Houses of his Parliament on the 23-17 of January, 1726-'7.

"The said printed paper was brought up to the table, and read.

"The said printed paper is bound up with the other papers of this session.

"*Resolved, nemine contradicente*, That an humble Address be presented to His Majesty, to express the highest resentment of this House at the affront and indignity offered to his Most Sacred Majesty, by the memorial delivered by Monsieur de Palm, the Emperor's Resident, and at his insolence in printing and dispersing the same throughout the Kingdom; to declare their utmost abhorrence of this audacious manner of appealing to the people against His Majesty, and their detestation of the presumptuous and vain attempt, in endeavoring to instil into the minds of any of His Majesty's faithful subjects, the least distrust or diffidence in his most sacred royal word :

"To return His Majesty the thanks of this House for his care and vigilance in discovering the secret and pernicious designs of his enemies, and his goodness in communicating to his Parliament the dangers that threatened this Kingdom; and to assure His Majesty that this House will stand by, and support His Majesty against all his open and secret enemies, both at home and abroad; and effectually defeat the expectations of all such as may have in any manner countenanced, encouraged, or abetted, the disturbers of the public tranquillity, in this extravagant insult upon His Majesty; or flattered them with hopes, that an obstinate perseverance in their destructive measures could stagger the firmness of the British nation in vindication of His honor and in the defence of their rights and privileges."

"*Ordered*, That a committee be appointed to draw up an Address, to be presented to His Majesty, upon the said resolution.

"*VENERIS, 17 DIE MARTII;*

"*Anno 13, Georgii Regis, 1726.*

"The Speaker reported, that both Houses did, yesterday, attend His Majesty with their Address; to which His Majesty was pleased to give this most gracious answer:

"*MY LORDS AND GENTLEMEN:* Your unanimous concurrence in this dutiful and affectionate address gives me the greatest satisfaction. The just concern you express for my honor, and the dignity of the Crown, is very becoming a British Parliament; and this fresh proof of your confidence in me will convince the world that all attempts to divide our hearts and interests will be vain and ineffectual."

TUESDAY, February 14.

The Senate resumed the consideration of the motion made by Mr. HILLHOUSE yesterday; and

Resolved, That a committee be appointed to examine, and report whether any, and what, further regulations or provisions are necessary to check the allowance or payment of extravagant claims, or unreasonable accounts, and to prevent an improper expenditure of public money; and that the committee be authorized to call on the several Departments for such information and papers as may be necessary to aid them in their inquiry; and to report by bill or otherwise.

Ordered, That Messrs. GILES, HILLHOUSE, and CRAWFORD, be the committee.

Mr. GREGG, from the committee appointed on the subject, reported a bill authorizing an augmentation of the Marine Corps; and the bill was read, and passed to a second reading.

Mr. GREGG also reported a letter and estimate from the Secretary of the Navy, on the subject, for consideration.

A message from the House of Representatives informed the Senate that the House have passed a bill, entitled "An act extending the right of suffrage in the Indiana Territory, and for other purposes;" also, a bill, entitled "An act for the relief of Daniel Cotton;" in which they request the concurrence of the Senate.

The two bills last brought up for concurrence were read, and passed to the second reading.

A message from the House of Representatives informed the Senate that the House have passed a bill, entitled "An act for the disposal of certain tracts of land in the Mississippi Territory, claimed under Spanish grants, reported by the land commissioners as antedated, and for other purposes;" in which they request the concurrence of the Senate.

The bill was read and passed to the second reading.

PARTIAL REPEAL OF THE EMBARGO.

The Senate resumed the consideration of the motion made on the 28th instant, viz :

"That the several laws laying an embargo on all ships and vessels in the ports and harbors of the United States, be repealed on the 4th day of March next, except as to Great Britain and France, and their dependencies; and that provision be made by law for prohibiting all commercial intercourse with those nations and their dependencies, and the importation of any article into the United States, the growth, produce, or manufacture, of either of the said nations, or of the dominions of either of them."

Mr. BAYARD moved to strike out the following words.

"Except as to Great Britain and France, and their dependencies; and that provision ought to be made by law for prohibiting all commercial intercourse with those nations and their dependencies, and the importation of any article into the United States, the growth, produce, or manufacture, of either of the said nations, or of the dominions of either of them."

Mr. BAYARD addressed the Chair as follows:

It will be perceived, Mr. President, by the motion which I have made to amend the resolution offered by the honorable gentleman from Virginia, that I do not approve of the course which it seems the Government have determined at length to pursue. The honorable gentleman has told us, it is not his plan, and I give him credit for the fairness and candor with which he has avowed the measures to which he would have resorted. He would have raised the embargo and declared war against England. Being opposed in this scheme, by a majority of his friends, his next proposition was to issue letters of marque and reprisal. Finding, however, that the other

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House had refused to go even so far, he had, on the principle of concession and conciliation with his friends, agreed to take the course proposed in the resolution, in hopes that our vessels going upon the ocean and being captured under the Orders in Council, would drag the nation into a war; when, he presumed, the war being made upon us, we would agree to fight our enemy. Sir, it is upon this very ground, and considering this as its object, that I am opposed to the resolution. England is not our enemy, nor does a necessity exist to make her so. I am not going to deny that we have many, and heavy complaints to make against her conduct, nor shall I contend that causes do not exist which might justify a war; but I mean to say that policy forbids the measure, and that honor does not require it.

The gentleman has painted in very glowing colors, the wrongs and insults which we have suffered from British violence: he has recorded in his catalogue the offensive acts of British agents, as well as the injuries, pretensions, and orders of the Government. I do not mean to defend, nor even to palliate any aggressions, public or private, against the rights or honor of our country; but sir, I cannot conceal my surprise, that this gentleman, so much alive to British wrongs, should be insensible to everything which we have suffered from France. The gentleman has exhausted the language of terms of invective and reproach against the British Government and nation, but he has been silent as the grave as to the French. How can it be, that what is wrong in Britain is right in France? And wherefore is it, that the same acts of France are borne with patience, which, proceeding from Britain, excite such a spirit of indignation? You have the Orders in Council to complain of; but have you not the decrees of His Imperial Majesty? We are told that the Orders in Council give us laws, regulate our commerce, and degrade us to the state of colonies; but do they contain more, or do they extend as far as the imperial decrees? Do they make us more the colonies of Britain, than the decrees make us the colonies of France? And are we to invoke the spirit of liberty and patriotism to a resistance to Britain, while we are tamely yielding ourselves to French bondage? We are told of our vessels being forced into British ports and compelled to pay tribute; but nothing is said of their being invited into French harbors and then seized and confiscated.

With all the complaints against the British orders, and the silence as to the French decrees, ought we not to be surprised in discovering that the orders are exceeded in severity and injustice by the decrees? Let it be remembered that this system of outrage upon neutral rights originated on the part of France in the Berlin Decree—that decree, in effect, forbids neutrals to trade to England or her colonies, or to purchase or to carry their manufactures or produce. In commencing this system, France justified its principle, and compelled her adversary to retaliate by acts of the same injustice against neutrals who submitted to

it. Tell me which we have first and most to blame, the one who set the example, or him who followed it?

It is a consideration also of great weight, that at the time when the Berlin Decree issued, France was bound to the United States by a solemn treaty to permit the trade which that decree prohibits—a treaty signed by Bonaparte himself, and expressly providing for the freedom and security of our commerce with his enemy, in the event of war: and if the Orders in Council are a violation of the laws of nations, they are not, like the French decrees, a breach of plighted faith. The orders leave to us the direct colonial trade.

Our intercourse is not interrupted with the colonies and dependencies of France; but the decrees interdict all neutral commerce with the colonies and dependencies of England, as well as with the mother country. Your very ships which entered an English port are “denationalized,” and are liable, after the lapse of any time, though performing a voyage otherwise innocent, to seizure and confiscation.

Another feature of injustice and iniquity distinguishes the decrees from the orders. By the orders our merchants are apprized of the commerce which is interdicted. Full time for the notice of the prohibition is allowed, before the property is exposed by transgression of the orders, to be confiscated or seized. No such forbearance can be discovered in the decrees, which are to be indiscriminately executed upon the innocent and the guilty; upon those who never heard or could have heard of them, in the same manner as upon those who, knowingly, violate them.

I hope, sir, it will not be understood that I mean to defend the Orders in Council, or to advise this nation to submit to them; but I could wish to direct some portion of the warmth and indignation which has been expressed against them, against those decrees which produced them, and which exceed them in iniquity and outrage. The avowed object of the gentleman from Virginia is a war with England. On this subject I make but one question—is it possible to avoid it with honor?

If this possibility exists, the war ought to be avoided. And it is my opinion that it does exist. To this opinion I am in a great degree led by a want of confidence in the sincerity of the disposition of our Executive to settle our differences with Great Britain. Your measures have not been impartial as to the belligerents, and your negotiations have not been sincere as to England. The gentleman from Virginia has called this charge of insincerity a miserable vision. I believe, sir, it is a miserable and melancholy fact; and if you will have patience with me, I will furnish proof enough to support the belief even of the most incredulous.

I mean to show that your Government has had it in its power to secure peace with Britain by the settlement of the differences between the two nations, and that the means have not only been neglected, but means employed to prevent such a settlement from taking place.

It will be necessary for us to consider what those differences were.

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They may be referred to three heads:

1st. The rule, as it is called, of the war of 1756.

2d. Constructive blockade.

3d. Impressment of seamen on board of American merchant vessels.

I do not mean to say, that there were no other causes of complaint, arising from the indiscretion and insolence of the British commanders; but they had not the character of national differences, and would probably have soon ceased and been forgotten if the points of controversy between the Governments had been amicably arranged. To settle the differences which I have stated, a negotiation was opened in London, in 1803, and carried on till December, 1806. It is remarkable, that while this negotiation was depending and progressing, our Government had recourse to a step in its nature calculated to repel, instead of to invite the British Government to a friendly settlement. In April, 1806, they passed a law prohibiting the importation of certain British goods. The acknowledged object of this law was to coerce Britain to agree to our own terms. Did this law evidence a disposition to be friendly on our part, or was it calculated to inspire a friendly temper on the part of England?

It was fuel to the flame of discord. The British Government is not less high-spirited and proud than our own, and the attempt to force them to terms, was the likeliest course which could have been pursued, by provoking retaliation, to widen the breach between the two countries.

This measure, enforced when negotiation was going on, and promised a favorable result, is no small proof in my mind, that the Executive was satisfied with the forms of negotiation, but wanted no treaty with England.

I proceed to inquire whether our differences with Britain were not of a nature to be compromised; and if our Government had been sincerely disposed, whether they might not have retained the relations of amity with that Power.

First, as to the rule of 1756. This rule was founded on the principle, that a neutral could not acquire a right to trade by the cession of one belligerent in time of war, which did not exist but was withheld in time of peace. The rule was supported on the principle, that a neutral could not come in aid of a belligerent and cover its property on the ocean, when it was incapable of protecting itself.

I am not going to defend this rule, nor to inquire into its origin. Thus much I will say, that if it was the British rule of 1756, it was the express rule of the French maritime code in the years 1704 and 1744. I will not trouble you with the reading the decrees of the French Monarchs, which I have on the table, made in the years mentioned, and which prohibit to neutrals any but a direct trade to the colony of an enemy. Though the rule of 1756 may not be an ancient rule, yet we must admit it was a new rule, introduced in the present war, and contrived to ruin or injure the American commerce.

France was unable to trade with her colonies; the United States became her carriers, and under our flag, the manufactures of the mother country were safely carried to the colonies, and the produce of the colonies transported to Europe. This trade was certainly as beneficial to France as profitable to the United States. Britain only was the sufferer, and the rule of 1756 was revived in order to take from French commerce the protection of a neutral flag. Our Government were certainly right in claiming the free enjoyment of this profitable trade, but the only question is, whether the neutral and belligerent pretension did not admit of adjustment by each side making an equal concession of points of interest.

The Treaty of 1806, which the President rejected, fairly compromised the dispute on this subject. The eleventh article of that Treaty secured to the United States the carrying trade of France and her colonies, subject to terms somewhat inconvenient to the merchant, but rendering it no less beneficial to the nation. The treaty requires that goods exported from France or her colonies in American vessels shall be entered and landed in the United States; and when exported from France through the United States to her colonies, shall be liable to a duty of one per cent., and from the colonies to France of two per cent., to be paid into our own Treasury. This regulation of benefit to the Government, by the duty which it gave to it, was of little prejudice to the trade, and there is no room to doubt that the trade, thus secured from the spoliations to which it was before subject, would have flourished beyond its former limits.

Our differences, therefore, as to the carrying trade so much harassed by the British rule of 1756, not only admitted of compromise, but was actually settled by an arrangement in the Treaty of 1806, with which the nation would have been perfectly satisfied.

The second head of dispute regards the practice of constructive blockades. The complaint on this subject was, that blockades were formed by proclamations, and that neutrals were compelled to consider ports blockaded before which no force was stationed. That the principle of blockades was extended to unwarrantable limits, is most certainly true, and there is no question as to our having just cause to complain of the vexatious interruptions to which it exposed our trade. The present war between France and England is without a parallel between civilized nations; it is not a struggle for renown or ordinary conquest, but on the part of Britain for her independence and existence. Principles of neutrality or of right have been little regarded upon the land or upon the ocean; and the question with the belligerents has been less what the law of nations permitted them to do, than what their strength enabled them to accomplish. It is unlawful for a neutral to attempt to enter a blockaded port—but a port cannot be considered as blockaded unless a force adequate to the end is stationed before it. The blockades, therefore, which England created simply by a proclama-

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tion, were an abuse of which neutrals had just cause to complain.

The United States did complain, and these complaints were listened to by the British Government. The tenth article of the Treaty of 1806, has made provision on the subject; and though England has not renounced the principle of which we complain, yet it is qualified by the notice which is required to be given to the vessel attempting to enter a blockaded port, before she is exposed to seizure and confiscation. The provision in the treaty would no doubt have corrected in a considerable degree the abuse from which we had suffered, and it was our policy to have waited for better times for a completer remedy for the evil.

But, sir, the last head of dispute which I enumerated was made the chief and most important ground of complaint against the British Government—I mean the searching American vessels for British seamen. The right claimed by England was to seize her own seamen on board our private vessels. The right to search a public vessel, or to seize an American sailor, was never asserted by the Government. The claim, however, which was insisted on, involved a point of equal interest and delicacy to both countries. There is nothing novel in the pretension, that a nation engaged in war had a right to recall her subjects from foreign countries, or from foreign service, to assist her in the war.

Every nation in Europe has claimed and exercised the right. Our Government has not denied it; but the consequences of the manner of exercising it, have formed the ground of our complaint. Has a belligerent a right to search a neutral vessel for her seamen? I should suppose not. This question between other nations is of small importance. Between the United States and Britain, it is of great magnitude.

The sameness of manners, habits, language, and appearance, render it always difficult and sometimes impossible to distinguish between an English and an American sailor. If the right to search for British seamen were admitted, there would no longer be security for the American sailor; the right admitted, I have no doubt our navigation would be ruined. As an American, therefore, I would never concede the principle. Let us see however, how the case stands in relation to Britain. Her navy is the shield of her salvation—whatever impairs its strength diminishes its power and safety. Tenacious as she has ever been of personal liberty at home, yet when men are wanted for her fleets, the *habeas corpus* sleeps. Her sailors are her right arm, which withers as she is deprived of them. From the seductions of our maritime service she had everything to dread. Our merchants can give her seamen a dollar for every shilling which she is able to afford them.

They shall be better fed, more gently treated, and exposed less to hardship and danger. Let them find a secure asylum on board our merchant ships, and how soon will the decks be thinned of the English ships of war. Which has the most at stake on this subject, England or America?

I will not decide the question; but this is evident, that neither will ever unconditionally relinquish the principle for which she has contended. At the present crisis, it was impossible for our Government to expect the formal abandonment by the British Government of this right of search. What course, then, should they have pursued? They should have temporized on the point, as Britain was willing to do, and waited for a more propitious epoch, for the final arrangement of the dispute.

Your Commissioners, who negotiated the treaty, found that it was impracticable to obtain the cession of the principle for which they contended, and upon their own responsibility, to their great honor, to preserve the peace of the two countries, accepted assurances from the British Ministry, which in their opinion, and I have no doubt, in fact, would have effectually removed the abuses of which we complained. I beg pardon of the Senate for reading an extract from the letter of Messrs. Monroe and Pinkney, of the 3d of January, 1807, which contains the assurances to which I refer: "We are sorry to add, that this treaty contains no provision against the impressment of our seamen. Our despatch of the 11th of November, communicated to you the result of our labors on that subject, and our opinion that although this Government did not feel itself at liberty to relinquish formally, by treaty, its claim to search our merchant vessels for British seamen, its practice would nevertheless be essentially, if not completely, abandoned. That opinion has been since confirmed by frequent conferences on the subject with the British Commissioners, who have repeatedly assured us, that in their judgment, we were made as secure against the exercise of their pretensions, by the policy which their Government had adopted in regard to that very delicate and important question, as we could have been made by treaty. It is proper to observe, however, that the good effect of this disposition, and its continuance, may depend, in a great measure, on the means which may be taken by the Congress hereafter to check desertions from the British service. If the treaty is ratified, and a perfect good understanding produced between the two nations, it will be easy for their Governments, by friendly communications, to state to each other what they respectively desire, and, in that mode, to arrange the business as satisfactorily as it could be done by treaty." Such was the footing upon which our Commissioners were wisely disposed to leave this delicate affair. And would to God that our President, wishing as sincerely as his friends profess for him, to accommodate the differences between the two countries, had as prudently agreed to the arrangement made for him by his Ministers! What has been the consequence of this excessive anxiety to secure our seamen? Why, that your service has lost more sailors in one year of embargo than it would have lost in ten years of impressment.

But, sir, in this lies the secret—a secret I will dare to pronounce. Your President never meant

to have a treaty with Great Britain. If he had intended it, he would have taken the treaty of the 31st of December, 1806. If he had intended it, he would never have fettered the Commissioners with *sine qua non*s which were insuperable.

It was an invariable article in the instructions, to form no treaty, unless the claim to search merchant vessels for deserters was utterly abandoned; this was never expected, and at the arduous crisis at which it was insisted upon, it was impossible to expect it. And yet, rather than temporize upon the point; rather than accept the actual abandonment of the principle, without its formal renunciation, a treaty, the work of years, negotiated by his favorite Minister, and calculated to appease the animosities existing between the two nations, is rejected.

You will bear with me, sir, while I say that this precipitate and fatal measure is the cause of all the embarrassments which we have felt, which we are feeling, and which we are likely to suffer. I ask, why was this treaty rejected? We are told for two reasons—

1. Because it contained no engagement against the impressment of American seamen on board merchant vessels.

2. Because of the collateral declaration of the British Commissioners, that England retained the right to retaliate upon France the principles of her Berlin Decree, if the United States should submit to its execution.

I have shown, from the public documents furnished to us by the President, the footing upon which our Ministers placed the point of impressments.

Our Commissioners considered the assurances given by the British Ministers, a better pledge for the safety of our seamen than a formal provision in the treaty. But if these assurances had even not been given, the treaty would not have compromised our rights, or prejudiced our interests on the subject; in the mean time, it would have induced more friendly relations, and prepared both countries for such further concessions as their mutual interests might require. To me it is a matter both novel and surprising, to discover in our President this strong and unyielding attachment to the highest points of our maritime rights. I had thought before, that he was not so friendly to our Navy, to our merchants, and to our commerce.

I had thought that he would rather our ships were exchanged for farming utensils, and our seamen converted into husbandmen. But now, sir, it seems, so highly does he value our navigation, that he prefers hazarding all the calamities of war, rather than suffer one feather to be forcibly plucked from the wing of commerce.

Can any one believe that our Government seriously intended to conclude a treaty with England, when our Commissioners were instructed to make no treaty unless Britain formally consented that our merchant flag should protect every deserter from her navy?

The insertion of this *sine qua non* in the instructions is sufficient to satisfy my mind that

there was no sincerity in the negotiation which was carried on with the British Government.

We have been asked by the honorable gentleman from Virginia, (Mr. GILES,) whether it can be imagined that such men as KING, MONROE, and PINKNEY, would, have colluded with the Executive, or, if they would not have borne evidence of his insincerity if such had been the fact? Mr. King, he tells us, is a Federalist, to whom we have lately given proof of confidence and attachment. Mr. Monroe, he represents of a disposition not likely to be guilty of concealment through affection for the Administration; and Mr. Pinkney is said, also, to be a Federalist.

All this the gentleman may take as true. But, Mr. King, sir, was never engaged in this negotiation, and, as to Mr. Monroe and Mr. Pinkney, I most clearly acquit them of any collusion with the President, because, so far from colluding with him, they have acted against his secret and express instructions. Surely, I have no reason to doubt the sincere disposition of these gentlemen to make a treaty with England, when they concluded one under the responsibility of acting against their orders. No; my charge of insincerity against the Executive, is founded upon the documents, a long time secret, now public, and upon the nature of the objections which have uniformly obstructed the adjustment of our differences with Britain.

The second impediment to the ratification of the treaty was, the declaration of Lords Holland and Auckland which accompanied it. What did this paper impose upon us? Resistance to the Berlin Decree. And, will you permit me to ask, whether it was ever your intention to submit to that decree? You do not mean to submit to the Orders in Council, and does not the Berlin Decree go to the extent of those orders? Are you better prepared, or more disposed to submit to France than to England? No; I hope we shall agree to fight, before we consent that either of those Powers shall give laws to the ocean.

I know, at one time, it was pretended that the Berlin Decree was designed only as a municipal regulation; municipal, when it declared England and her dependencies in a state of blockade, and their manufactures and produce liable to capture! It is true that the Minister of the United States in France, got some such explanation of the decree from the French Minister of Marine. He did not consider it as derogating from the Treaty of 1800, between France and the United States. But, when the Emperor is applied to by the Grand Judge, his answer is, "that since he had not thought proper to express any exception in his decree, there is no ground to make any, in the execution, with respect to anything whatsoever." When the Minister of Marine was applied to for his construction of the decree, he gave his opinion, but affected not to be the proper organ of communication on the subject. In this, you see that craft and force were both united for the most destructive execution of the decree.

The decree was allowed to sleep for nearly a year; a public Minister delivers his opinion that

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it was not to infract our treaty, and, after our property, to an immense amount, is allured by these deceitful appearances into French ports, His Imperial Majesty declares, in effect, through his Minister of Justice, that the Treaty with the United States was not expressed as an exception in the decree, and, therefore, its provisions were to form no obstruction to its execution. So, sir, we have probably lost some millions of dollars by our anxiety to consider this decree as a municipal regulation. Suppose, however, it had not designed what its terms so plainly express—the blockade of the British isles. In such case, what embarrassment would our Government have incurred by agreeing to the proposition of the English Commissioners to resist the decree, if executed against our neutral rights? If France had confined the execution of the decree to her own ports, Britain could not have complained of the execution of her own law, within her own jurisdiction, and we should have had nothing to which we were to oppose resistance. But, suppose the decree had been executed on the ocean, and you had become bound to oppose its execution by force—would your undertaking have been greater than the offer you lately made to England in case she would repeal her Orders in Council?

I shall, hereafter, have occasion to view this subject in another point of light; but at present, I ask, did not Mr. Pinkney mean to tell Mr. Canning, under his instructions from the President, that, if Great Britain would repeal her Orders in Council, the United States would resist the execution of the French decrees? This is stated in the letter of Mr. Canning to Mr. Pinkney, of the 23d of August, 1808, and admitted, as it is not denied, in the letter of Mr. Pinkney to Mr. Canning of the 8th of October, in the same year. Your Government, then, would now agree to the terms which they so indignantly repelled when first proposed to them, and on the ground of which, in part, they refused the treaty which their Ministers had negotiated. It would seem, then, that no other material ground remains for the rejection of the treaty than the want of a formal clause to secure our merchant seamen against impressment.

Is it your intention ever to have a treaty with Britain, or, are the nations always to continue in a state of strife and contention? You were offered the Treaty of 1794, and you refused it. Messrs. Monroe and Pinkney negotiate a treaty in 1806. The President rejects it, and insists on a point in the most obnoxious form, which he knows will never be conceded, and without the concession of which no treaty is ever to be made. Does all this look like a sincere disposition to adjust our differences with England?

It is of importance, Mr. President, to consider, in the late negotiation, who were the men in power in the respective countries. Can our President expect ever to see an English Administration more disposed to treat upon favorable terms with this country, than the Fox Administration? The name of Fox is the most grateful English name that is known to an American ear. From

my childhood, I have heard that Fox was the friend of America. He was the early champion of our rights when Britain first attempted to deprive us of them. His voice was always raised in our favor, in opposition to the power of the Crown. Fox was at the head of the ancient Whig interest of England, and a firm supporter of the principles of freedom. He was, too, a philanthropist, and deemed, in sentiment, by some, a citizen of the world. He was, additionally, sir, a French citizen—as well as our worthy President.

I hope it will not be thought that I mention with any invidious view, this last circumstance. I state it, only, for the material purpose of showing the community of character between these great men, which recommend them to the fraternization of the French people. If Mr. Jefferson was not willing to accept the treaty which Mr. Fox offered him, from what administration in England can he ever expect a better? And may I not ask, also, if he can look to men in the United States in whom he will have more confidence, for their skill and integrity, than in those whom he employed in the late negotiation? We have all heard that Mr. Monroe was his early and bosom friend, and we have all seen that he has been his favorite Minister.

Let us, also, not forget the time when the treaty was concluded. No time could have been more propitious. It was at the moment when England was sinking under the triumphs of her adversary. Bonaparte had just broken to pieces the power of Prussia, driven the Russians to their frontier, and converted their Emperor from an enemy into an ally. If you are not satisfied with the terms which England was willing to grant you at a moment of depression, can you look for better when she has less to fear from your enmity, or to hope from your friendship?

You find, sir, that your President was favored by every circumstance in the negotiation of the treaty which he finally rejected.

It is not a little remarkable that he should have undertaken to reject this treaty without consulting the Senate, his Constitutional advisers. He was in possession of a copy of the treaty, while the Senate were not allowed to see it. He would not trust their opinions upon it. They might have approved it, and the responsibility would have been still greater to have rejected it after they had agreed to it. You will pardon me for speaking plainly. It is my duty to express my conviction, though I may happen to be wrong.

To me it has always appeared that your President was taken by surprise when he found a British Treaty laid at his door. His instructions to his Ministers precluded the possibility of a treaty, and it never entered his head that they would have been daring enough to conclude a treaty against his orders. But, the Ministers having obtained what they considered the substance, disregarded the form, and sent a treaty as little looked for as desired.

I do not mean to contend that the President was bound to lay this treaty before the Senate,

but, in exercising the power to reject it without their advice, he took upon himself a great responsibility, and is answerable for all the consequences of an act exclusively his own. To this act, in my opinion, may be attributed the present embarrassments of our country. Had the treaty been accepted, our trade would have flourished, as heretofore, and with it, our agriculture, manufactures, and the fisheries. But it pleased our Chief Magistrate to reject it, and every day has since added to the gloom which has spread over our country.

In this condition was the state of our affairs, when an unexpected event occurred, calculated to inflame to the highest pitch the animosity of our citizens against the British Government. I allude to the attack of the *Leopard* upon the *Chesapeake*, in June, 1807. In relation to this outrage, the people of America felt but one sentiment. A more wanton, flagitious, and perfidious act was never perpetrated. It is an act which America never will, nor ought to forgive, till it is expiated by adequate satisfaction. But still, sir, we must restrain our indignation, while we inquire whose act it was, and who is answerable for it. The material inquiry is, was it, or has it become the act of the British Government?

The British Minister, as soon as the news of the occurrence reached him, voluntarily and unasked, declared that it was unauthorized by the Government. He disavowed it in Parliament, and the King himself confirmed the disavowal.

It rested then as the act of Admiral Berkeley. The nation, however, were bound to make satisfaction for the injury done us by their public servant. If they refuse adequate satisfaction, they adopt the act. The Government were sensible of this obligation, and they took steps to comply with it. They sent a special Minister, for the sole purpose of making reparation for the injury we had suffered. This Minister we received, and agreed to consider the outrage which had been committed, as the act of Berkeley. Considered as the act of the Government, it would have been an act of open war. You commence a negotiation as to the terms of reparation, but here the same spirit which rejected the treaty, baffles every effort to accommodate this new cause of offence.

When informed of the attack upon one of our public vessels by a British man of war under the orders of an Admiral, our Government had reason to apprehend that no individual, however high in rank, would have hazarded so daring an outrage without the authority of his Government.

With this view, and to preserve peace and tranquillity in our harbors, we may consider the President as justified in issuing his proclamation, interdicting the entrance of British armed ships into the waters of the United States. But, sir, the moment it was ascertained that the act of Berkeley was unauthorized, so soon as the Government had solemnly disavowed it and offered reparation, the proclamation ought to have been withdrawn. Are you permitted to punish a nation for the acts of its subjects, in which it does not participate? The law and the practice of civilized nations on this point, is explicit and uniform.

When the subject of one Power offends against the sovereignty of another, this will not justify retaliation upon other subjects of the same Power with the one who offended. It has uniformly been our own doctrine, and it is the common interest of mankind to maintain it, that in such case you must apply to the sovereign of the party offending, and abstain from any act of hostility till he refuse you reparation. This course our Government did not pursue; for the act of an individual they retaliated against his nation.

Upon the grounds which have been stated, you may excuse the issuing of the proclamation; but what excuse is there for its continuance, when we acknowledge ourselves, in treating for reparation, that the act complained of is the act of an individual, and not of his Government?

A proclamation like the one issued, without adequate cause, was a breach of neutrality, and a just cause of war. For, to admit into your ports and grant succor to the armed ships of one belligerent, while you exclude those of the other, is not consistent with that impartiality which belligerents are entitled to claim from neutrals. The point was so understood and so felt by the British Government, and they required, as they had a right to do, that as they had not committed the act complained of, the proclamation, which had an operation or appearance of hostility against them, should be recalled. If they refused reparation, we had a right to redress ourselves; but had we a right to take the redress into our own hands, and at the same time to require them to make us reparation? When you ask justice, you must expect to do it. A nation should be as ready to perform its duties as to insist upon its rights. The British Government had given sufficient evidence of a disposition to grant satisfaction for the injury done us, by sending to the country a special Minister for the purpose; that Minister was instructed to make voluntary reparation, but to grant none under the coercion of the proclamation. In his first communication to the Secretary of State, he informed him that his powers did not allow him to make reparation unless the proclamation was withdrawn. The affair was then managed with sufficient adroitness to catch the popularity of the country; when it was known that the proclamation must be first withdrawn, its revocation and reparation were proposed by the Secretary as simultaneous acts. Why was this proclamation so tenaciously insisted on? If you had revoked it, and the reparation offered was deemed insufficient, you would have no difficulty in renewing it. It is no task to our President to issue a proclamation; at most, we contend only for a point of etiquette, a thing important perhaps in a monarchy but very little respected among us Republicans. Give me leave to say, that in this negotiation I soon became persuaded, that the difference in question was not to be settled by itself, but was to stand open in the general account. If there had been a sincere desire to settle it, the paltry measure of the proclamation would not have formed an obstacle for a moment.

I have here a new and great proof that the Ex-

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Executive is not sincerely desirous of a full and friendly settlement of all differences with England. It may be difficult to trace the motive which governs; but I can plainly discover the same spirit now, which agitated the nation in 1795; a spirit then subdued by the mighty influence of Washington, but which has since risen with increased strength, and now dominates.

I consider, sir, that the measures of the Administration have been not only insincere, but extremely feeble; they will not settle the differences with England, and yet have not courage openly to quarrel with her. They pass a non-importation act to punish the impressment of seamen and the aggressions upon our carrying trade; they exclude by proclamation British armed ships from our waters to avenge the outrage on the Chesapeake; and what benefit to ourselves or detriment to our adversary have these measures produced? They are calculated to increase the animosity between the nations, but I know of no other effect they can produce. So far, indeed, have they been from constraining Britain to accede to our terms, that they have rendered her more regardless of our rights and interests. She has since given us new and more feeling causes of complaint by her Orders in Council of the 7th of January, and the 11th of November, 1807. These orders take from us the trade of nearly all Europe. They are the counterpart of the French decrees. God forbid that I should justify them! I will never admit that France or England has a right to make laws for the ocean; nor shall I ever hesitate, when they insist on the execution of such laws, to declare myself for war. I am as free as any gentleman in this Senate, to protest against submission to the decrees of France or the orders of England; but is not submission to the decrees as disgraceful as submission to the orders? The gentleman from Virginia said nothing of the decrees; nothing of a war with France—his resentment was confined to Britain.

We have, sir, to choose our enemy between these two nations. We are hardly equal to a contention against both at the same time.

How does the case stand in relation to them? The Emperor first issues his Berlin Decree, interdicting our trade to England and her colonies; England then gave us notice, if you allow France to prevent your trading with us, we will not suffer you to trade with France. If you are tame enough to submit to a French decree, you will surely not be too proud to yield to British orders. Assure us that you will resist the execution of the decree, and we will not retort its principles upon you. This our Government declined doing, and left England to pursue her own course. Her Government then issues the order of the eleventh of November, retaliating the Berlin decree. I do not defend this order; but if the Administration had resisted, as they ought to have done, the Berlin decree, we should not have seen the order. What now is to be done? England insists on her orders, as a measure of retaliation against France. Prevail on France to repeal her decrees, or agree to resist the execution of them; and if

England then executes her orders, I will be as ready as any man to go to war with her.

No such course has been taken, but what have we done? Laid an embargo. And for what purpose did we lay the embargo? This is a subject of conjecture to some; but our Government tell us, it was to preserve our ships, our sailors, and our mercantile capital. Some have said to preserve them from the operation of the Orders in Council. When the embargo was laid the Orders in Council were not known in this country.

Of this fact I want no stronger proof, no stronger can exist, than that the President in his Message to Congress, in which he recommends the embargo, says not a word of these Orders in Council. No, the embargo was not produced by the Orders in Council, nor by anything which we heard from England, but by news which had then been recently received from France.

We are told the embargo was to save our ships, our sailors, and mercantile capital. I do not believe that such was its object, but if such were its purpose, we have been miserably disappointed. The embargo for a short period might have been a prudent measure. As a step of precaution, to collect our seamen and mercantile capital, I never have complained of it. But it is insulting to common sense, to propose it as a scheme of permanent security, as it must daily consume, and finally annihilate the objects of its preservation. Your ships once in, and the danger known, you should have left your merchants to their own discretion. They would have calculated the profits and the perils, and been determined by the balance of the account. No class of society is more capable of taking care of itself.

It is said we have preserved our seamen. The President has as gravely repeated this remark in his Message, as he recommended to us to devise means to dispose of our surplus revenue, at a moment when it was evident that the situation of our country would drain the Treasury of its last dollar.

Where are your sailors? They are not to be seen in your ports. One half that were employed by you have passed into foreign service, and many that remain, are to be found begging in your roads and at your doors.

As to our ships and mercantile capital, the one-tenth part of the loss from decay and waste and want of employment, would have paid for an insurance against every danger to which they would have been exposed. It is not my intention, Mr. President, to detain you with any details on this subject, as I should be compelled to repeat the same things which have been stated by other gentlemen on a former occasion. But there are some general views of the subject not undeserving of notice, which yet remain to be taken.

If the embargo were ever a measure of precaution it certainly has long lost that character. As a measure of coercion, it was hopeless unless completely executed. If the party to be coerced was partially supplied, the object was defeated.

Now I ask you, sir, if your Government ought

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not to have been acquainted with its own powers, its own people, and its own situation, well enough to have known that it was impossible for it to confine the whole produce of the country within its limits for any length of time? Ought they not to have seen the vast temptations which have arisen and presented themselves, as well to our own citizens as to foreigners, to combine in order to break or elude your laws? Ought they not to have known that with our extent of coast and frontiers, with our numerous waters, that a wretched gunboat navy, aided even by ten thousand regulars, was not capable of covering our borders and shutting up the numberless outlets of the country? Could they expect that patriotism was to feed and clothe the people of the North; or that thousands would submit to starve in order to contribute to the success of an experiment?

We all know that the opposition to the embargo in the Eastern States is not the opposition of a political party, or of a few discontented men, but the resistance of the people to a measure which they feel as oppressive and regard as ruinous. The people of this country are not to be governed by force, but by affection and confidence. It is for them we legislate; and if they do not like our laws, it is our duty to repeal them.

It is madness to talk of forcing submission when there is general dissatisfaction. Your Government is in the hands of the people; it has no force but what it derives from them; and your enforcing laws are dead letters when they are once driven to resist your measures.

It would sir, be some consolation, amid the sufferings which this miserable system has caused, if, in looking abroad, we could discover that the nations who have injured and offended us felt its oppression only equally with ourselves. But when we find that we have been scourging ourselves for their benefit and amusement, when they can tell us with indifference and contempt that they feel for us, but that we must correct our own folly; instead of meeting with the poor comfort which we expected, we are overwhelmed with accumulated mortification.

Was this a measure against France? No; the Emperor commends the magnanimous sacrifice which you have made of your commerce, rather than submit to British tyranny on the ocean. His Imperial Majesty never approves what he does not like, and he never likes what does not comport with his own designs. I consider it admitted that the embargo was intended to coerce England; and that the gentleman from Virginia now contends that, if it had been strictly executed, it would have had that effect. Nothing has happened that common foresight might not have foreseen. The gentleman has read to you extracts from an English pamphlet, published before the embargo was laid, which predicts the very evasions of the law, the discontents it would produce, and the opposition it would meet with, which we all have had the melancholy opportunity of witnessing. I know the pamphlet was referred to for another purpose—to show that Brit-

ish gold or influence had corrupted or seduced the Vermontese before the embargo was imposed. The gentleman may believe the fact to be so, if he pleases; but I say, sir, that your Government here, with all its means of information, ought to have known as much about the condition of Vermont as a pamphleteer on the other side of the Atlantic.

It seems now to be admitted, and the fact is too evident to be denied, that the embargo has failed in its coercive effect upon Britain. The want of bread, cotton, or lumber, has neither starved her subjects nor excited them to insurrection. Some gentlemen have shrewdness enough to discover an effect in an English price current, which might, to be sure, have been owing to the embargo, or might have been produced by the operation on the market of some private speculations. But it has enriched Canada, and has taught the islands their policy and ability to live without us.

Would to God, Mr. President, that the embargo had done as little evil to ourselves as it has done to foreign nations!

It is ourselves who are the victims of this miserable experiment. Your Treasury will lose at least fifteen millions of dollars, and your country, in addition, not less than forty. This tax has not been so much felt, though it has not in truth been less paid, because the embargo has not taken the money out of our pockets, but only prevented it going into them. This measure has been not only ruinous to our interests, but it is hostile to the genius of our Government. It calls for an increase of your regular Army, and a vast augmentation to your military force. Ten thousand bayonets were not sufficient to enforce it, but fifty thousand volunteers (as I have seen by a bill on the table) were to be invited to assist in its execution.

That measure of an Administration which arms citizen against citizen, or requires the soldier to act against the citizen, is baneful to liberty. If persevered in, there would soon be an end of free government.

The effect is also to be deprecated, upon the spirit of your military. They are called upon to execute the laws they are unable to construe, and, in obeying their orders, are exposed to the commission of murder.

Your naval forces are sent out to cruise, not for enemies, but for defenceless fellow-citizens, and they return to boast, not of a gallant battle, but of a miserable seizure, which may bring poverty upon some wretched family in their own country.

It has been often said, in defence of the embargo, that the nation had nothing left but that measure, submission, or war. Can you distinguish between the embargo and submission? Can you pretend to say what is a voluntary self-restriction imposed as a matter of choice? Can it be denied that it has been forced upon us by the conduct of one or both of the belligerents? And, with a full knowledge of the fact, can you describe it as anything but vile, abject submission?

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France tells you, you shall not trade to Britain; you obey her. Britain tells you, you shall not trade with France; you submit. You have not resisted the Decrees or Orders, but have complied with the object of both. We have borne the burden of the embargo till it has almost broke our backs, and even when we are sinking under it, we pretend to say, it is no task to bear it. In this case, it is then said, there only remained submission or war. Submission I put out of the case. I trust in God it never entered into the head of one American. But I deny that war is necessarily the alternative; and I never will admit it, till I see sincere efforts made to accommodate our differences with England. The President, in his Message at the opening of Congress, would give us the impression that Britain had refused the last and the fairest offer it was in the power of our Government to make, in order to preserve peace. It will be important for us to understand the nature and extent of that offer. The proposition, no doubt, was made by Mr. Pinkney, in conformity with his instructions. To avoid error, I will take the liberty of reading to the Senate the words of Mr. Pinkney to Mr. Canning on the subject, in his letter of the 23d of August last:

"I had the honor to state to you sir, that it was the intention of the President, in case Great Britain repealed her orders, as regarded the United States, to exercise the power vested in him by the act of the last session of Congress, entitled 'An act to authorize the President of the United States, under certain conditions, to suspend the operation of the act laying an embargo on all ships and vessels in the ports and harbors of the United States, and the several supplementary acts thereto,' by suspending the embargo law and its supplements as regards Great Britain. I am authorized to give you this assurance in the most formal manner."

Now, sir, what is the amount of this boasted offer? Nothing more than the assurance of our Minister, of an intention of the President to remove the embargo in case the Orders in Council were actually repealed. Great Britain was to repeal her Orders, allow the President to make the most of that act with her enemy, and trust to his executing his good intention when it should suit his good pleasure. The offer to England related only to the embargo, when this experimental measure, so far from being injurious to her, was adding wealth and strength. It leaves her navigation without a rival on the ocean, and has restored to her more seamen than she could have impressed in ten years. Well may Mr. Canning say there is no assignable relation between the removal of the embargo and the repeal of the Orders in Council.

The President had instructed his Minister to assure the British Government that the embargo was designed solely as a municipal regulation, operating in favor of Britain, if she will relieve us from the pressure of a measure adopted against her enemy. But, let me ask, was there any offer made to rescind the proclamation or to repeal the non-importation law? Two measures much more offensive and hostile to Great Britain than the embargo. With these laws in force, it was a

mere mockery to offer the removal of the embargo. What more proof do we want, than this transaction affords, that the Executive has not been sincere in his endeavors to restore a good understanding between this country and England? And therefore it is that I contend war is not unavoidable with that nation. I confess, sir, I should think a war with England, one of the greatest evils which could befall this country, not only from the sufferings which it would inflict upon it, but also from the fatal connexion with France to which it would give birth.

We have seen what has been the course of the Government in relation to Britain; and I will beg a few moments to examine what has been its conduct in regard to France. The last proposition made to Britain is well known—the documents fully disclose it; but what at the same time was proposed to the French Government? This we know little of. We have not been furnished with the correspondence with that Government on the subject. The transaction is covered with a dark and impenetrable veil. The President tells us in his Message that the same proposals were not made to the two belligerents; and it would seem, from what he hints, that the offer to France in case she repealed her decrees, was to join her in the war against England. It cannot be denied, that we have lost more by the spoliation, and have been more harassed under the arbitrary edicts of France, than of England. By the Treaty of 1800, we gave up more than twenty millions of dollars which had been seized, and confiscated in France. Since that time we are officially informed, that an amount nearly equal has been seized, and confiscated or sequestered. She has wantonly burnt our ships on the ocean and made no compensation. Her Berlin decree, of the 21st of November 1806, commenced the present system of outrage upon neutral rights. In effect it interdicts all trade with England and her colonies. This is followed by the Milan decree of the 17th of December, 1807. Under this edict an American vessel which has been searched, or visited against her will, by a British cruiser, or is proceeding to, or returning from England, is liable to be captured as good prize. And finally, to complete this monstrous system, comes the Bayonne decree, the 17th of April 1808, which declares every American vessel, found upon the ocean, liable to seizure and confiscation. Opposed to these accumulated violations of our neutral rights, what step has our Government taken against France?

Have they passed a non-importation act, issued a proclamation, or imposed an embargo? The last measure is general in its terms, but is avowedly against England alone. No, they have contented themselves with memorializing, remonstrating, and protesting. Against England we took every step short of war, against France we have employed nothing but gentle words. Has your Government then shown an equal resentment against the wrongs suffered from these two Powers?

It may be from the habit of enduring; but we

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do not feel an aggression from France with the same quickness and sensibility that we do from England. Let us see, sir, the same conduct observed with regard to both belligerents; let us see the impediments to a friendly settlement with Great Britain removed; let us witness a sincere effort made, to regulate the intercourse of the two nations by a treaty formed on principles of mutual concession and equal interest, and I will answer for it, if Great Britain persists in her orders, that you will find no division in this country, on the question whether we shall submit to them or resist their execution.

Permit me, Mr. President, to detain you a few moments longer. I am sensible that I have already trespassed upon the indulgence of the Senate, and I shall hasten to conclude the remarks which I have thought it of importance to make upon the resolution which has been submitted.

The objects of the resolution are embargo, non-intercourse, and non-importation, as to England and France and their colonies. The existing embargo is to be repealed only in part, one-half the channel of your rivers is opened, the other half is to be embargoed; and vessels may proceed to sea, but they must not pass through the embargoed waters. I can well conceive of one port in the United States being embargoed and the others open; but of an embargo which gives the right to every vessel in the harbor to leave it, I confess I have no comprehension. I should have supposed that the honorable gentleman might have ventured to repeal the embargo generally, and trusted to the provisions on the subject of non-intercourse to accomplish what seems to be the object in view, in partially retaining it. Sir, it is a strange insatiation that the name of this odious measure should be preserved, when the thing itself is abandoned.

And what, sir, are we to gain by a non-intercourse? It can never benefit the nation—it is nothing more than a part of that miserable musquito system, which is to sting and irritate England into acts of hostility. I have no doubt she sees the object, and she will take care not to give us the advantage which would be derived from war being commenced on her part. But, I ask, what will be the effect of non-intercourse? I see no other than that it will require two voyages instead of one to transport our produce to the markets of the interdicted countries. You carry your merchandise to Lisbon, and there deposite it; and from thence it is carried in foreign ships to England and France. Who will pay the expense of this circuitry of transportation? The United States. It will be deducted from the price of your produce. Can the gentleman contrive no system which will operate with less severity upon ourselves than upon those whom he deems our enemies? If the resolution has no design, but what is apparent on the face of it, it is evident that its sole operation is against ourselves. Its inevitable effect will be to reduce the profit of what we have to sell, and to increase the expense of what we have to purchase. I can perceive also, sir, that it will be a measure of unequal pressure upon dif-

ferent sections of the country, and that its weight will fall heaviest upon that part of the Union already too much galled to suffer any addition to its burden. The lumber, the live stock, the fish, and the articles of common exportation to the Eastward will not bear the expense of double freights. Will they thank you for repealing the embargo, and adopting a substitute which continues to shut the ports of the North while it opens those of the South? Will they thank you for a measure which deprives them even of the miserable consolation of having fellow sufferers in their distress? If this resolution be adopted you do nothing to heal the wounds which you have inflicted. If New England loses her trade she will derive no comfort from its being under a non-intercourse, and not under an embargo law.

It is a part of the resolution, that we are to import no produce or merchandise from England, or France, or their colonies. Do you expect, sir, that a law to this effect could ever be executed, in time of peace? As to the manufactures of England she can make them the manufactures of any country in Europe; she will give you the exact marks, and stamps, and packages of any place to which your trade is open, and she will defy you to distinguish her fabrics from those they attempt to imitate. But, sir, the consequence chiefly to be dreaded from such a measure would be the practice of smuggling, to which it would certainly give birth. Can you expect in one moment to change the habits of a whole country? We know, sir, the power of habit: it is a second nature. Can an act of Congress instantly change your nature? No, sir—they who can afford it, will have what they have been accustomed to. They will pay any price for articles, without which, perhaps they can scarcely exist. Smuggling must follow—and will follow with forgery and perjury in its train. It is the honor and character of your trading people which now protects you from smuggling. Break down this sentiment, habituate them to perjury, destroy the disgrace attached to this violation of your law, and you lose half the security and means you have in the collection of your revenue.

The complaint has been made, that while we find fault with the measures proposed, we refuse to point out the course we would have the Administration to pursue. I have, sir, no hesitation on my part to disclose my opinion, or to offer the humble assistance of my advice on the subject. In a few words I will tell you what I would do: Place England and France upon the same footing, by repealing the non-importation act, rescinding the proclamation, and repealing the embargo. Then ask for, and insist upon adequate reparation for the affair of the Chesapeake. Make a treaty with Great Britain, if as good terms could be obtained as those in either of the treaties which have been refused. Agree to resist the execution of the Berlin Decree, and if she afterwards persisted in her Orders of Council, declare war against her. Such would be my course. War would be the last resort, and I believe, in my conscience, we should never be driven to it, if the course were pursued

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with a sincere disposition to preserve peace. Permit me, sir, to notice one remark of the honorable gentleman from Virginia, which had escaped me, and I am done. The gentleman told us that the removal of the embargo was designed as a concession to our Eastern brethren. I rejoiced to hear this sentiment of forbearance. Such sentiments give hopes that the Union may still be preserved. We have been led to the brink of a tremendous precipice—another false step, and we shall be lost in the abyss. Our safety is in treading back our steps. We have lost our way. Some *ignis fatuus* has beguiled us. There is a path of safety and honor—the path the nation once trod. Let us endeavor to regain it, and invoke the spirit of WASHINGTON to lead us once more into it!

The question was now taken on Mr. BAYARD's amendment, and determined in the negative—yeas 8, nays 23, as follows:

YEAS—Messrs. Bayard, Gilman, Goodrich, Hillhouse, Lloyd, Parker, Pickering, and White.

NAYS—Messrs. Anderson, Condit, Crawford, Franklin, Gaillard, Giles, Gregg, Howland, Kitchel, Leib, Mathewson, Milledge, Mitchell, Moore, Pope, Reed, Smith of Maryland, Smith of New York, Smith of Tennessee, Sumter, Thruston, Tiffin, and Turner.

On motion of Mr. HILLHOUSE to postpone the further consideration of the motion, it passed in the negative.

On the question to agree to the original motion, it was determined in the affirmative—yeas 22, nays 9, as follows:

YEAS—Messrs. Anderson, Condit, Crawford, Franklin, Gaillard, Giles, Gregg, Howland, Kitchel, Leib, Mathewson, Milledge, Mitchell, Moore, Pope, Reed, Smith of Maryland, Smith of New York, Smith of Tennessee, Sumter, Thruston, and Tiffin.

NAYS—Messrs. Bayard, Gilman, Goodrich, Hillhouse, Lloyd, Parker, Pickering, Turner, and White.

Ordered, That Messrs. GILES, SMITH of Maryland, and CRAWFORD, be the committee to bring in a bill accordingly.

Mr. SMITH, of Maryland, from the committee to whom was referred the bill, entitled "An act making appropriations for the support of Government during the year 1809," reported the bill without amendment.

WEDNESDAY, February 15.

On motion, by Mr. SMITH, of Maryland,
Resolved, That a committee be appointed, to join such committee as may be appointed on the part of the House of Representatives, to consider whether any, and, if any, what, measures ought to be adopted for the further accommodation of the President of the United States, for the term commencing the 4th day of March next, to report by bill or otherwise.

Ordered, That Messrs. SMITH of Maryland, WHITE, and SUMTER, be the committee on the part of the Senate.

Mr. GREGG gave notice that he should tomorrow ask leave to bring in a bill to amend the charter of Georgetown.

The Senate resumed, as in Committee of the

Whole, the bill, entitled "An act making appropriations for the support of Government during the year 1809;" and the PRESIDENT having reported the bill to the House amended, it was ordered to the third reading as amended.

The bill authorizing an augmentation of the Marine Corps was read the second time.

Ordered, That the consideration thereof be postponed.

The bill, entitled "An act for the relief of William White and others," was resumed, and the consideration thereof postponed until Monday next.

On motion, by Mr. SMITH, of Maryland, the bill, entitled "An act making appropriations for the support of Government during the year 1809," as amended, was read the third time, by unanimous consent, and passed.

The bill, entitled "An act for the relief of Daniel Cotton," was read the second time, and referred to Messrs. WHITE, SMITH of Maryland, and SUMTER, to consider and report thereon.

The bill, entitled "An act for the disposal of certain tracts of land in the Mississippi Territory, claimed under Spanish grants, reported by the land commissioners as antedated, and for other purposes," was read the second time, and referred to Messrs. ANDERSON, FRANKLIN, and CRAWFORD, to consider and report thereon.

The bill, entitled "An act extending the right of suffrage in the Indiana Territory, and for other purposes," was read the second time, and referred to Messrs. POPE, TIFFIN, and SMITH, of Tennessee, to consider and report thereon.

The Senate resumed the consideration of the motion made the 8th instant, that provision ought to be made by law, for interdicting all foreign armed ships from the waters of the United States;" and having agreed thereto,

Ordered, That it be referred to Messrs. GILES, SMITH of Maryland, and CRAWFORD, the committee to whom was yesterday referred the motion for the repeal of the embargo laws, to consider and report thereon.

THURSDAY, February 16.

The bill authorizing an augmentation of the Marine Corps was resumed, as in Committee of the Whole; on motion, by Mr. REED, to strike out the words "one Major," it was determined in the negative—yeas 10, nays 17, as follows:

YEAS—Messrs. Condit, Crawford, Franklin, Howland, Kitchel, Leib, Mathewson, Moore, Reed, and Turner.

NAYS—Messrs. Bradley, Giles, Gilman, Goodrich, Gregg, Hillhouse, Lloyd, Milledge, Mitchell, Parker, Pope, Robinson, Smith of Maryland, Smith of New York, Sumter, Tiffin, and White.

And no amendment having been made to the bill, on the question, Shall this bill be engrossed and read a third time? it was determined in the affirmative.

A message from the House of Representatives informed the Senate that the House agree to the resolution for the appointment of a joint commit-

tee to consider whether any measures ought to be adopted for the accommodation of the President of the United States, for the term commencing the 4th of March next, and have appointed a committee on their part.

Mr. GILES, from the committee appointed on the 14th instant, on the subject, reported a bill to interdict the commercial intercourse between the United States and Great Britain and France, and their dependencies, and for other purposes; and the bill was read, and passed to the second reading.

Mr. GILES gave notice that he should to-morrow ask leave to bring in a bill to provide for the better government of the Navy of the United States.

Mr. GREGG obtained leave to bring in a bill supplementary to the act, entitled "An act to amend the charter of Georgetown;" and the bill was read, and passed to the second reading.

And on motion, the Senate adjourned until to-morrow.

FRIDAY, February 17.

Mr. TIFFIN, from the committee to whom was referred the bill, entitled "An act extending the right of suffrage in the Indiana Territory, and for other purposes," reported the bill without amendment; and the bill was considered as in Committee of the Whole; and no amendment having been proposed, it was ordered to the third reading.

Mr. TIFFIN, from the committee, reported the bill authorizing an augmentation of the Marine Corps, correctly engrossed; and the bill was read the third time, and passed.

The bill supplementary to the act, entitled "An act to amend the charter of Georgetown," was read the second time, and referred to Messrs. GREGG, FRANKLIN, and THRUSTON, to consider and report thereon.

Mr. GILES asked and obtained leave to bring in a bill supplementary to the act, entitled "An act for the better government of the Navy of the United States;" and the bill was read, and passed to the second reading.

A message from the House of Representatives informed the Senate that the House have passed a bill, entitled "An act for imposing additional duties upon all goods, wares, and merchandise, imported from any foreign port or place," in which they ask the concurrence of the Senate.

The last bill brought up for concurrence was read, and passed to the second reading.

On motion, by Mr. LLOYD,

Resolved, That a committee be appointed to confer with the Surveyor of the Public Buildings, relative to the accommodation of the Senate at the next session of Congress.

Ordered, That Messrs. THRUSTON, LLOYD, and GREGG, be the committee.

The PRESIDENT communicated the report of the Secretary of War, in compliance with the fifth section of the "Act to regulate and fix the compensation of clerks;" and the report was read, and ordered to lie for consideration.

And on motion, the Senate adjourned.

SATURDAY, February 18.

Mr. FRANKLIN gave notice that he should on Monday next ask leave to bring in a bill freeing from postage all letters and packets to Thomas Jefferson.

Mr. SMITH, of Maryland, from the joint committee appointed to consider whether any, and, if any, what, measures ought to be adopted for the further accommodation of the President of the United States, for the term commencing the 4th day of March next, reported a bill making provision for the further accommodation of the household of the President of the United States; and the bill was twice read by unanimous consent, and ordered to lie for consideration.

The bill, entitled "An act for imposing additional duties upon all goods, wares, and merchandise, imported from any foreign port or place," was read the second time, and referred to Messrs. SMITH of Maryland, FRANKLIN, and BRADLEY, to consider and report thereon.

Mr. THRUSTON, from the committee to whom was referred the motion relative to the accommodation of the Senate, at the next session of Congress, made report; which was read, and ordered to lie for consideration.

Mr. ANDERSON, from the committee to whom was referred the bill, entitled "An act for the disposal of certain tracts of land in the Mississippi Territory, claimed under Spanish grants, reported by the land commissioners as antedated, and for other purposes," reported amendments; which were read, and ordered to lie for consideration.

Mr. WHITE presented a memorial from sundry citizens of the State of Delaware, praying a repeal of the embargo laws, for reasons mentioned in the memorial.—Laid on the table.

The bill supplementary to the act, entitled "An act for the better government of the Navy of the United States," was read the second time, and considered as in Committee of the Whole; and the PRESIDENT having reported the bill to the House amended, on the question, Shall this bill be engrossed and read the third time as amended? it was determined in the affirmative.

The PRESIDENT communicated the petition of a number of French citizens of the Territory of Michigan, praying that Congress would authorize an edition of the laws relating to that Territory, as well as the most important general laws, in the French language, for reasons mentioned in the petition; which was read, and referred to Messrs. THRUSTON, BRADLEY, and MITCHILL, to consider and report thereon.

The bill, entitled "An act extending the right of suffrage in the Indiana Territory, and for other purposes," was read the third time, and passed.

MONDAY, February 20.

Mr. GREGG, from the committee to whom was referred the bill supplementary to the act, entitled "An act to amend the charter of Georgetown," reported amendments; which were read, and ordered to lie for consideration.

Mr. GILES submitted the following motion:

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Resolved, That a committee be appointed to inquire into the expediency of amending the act, entitled "An act to establish the judicial courts of the United States," in such a manner as that the circuit and district courts of the United States shall be subjected to, and be regulated by, the laws of the several States in which they shall be held, which are now in existence, or may hereafter be enacted, regulating the issuing of process, the proceedings thereon, and the suspension thereof: *Provided*, The same shall not extend to process on behalf of the United States.

Mr. FRANKLIN asked and obtained leave to bring in a bill freeing from postage all letters and packets to Thomas Jefferson; and the bill was read, and passed to the second reading.

The bill to interdict the commercial intercourse between the United States and Great Britain and France, and their dependencies, and for other purposes, was read the second time, and considered as in Committee of the Whole; and the PRESIDENT reported the bill to the House amended.

On motion, by Mr. REED, to strike out of the 14th section, the following words: "and to cause to be issued, under suitable pledges and precautions, letters of marque and reprisal against the nation thereafter continuing in force its unlawful edicts against the commerce of the United States," it was determined in the negative—yeas 11, nays 14, as follows:

YEAS—Messrs. Condit, Franklin, Gilman, Goodrich, Hillhouse, Lloyd, Mathewson, Parker, Pickering, Reed, and Sumter.

NAYS—Messrs. Anderson, Crawford, Gaillard, Giles, Gregg, Howland, Milledge, Moore, Robinson, Smith of Maryland, Smith of New York, Smith of Tennessee, Tiffin, and Turner.

And the bill having been further amended, on the question, Shall this bill be engrossed and read a third time as amended? it was determined in the affirmative.

Mr. TIFFIN, from the committee, reported the bill supplementary to the act, entitled "An act for the better government of the Navy of the United States," correctly engrossed; and the bill was read the third time, and passed.

The Senate resumed, as in Committee of the Whole, the consideration of the amendments reported by the select committee to the bill, entitled "An act for the disposal of certain tracts of land in the Mississippi Territory, claimed under Spanish grants, reported by the land commissioners as antedated, and for other purposes;" and, having agreed thereto, the PRESIDENT reported the bill to the House amended accordingly. And the bill having been further amended, it was ordered to the third reading, as amended.

The Senate resumed, as in Committee of the Whole, the bill making provision for the further accommodation of the household of the President of the United States; and the bill having been amended, the PRESIDENT reported it to the House accordingly. On the question, Shall this bill be engrossed, and read the third time, as amended? it was determined in the affirmative.

On motion, the Senate adjourned.

TUESDAY, February 21.

The credentials of JOSEPH ANDERSON, appointed a Senator for the State of Tennessee, by the Executive of that State, from and after the expiration of the time limited in his present appointment, until the end of the next session of the Legislature thereof, were presented and read, and ordered to lie on file.

The Senate resumed the consideration of the motion submitted yesterday, and,

Resolved, That a committee be appointed to inquire into the expediency of amending the act, entitled "An act to establish the Judicial Courts of the United States," in such a manner as that the Circuit and District Courts of the United States shall be subjected to, and be regulated by, the laws of the several States in which they shall be held, which are now in existence, or may be hereafter enacted, regulating the issuing of process, the proceedings thereon, and the suspension thereof: *Provided*, The same shall not extend to process on behalf of the United States.

Ordered, That Messrs. GILES, BAYARD, and ANDERSON, be the committee to consider and report thereon.

The bill freeing from postage all letters and packets to Thomas Jefferson was read the second time, and considered as in Committee of the Whole; and no amendment having been proposed, on the question, Shall this bill be engrossed and read a third time? it was determined in the affirmative.

The Senate resumed, as in Committee of the Whole, the bill supplementary to the act, entitled "An act to amend the Charter of Georgetown;" and the PRESIDENT having reported the bill to the House amended, on the question, Shall this bill be engrossed and read a third time? it was determined in the affirmative.

Mr. TIFFIN, from the committee, reported the bill making provision for the further accommodation of the household of the President of the United States correctly engrossed; and the bill was read the third time, and passed.

Mr. TIFFIN, from the committee, reported the amendments to the bill, entitled "An act for the disposal of certain tracts of land in the Mississippi Territory, claimed under Spanish grants, reported by the commissioners as antedated, and for other purposes," correctly engrossed; and the bill was read the third time, as amended.

Resolved, That this bill pass, with amendments.

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Mr. TIFFIN, from the committee, reported the bill to interdict the commercial intercourse between the United States and Great Britain and France, and their dependencies, and for other purposes, correctly engrossed; and the bill was read the third time, and the blanks filled—section three, with the words *twentieth* and *May* in two instances.

On motion by Mr. BRADLEY, the words, "or being pursued by the enemy," were stricken out of the first and third sections, by unanimous consent.

Mr. LLOYD addressed the Senate as follows:

Mr. President: When the resolution on which

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this bill is founded was brought forward, I had expected it would have been advocated—as a means of preserving peace—as a menace to the belligerents, that a more rigorous course of conduct was about to be adopted towards them, on the part of the United States, provided they continued to persist in their injurious decrees, and Orders in Council—as giving us time to prepare for war—or as a covert, but actual war, against France and Great Britain.

I feel indebted to the honorable gentleman from Virginia, (Mr. GILES,) for not only having very much narrowed the consideration of this subject, but for the open, candid, and manly ground he has taken, both in support of the resolution and the bill. I understood him to avow, that the effect must be war, and that a war with Great Britain; that, notwithstanding the non-intercourse attached to this bill, the merchants would send their vessels to sea; those vessels would be captured by British cruisers; these captures would be resisted; such resistance would produce war, and that was what he both wished and expected. I agree perfectly with the gentleman, that this is the natural progress, and must be the ultimate effect of the measure; and I am also glad, that neither the honorable Senate nor the people of the United States can entertain any doubts upon the subject.

I understood the gentleman also to say, that this was a result he had long expected. Now, sir, as there have been no recent decrees, or Orders in Council issued, if war has been long looked for, from those now in operation, I know not what excuse those who have the management of our concerns can offer to the people of the United States, for leaving the country in its present exposed, naked, and defenceless situation.

What are our preparations for war? After being together four-fifths of the session, we have extorted a reluctant consent to fit out four frigates.

We have also on the stocks, in the navy yard and elsewhere scattered along the coast, from the Mississippi to the Schoodick, one hundred and seventy gunboats, which, during the summer season, and under the influence of gentle western breezes, may, when in commission, make out to navigate some of our bays and rivers, not, however, for any effectual purposes of defence, for I most conscientiously believe, that three stout frigates would destroy the whole of them; and of the enormous expense at which this burlesque naval establishment is kept up, we have had a specimen the present session, by a bill exhibited to the Senate, of eight hundred dollars for medical attendance, on a single gunboat for a single month, at New Orleans. If other expenditures are to be made in this ratio, it requires but few powers of calculation to foretell that, if the gunboats can destroy nothing else, they would soon destroy the public Treasury.

We have also heard of a project for raising fifty thousand volunteers, which has, I believe, been very properly stifled in its birth, and we have appropriated, during the present session, one hundred and fifty thousand dollars towards the erec-

tion, repairing, and completion, of our fortifications. A sum about equal to the expenditure of the British Government for six weeks, or two months, on a single fortress in the Province of Canada, and which sum, with us, is to put into a state of defence, against the naval power of Great Britain, an exposed and accessible maritime frontier of two thousand miles in extent!

In contemplating war, it is also proper to advert to the state of the Treasury. Under such an event, and with any serious preparation for war or actual prosecution of it, the present funds would soon be exhausted. How soon cannot be stated, because the amount of them cannot be accurately ascertained. A part, and a considerable part, of the money now on hand, does not belong to the public. It is the property of the merchants; it is deposited in the Treasury as in a bank, to be checked for, whenever that commerce, which Mr. Jefferson, in his Notes on Virginia, most emphatically says, our country *will have*, shall be again reopened.

And thus situated, what are the projects offered for replenishing the public coffers in future? It is the duty of the Secretary of the Treasury to develop the resources of the nation, and to point out new sources of supply, whenever the usual channels are impeded. He has designated three modes. The first, if executed, embraces, in my view, and I am sorry to say it, a marked violation of the public faith. It is the suggestion of stopping drawbacks on merchandise, which, in many instances, the merchants, from a reliance on the stability of your laws, and the integrity of the Government, have imported expressly for exportation, and not for domestic use or consumption in this country, and which exportation you have prevented them, alike contrary to their inclinations and their interests, from making for a longer period than ever was known or endured in any other nation.

The second project is one which, in my opinion, would do little honor to the genius of any man. It is a sweeping project for doubling, at the moment, the duties on every description of imported merchandise, on which a duty is now payable. Without notice to the merchant, without inquiry, without discrimination, without distinction between the necessities of the poor man and the luxuries of the rich one; between the indispensable raw materials of the manufacturer and the useless decorations of fashion. By which, bohea tea and Madeira wine, brown sugar and cosmetics, coaches and carpenters' tools, are all, by a single stroke of the pen, raised in the same ratio; and a duty of 100 per cent. on the present rates, without favor or affection, equally recommended to be imposed on the whole of them.

The third project is certainly not a novel one; it is simply that of shifting the burden off our own shoulders on to those of our successors: it is that of borrowing money on loans.

I have been, sir, among those who have respected the intelligence and acuteness of the Secretary of the Treasury. I have thought the office very ably filled; nor has my estimation of his

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talents been diminished from the few personal conferences I have had with him since I have been in this city; but if his fame rested on no firmer a basis than the reports made to Congress the present session, in relation to enforcing the embargo laws, and to our fiscal concerns, then an infant's breath might easily burst the bubble. At any rate, it may very truly be said, that if such are our preparations for commencing, and our resources for continuing a war, they are those which will serve neither to inspirit ourselves, nor to frighten our enemies.

If we are to have war, with whom is it to be prosecuted—not in terms I mean, but in fact? Certainly not with France. Her few possessions in the West Indies have probably, by this time, ceased to belong to her, and between her European territories and the United States a gulf intervenes, a power is interposed, which neither the Emperor of the West nor the King of the Two Americas can either fathom or resist.

It then appears, if we are to have war, it is to be a covert war, with the two belligerents, but in reality an actual war with Great Britain alone, and not a war with both France and Great Britain, as the face of this bill seems to import.

If this be the determination of our Government, and the war is to commence at a future day, and not instantly, what is the course which policy would dictate to this country to pursue? Certainly not a prohibition of the importation of her manufactures. A long period of years must elapse before we can furnish for ourselves many articles we receive from her even of the first necessity, or those which, from habit, have become such to us. We should, therefore, sedulously endeavor, not only to guard against exhausting our present stock, but to adopt every means in our power to replenish it.

It would be expedient to throw wide open the entrance of our ports for importations, to overstock as much as possible the United States with British manufactures. This would procure for us a double advantage; it would promote our own accommodation, by giving us the means of commencing and prosecuting war with fewer privations, and it would powerfully tend to unite the interests of a certain class of the inhabitants of that country with our own—for, as the mass of importations from Great Britain are made on long credits, should a war ensue before such credits are cancelled, it is obvious, that, until the conclusion of the war, those debts could not be collected, and this circumstance alone, to a certain extent, might operate as a preventive check to war, or, at any rate, would secure in the bosom of the British nation a party whose interests and feelings would be intimately connected with a speedy return of peace.

By adopting a non-intercourse antecedent to a state of war, our own stock of supplies becomes exhausted, the British merchants have time and notice given them to collect, or alienate, by assignment, their debts in this country. A warning is given them to buckle on their armor; their good disposition towards us is not only changed, but

embittered, and the very persons, who, in the one case, might possibly prevent a war, or be instrumental in effecting the restoration of peace, would in the other, probably be among the most willing to rush into the contest, from the impulse of temper, and from the conviction that their own circumstances would not be deteriorated by its consequences.

A non-intercourse would also be attended with great hazard and disadvantage. It would be as well understood by others as by ourselves; it could alone be considered as the precursor of war; and the blow would be struck, not when we were prepared, but when our opponents were ready for the contest; and should this bill go into operation, it is very possible, that during the ensuing Summer, some of our cities may exhibit heaps of ruins and of ashes, before expresses could convene at the seat of Government even the heads of our departments.

Another evil would arise, and that a permanent one; whether a non-intercourse eventuated in war or peace, it would materially and adversely affect both the habits of the people and the revenue of the State. Many of the articles which are now imported from Great Britain are indispensable for our comfort, and some of them for our existence. The people cannot do without them: the consequence must be, that, instead of being regularly imported, the articles will be smuggled into this country, and thereby the price not only becomes greatly enhanced to the consumer, but the duties are wholly lost to the Government.

Hitherto, the revenue of the United States arising from impost has been collected with a degree of integrity and punctuality highly honorable and unexampled in the history of commercial nations. This successful collection of duties has not however been effected by the employment of swarms of revenue officers, spies, and informers, as in other countries; it has been infinitely more effectually secured, by an honorable pride of character, and that sentiment of affection which was naturally excited in the hearts of freemen towards the Government of their choice, and a Government under which, in the main, they have experienced much prosperity. But barriers of this description, like other high-toned sentiments of the mind, being once broken down, can with difficulty be restored, and the chance of materially impairing this, in reality, "cheap defence of nations," should, in my opinion, of itself, afford a sufficient reason for the rejection of all measures of doubtful policy.

In a country nearly surrounded by, and every where intersected with, navigable waters, encompassed by a frontier beyond the ability of ten Bonaparte armies to guard, and inhabited by a race of men unrivalled for hardihood and enterprise, and at present in a state of poverty, the temptation of great prices will be irresistible—for there is no truism in morals or philosophy better established than the commercial axiom, that demand will ultimately furnish a supply.

There are, undoubtedly, periods in the history

of a nation, in which a contest would be both honorable and indispensable, but it should ever be the result of great deliberation, and in an extended republic, perhaps, of necessity. That government is most wise and most patriotic, which so conducts the affairs of the nation over which it presides, as to produce the greatest ultimate good; and when a nation is attacked at the same time by two assailants, it is no reflection on its honor or its bravery, to select its opponent; and on principles of reciprocity, independently of those of interest, the first aggressor would undoubtedly be entitled to the first notice.

Who then has been the first aggressor? I answer, France. The Berlin Decree is in a great measure the cause of our present difficulties. In justification of France in doing this, I know gentlemen resort to the convention between Russia and Great Britain in 1793, to prohibit a supply of grain to France; but this is by no means sufficient justification to France, even without referring to a decree to the same effect issued in May of the same year by France, while she was ignorant of the secret stipulation between Russia and Great Britain.

For a long period, and among most of the maritime nations of Europe, the right of inhibiting a supply of provisions to an enemy, was tacitly acquiesced in, or expressly admitted. This practice existed even so long ago as the Mithridatic war, and has probably been followed up, without an interval at any one time of fifty years, from the commencement of the Christian era to the present day. This attempt therefore of Great Britain to injure France, formed no excuse for France to attempt to injure Great Britain by violating the commerce of the United States.

On the 31st of December, 1806, the British Government formally notified the American Government, that Great Britain would consider an acquiescence in the Berlin Decree on the part of neutral nations, as giving to her (Great Britain) the right to retaliate in the same way against France.

Had the American Government, at this period, manfully and explicitly made known its determination to support our rights at all hazards, I have no belief that our present difficulties would ever have existed.

In May succeeding, advices were received of French privateers, under this decree, depredating upon American vessels in the West Indies; and during the same month the ship *Horizon*, in distress, was thrown by the act of God on the French coast, and was seized under the same authority.

In November, 1807, the British, in conformity with their notice, issued their retaliating order. A prior Order in Council of January, 1807, had been issued, but this only affected vessels trading between different ports of France, or between ports of France and her allies; a trade always obnoxious to suspicion, and one which during war must ever be expected in a great degree to be restricted, and which is also interdicted by a standing law of the French Government, passed in 1778, and confirmed by the present Emperor.

Then followed in succession, on the part of France, the Milan and Bayonne decrees. The last of which dooms an American vessel to condemnation from the exercise of a right universally acknowledged to belong to belligerents, and one which the neutral has no possibility of preventing, that of being spoken with by an enemy cruiser, which from her superior sailing there was no possibility of avoiding. In point of principle, this is the most outrageous violation of neutral rights ever known, and this, too, took place under the existence of a treaty made within a few years by the same person who issued these very decrees. While with Great Britain we have no treaty, and whose orders are expressly bottomed upon and limited in duration by the French decrees, and issued after having given twelve months' notice of her intention to oppose them in this way, and the Orders in Council are even as yet not co-extensive in principle with the French decrees.

I have, in taking this brief view, confined myself exclusively to the decrees and orders of the two Governments, without adverting to other causes of complaint on either side. I consider myself as warranted in doing this, from the American Government having explicitly taken this ground, and made known, that, on the removal of the decrees and orders, it would, on our part, remove the embargo, and restore the accustomed intercourse between the two countries.

From this consideration of the subject, it irresistibly follows, that France was the first aggressor on us, in issuing her decrees—that in point of principle, they are much more outrageous violations of right than the British Orders in Council—that the latter originate from, and co-exist only with the former, and that France should of consequence be the first object of our vengeance.

The effects of a war with one or the other nation, would be as distinctly perceptible. With France it would make no difference to us. For as long as she continues her decrees, commerce with her could not be prosecuted—no man would be mad enough while her coast is lined, and the ocean covered with British cruisers, to send his vessel to France, where she would meet with certain condemnation for being even seen and spoken with by a British frigate. With France therefore, the actual difference arising from passing this bill, and declaring a non-intercourse would be next to nothing.

With Great Britain the effects would be reversed. No one now doubts her ability or disposition to carry her orders into effect, nor her preparation to extend the theatre of war. If we commenced war upon France, as she would be the common enemy of both nations, there is no doubt in my mind that our differences with Great Britain would be favorably settled, that the commerce of the world, excepting as it respects France and her allies, would be again open to us, and that a trade, which has hitherto employed nearly seventy millions of our capital, might be again accessible to the industry and enterprise of our citizens.

Reverse this picture, admitting that you have

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a war with Great Britain, what will be its consequences? If your citizens are united, you can capture Canada, Nova Scotia, and New Brunswick; when you have effected this, what remains next to be done? You have reached the *ne plus ultra* of your ability. Thenceforward your ports are hermetically sealed. Privateering, from the convoy system adopted by Great Britain, could not be successfully prosecuted; no food for enterprise remains, and thus you would remain, five, ten, or fifteen years, as the case might be, until the wisdom and good sense of the nation predominated over its passion, when an accommodation would be made with Great Britain, following her example with regard to her West India conquests restoring the captured provinces, enriched by American population and industry, and giving us perhaps a treaty, still less favorable than the much execrated instrument of 1794, which, bad as it was said to be, has proved a *cornucopia* of wealth to our country, if it produced nothing less than a thirteen years' peace and which, to my view, is vastly preferable to its abortive successor of the year eighteen hundred and six.

As a young people, neither our duty nor our interest requires that we should enter into a war with any nation without a rational prospect of success. If we are to engage in a war with Great Britain, it will be a war of no ordinary cast—whose effects and duration no man can distinctly foretell; such a war cannot be carried on with a divided people, with “restrictive energies,” or paper resolutions—it must be a war to be prosecuted at the expense of the blood, the treasure, and perhaps the prosperity of the country.

Such a war ought never to be undertaken by a young nation, by a Republican people, unambitious of conquest, already possessing territory enough for “the thousandth generation,” except under circumstances of the most urgent necessity, and after every honorable, open, and reciprocal effort to preserve peace had been in vain attempted.

In this country it may emphatically be said the *vox populi* is the *vox Dei*. The Government, whatever may be its disposition, cannot go to war without the people; and the people, intelligent in many parts of the country as their rulers, knowing their own interests, and knowing also, who will have to sustain the burden of the contest, will not engage in any but a just and necessary war, and then only after the necessity has been made obvious to their comprehension.

It is the policy of this Government to spread information before the people, they can therefore judge for themselves. With regard to our foreign relations, they have not before them all the facts; they have however enough to present to them the singular spectacle, that we are about to declare a non-intercourse with two nations; with one of which it must produce a destructive war, while the other enemy, if it be proper so to style her, who furnishes the root of the system, chuckles at the measure we adopt, ostensibly to annoy her—praises our embargo, and speaks in the most recent and official communications of her Government, to us, as joined in a common cause with

her; and publicly declares “that the allies of France and the United States sacrifice, with a resolution equally generous, their private conveniences, in repelling from all points the English commerce, and employing the means calculated to promote that end.”

What will the Government of Great Britain and the people of this country, after hearing this, think of the rumors now afloat? That the French Minister, apparently well satisfied with his situation, has engaged a house near the city of Baltimore on a three years' lease? That the President's confidential Secretary, leaving the duties of his recent appointment as a captain in the army, is going to France, while a six-dollar bearer of despatches, I know not whom, is going to England; and that even at this moment, when all intercourse is to be interdicted, we are, from the exuberance of our philanthropy, cutting our own throats, and sending cotton seed to France in a Government vessel, to teach them how to supplant us in the cultivation of the great staple commodity of our own country.

To say the least of it, the people will perceive in a non-intercourse, or in its synonyme, war, an uncommon, if fortuitous coincidence with the views of one belligerent, in opposition to those of the other, and will not at present, in my belief, concur in such a coincidence if they can constitutionally prevent it.

The recollection is yet too vivid, of the enormities of the French Revolution; of the more recent but still more extended atrocities of her imperial Government; the violation of her treaty with us; the gross infractions of our rights; the unmeasured contempt and disgrace she has heaped upon us; to permit for a moment the people of this country, either in terms or in substance, to join with her “in a common cause to repel from all points the English commerce, and to employ the means calculated to promote that end.”

In the Northern and Eastern sections of the United States, the great majority of the people are, as I believe; ready for a war with France, if the Government choose to direct it, as being the war first called for, by a regard to the honor and interest of our country, and as being the nation with whom, according to the observations of the gentleman from Virginia, made some time since, we are already in a state of actual hostility.

With Great Britain they would not readily engage in war, until all hope of accommodation shall have vanished; and to evince this, a new negotiation, another effort at adjustment, ought still to be made. The attempt to produce peace can disgrace no nation not in danger of immediate subjugation.

If this negotiation be undertaken and conducted with publicity—in the spirit of amity, moderation, frankness, and reciprocity, and with a due regard to the existing and peculiar circumstances of the times, and it should fail, then the boon so ardently desired, by every honest man in the country, that of union, would be attained. In such case, there would be but one voice in the Republic—the nation would be united as one man, and

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would be ready, at the command of their rulers, to take the path to death or victory.

This is the course which, in my humble opinion, the United States ought to pursue.

As to the commercial effects of a non-intercourse with Great Britain and France and their respective dependencies, and with any country or place in the actual possession of Great Britain or France, and a prohibition to import their manufactures or produce, I shall not waste the time of the Senate minutely to consider it.

No trade would remain, which could be prosecuted without fraud, humiliation, or disgrace; no one would mistake a non-intercourse for a pacific measure; distant voyages, therefore, those of the Northwest coast of America—to China, Manilla, Batavia—to the Arabian and Persian Gulfs, would not be undertaken; with a non-intercourse hanging over their heads, our merchants would not even venture to send their vessels to the Brazils.

In Europe, who can tell whether Spain or Portugal are in the actual possession of France or Great Britain? They both have armies there, or on the frontiers, and neither nation has a Government. No honorable Senator of this House, nor any collector in the United States, can now tell, whether a merchant has or has not a right, under this law, to send a vessel to either of those countries; and if he did, and the French or the British were the conquerors before her arrival there, whether such vessel would or would not come within the penalties of this act.

Yes, sir, we can trade elsewhere, we can go to the lawless States of Barbary, and perhaps make Algiers a great emporium for American merchandise—to the Azores or Western Islands—to Sweden, the most impoverished country in Europe, and where half a dozen ships loaded with West India produce would overstock all her markets. We could also for a short time trade to St. Bartholomews, in the West Indies—I mean until actual war commenced. But wherever a depot was opened it would be instantly glutted with American produce, which, from a combination among the purchasers, would be sold for a song; while British manufactures would come to us by a circuitous route, and at an immense price, covered with perjuries, and doubly plated with Russian, Prussian, Dutch, and German certificates.

The consequence of all this must be, that the products of the Southern States, the corn, wheat, flour, cotton, and some of the tobacco, would find a bad market; while the bulky and more perishable articles of the North—the fish, which in warm weather cannot be rehandled, and the lumber, which from its bulk and little value cannot pay two freights, would, under this non-intercourse, be nearly as unsaleable as under the embargo; while, worse even than this, our excommunicated opponents would get their supplies on cheaper terms than they have ever received them since we have been a nation. I have no hesitation in saying, that such a trade as this would be superlative degradation, and that it ought not to be prosecuted by any independent people.

Mr. HILLHOUSE said: As it regards the future destinies of our country, the bill on your table is one of the most important that has engaged the attention of Congress. This bill marches us to the precipice, from which the next step may plunge the nation into a war, incalculable as to calamity and duration. Under circumstances like these, the duty I owe to myself, my constituents, and my country, requires me to come forth boldly, and speak my sentiments in plain language.

I am sorry, sir, we have not the whole information to which we are entitled before we are called on to decide this question. The bill is predicated on the principle of the entire failure of the negotiation with the great belligerents; the whole correspondence, therefore, ought to be before us, that we may perfectly understand what is our situation in relation to those Powers. But I know, sir, and every Senator must know, we have not that information. It is withheld from us. It is manifest, from the documents which have been communicated by the President of the United States, that there has been a double-gear'd correspondence between our foreign Ministers and the Department of State. An official correspondence, and a private correspondence. As regards England, we have very little of the private correspondence. As regards France, we have but a small portion of either the official or private correspondence. Can any one believe, that, during such a critical period of our affairs with that nation, for very long intervals there should have been no communications or correspondence between our Government and our Minister at the Court of France? The very letters we have, refer to others which must contain important information. Why this concealment? Sir, being denied the direct and clear evidence in the possession of our Government, we must depend on such information as we can find. This must be my apology for some of the circumstances which I shall state in the course of my remarks; circumstances to which I should not have been under the necessity of resorting, if all the correspondence, official and private, had been laid before us. Such as was not proper to be made public might have been sent confidentially, as is frequently done. It ought to be known before we determine on committing the peace of the nation.

Before I proceed to general remarks, I will notice some few of the details of the bill; on which I shall, however, be very concise, as the whole is radically wrong, and incapable of amendment. This is the first attempt in legislation to have a partial embargo on the same port. I know it is not unusual to have a partial embargo, that is, an embargo on a particular port, or certain ports. But that all the ports should be embargoed and not embargoed at the same time, is a novelty, is what I cannot understand. The very nature of an embargo is to confine vessels in port; and how can vessels be confined and not confined by the same act? The gentlemen who prepared this bill were not so wanting in knowledge in the affairs of legislation as not to understand this business perfectly. The only possible use there can

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be in keeping alive the embargo act, the supplementary embargo acts, and the enforcing statute, is to avail themselves of the military force, and of the odious and oppressive provisions contained in them, to aid in the execution of this measure, without incurring the popularity which might be attached to the re-enacting of like provisions in this bill. The fact is, however, that all the provisions in those various acts for carrying them into effect, so far as regards France or England, or their colonies and dependencies, are virtually adopted by this bill.

Section eleventh of this bill authorizes the President of the United States, "in case either France or Great Britain shall so revoke or modify her edicts, as that they shall cease to violate the neutral commerce of the United States, to declare the same by proclamation; and thereupon cause to be issued letters of marque and reprisal against the nation thereafter continuing in force its unlawful edicts." The Constitution says: "The Congress shall have power to declare war, grant letters of marque and reprisal, and make rules concerning captures on land or water." The exercise of this authority, given by this section to the President, to grant letters of marque and reprisal, is to rest on the revocation or modification of the edicts of France or Great Britain, so as not to violate the neutral commerce of the United States. And this complicated question is left to the judgment and unlimited discretion of the President. His individual opinion on the nature of a variety of edicts not specified, and which will admit of various constructions, is to govern. If the condition on which such a power was to be exercised, were some specified event, certain and precise in point of fact, which is not this case, it might be questioned whether the Constitution would, even then, warrant Congress in delegating to the President the power of declaring war, or of granting letters of marque and reprisal.

The thirteenth section provides that no vessel shall be allowed to go on a foreign voyage, unless, among other things, bonds are given, in some instances in double, and others in four times the value of the vessel and cargo; "nor unless every other requisite and provision of the second section of the act"—(the enforcing act) "shall have been complied with." One of which is, that bonds shall be given to six times the value of vessel and cargo. It cannot be the intention that bonds, in some instances to eight, and others ten times the value, should be demanded; and yet I may ask, how are you to get along with the positive provision in this section? Perhaps, indeed, it may be done with the aid of the present learned Attorney General, who has such a wonderful facility of explaining away positive statutes.

Section fourteen contains a provision directly opposed to that part of the Constitution which says, "no preference shall be given by any regulation of commerce or revenue to the ports of one State over those of another."

By this section all the ports of the United States are released from certain oppressive and

burdensome restrictions respecting their coasting trade, excepting the collection districts adjacent to the territories of a foreign nation, which are to remain subject to those restrictions, amounting almost to a total prohibition of their coasting trade. No such exception is to be found in the Constitution; and if Congress may thus single out the ports of one district, why not those of a State, and thereby wholly arrest the commerce of a State which may be so unfortunate as to fall under the displeasure of the Administration? If the Constitution may be departed from in one instance, what security is there that all imposts, duties, or excises, shall be uniform—that capitation or other direct tax shall be according to the census—or that no tax or duty shall be laid on the exports? As well, nay better, might a tax or duty be laid on the exports of a particular port, than that their coasting trade should be burdened according to the provisions of those several acts.

I will close my remarks on the details of the bill with some notice of the nineteenth and last section, which seems to be a favorite one with the gentleman from Maryland, (Mr. SMITH,) because it repeats, after the end of the next session of Congress, the several embargo acts, and the enforcing statute. Sir, I have no confidence in this provision. We find such a clause tacked to almost every bill which may hazard popularity. By examining the statute book, you will find a great number of important laws resting on such a clause; and before the close of almost every session we pass a short bill, containing perhaps three or four lines, further to continue such laws in force to the next or some future session of Congress.

Mr. President, it has been with very great concern that I have viewed the progress of our affairs in regard to our foreign relations, since the discussion on the resolution I had the honor to submit, for the repeal of the embargo. It is with deep anxiety, I contemplate the passing such an act as is now under consideration. The embargo has produced discontents of a very alarming nature. This bill, if it should unfortunately pass, may drive the people to desperation. The embargo has destroyed our commerce. This bill, if carried into effect, will destroy the benefits of commerce, and may involve us in war. If the provisions of the bill are not intended to be executed, it would be degrading to the Government, it would be dishonorable to pass it; as it would be holding out a lure, nay an invitation, to our citizens to become violators of our laws, and expose us to the derision of the world.

Suppose the act passed, and rigorously executed, what would be the consequence? Every man of common sense in our country can tell you. Our produce would be confined to a few ports, one or two, perhaps, in the West Indies, the market would be glutted, and it would not bring one-third its value. British and other merchants would purchase at their own price, and transport it to markets where wanted, at an immense profit. Such articles of foreign growth and manufacture as were admitted would be at an exorbitant price,

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but many articles of indispensable necessity would be excluded altogether.

It will be remembered, that, when the embargo bill was on its rapid march through the Senate, at the last session, I did not fail to warn them of the danger of passing such an act; for that an embargo could not and would not, for any great length of time, be executed. No, sir, the despotic power of Bonaparte could not execute it. Now that it is found it cannot be executed, the bill on your table is proposed as a substitute. Let me ask, can that be executed? I have no hesitation in saying it cannot and will not be executed. For if the laws will not admit the introduction of such articles of foreign growth and manufacture as are of indispensable necessity, they will be smuggled into the country, and the payment of duties avoided. Sir, Congress cannot control the elements; and they might as well attempt that, as to enforce such acts against the general interests and wishes of the people. The operation of such statutes will be to convert your merchants into smugglers, and your citizens into spies, prowling about like beasts of prey, seeking whom they may devour. Our country will be filled with seizures, our Federal courts crowded with suits for penalties and forfeitures, and our State courts with suits for damages. Many of our citizens possessing integrity and honor, too scrupulous to engage in such a traffic, might think of quitting their country, and seeking protection under some foreign Power, having laws of a milder aspect.

Let me entreat the Senate to pause, for a moment, and reflect whether they can have any assurance that there will, much longer, be a patient submission to such measures? Whether the burden is not already insupportable? And whether the sufferings of the people have not become intolerable? Some gentlemen have declared their disbelief of the accounts of the sufferings of the people. They do not believe that such sufferings exist, because the sufferers have not proclaimed them on the house-top. It is not men of wealth, who, under any circumstances, and in any times, can produce an abundance of the necessities of life—or men in the receipt of ample salaries, which suffer no diminution from the embargo—or men who receive a per diem allowance, not depending upon commerce or agriculture for its continuance—about whom I feel an anxiety. Such men, though, by the embargo, they may be deprived of the opportunity of adding to the thousands already laid up in store, will not suffer want. It is the laboring people in the Northern and Eastern States, who depend on their daily occupations for the support of themselves and their numerous families, whose sufferings I regard. On this class of citizens we depend to do the labor of our country. Many of them, though in the humbler walks of life, are respectable; they are freemen; they add greatly to our strength and security in the hour of danger; for they are numerous and hardy, and bear arms; and, what is most to their honor, are always prepared, when their country calls, to go forth in her defence. These are men who cannot be turned off with a

peck of corn a week.* Men about whose sufferings we cannot feel indifferent. To find out the sufferings of this class of our citizens, you must not go to demagogues, political partisans, or office hunters, who always say what they think will please those in power; you must look behind the curtain which shields from public-view domestic concerns and private sufferings. There is nothing which people more studiously conceal than that pinching poverty which compels them to beg charity of others. I have known families, who, from sickness or other misfortune, have been deprived of a regular supply of the necessities of life from the labor and industry of him on whom they depend for support, who have almost perished with want, rather than go to the poor-house, or submit to be supported by the town; and for whose relief the most secret and delicate modes of bestowing charity have been resorted to.

To convince the Senate that the sufferings of our people are real and not imaginary, I will state one piece of information from New Haven, on which may be placed the fullest reliance. During the present inclement season, hundreds of applicants for admittance into the poor-house have been denied. In ordinary times the poor-house would accommodate three times the number in it. Always, until now, it has been more than sufficient to accommodate all that were under the necessity of going to it. In addition to the provision made by the town, and the various charitable societies, resort has been had to the raising of money by subscriptions, to purchase wood and provisions, to prevent people from perishing with cold and hunger; a point of suffering this to which we were never reduced under all the pressure of the Revolutionary war; though in that time our little town suffered much, and was once sacked and plundered by the British army. This, for the moment, was distressing, but the usual occupations of its inhabitants, a sure source for the supply of their wants, not being taken away, they were soon able to procure for themselves the necessities and many of the comforts of life. Sir, it is no pleasant spectacle to behold a flourishing little town, where, though wealth did not abound, a competency, derived from honest industry, made every man happy, reduced to such distress, and that, too, by the measures of their own Government. These sufferings are not confined to New Haven, they pervade all our commercial towns. I have seen very affecting descriptions of them from other places—descriptions which must touch the tender feelings of every heart not rendered callous by party spirit. From the patriotic city of Baltimore, where the embargo has been approved, we have the following information, being an extract from the communication of the Mayor to the City Council:

"The gentleman appointed to distribute the funds, have, with zeal and industry truly commendable, in every instance, in person, visited the families applying for relief, and extended the hand of charity to them, in

* In the slave States the allowance for the subsistence of a negro, is one peck of corn per week.

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proportion to their several necessities, and the sums collected. In your wisdom and humanity, I confidently repose for further relief; as the reports of the gentlemen appointed to visit them are truly distressing to the feelings of humanity, both as to their numbers and their necessities."

In this same paper, I find the following account:

"The Marine Society of Philadelphia have discovered upward of one thousand objects of charity, who, from a state of comfort, have been reduced to the lowest abyss of poverty."

I shall not take up the time of the Senate in noticing other official accounts of suffering equally distressing. It will be doubly afflictive to the people to find our Government obstinately bent on measures which have produced so much individual distress, after they are acknowledged to have failed to produce the desired effect on foreign nations. This will seem to be more than trifling with their sufferings; and I will not be answerable for the consequences. For my part, I believe the point of suffering is as great as can be endured; and may I not be permitted to ask the question, whether much more ought to be endured?

I am not one of those who advocate the doctrine of passive obedience and non-resistance; or that oppression, even from our own Government, is not to be resisted. I do believe that it is not only justifiable, but a paramount duty to resist, whenever the oppression becomes intolerable, or unconstitutional measures, which strike at the foundation of civil liberty, are attempted to be enforced. This doctrine is not new, sir, it is the doctrine which our ancestors brought with them to New England, and have handed down to us as our most precious birthright; an invaluable inheritance to freemen, which I hope neither we nor our children will ever be induced to surrender.

To show that the doctrines which I have advanced, and the opinions I entertain, are not peculiar to New England, I will take the liberty of reading what was said by Earl Chatham, one of the greatest statesmen England ever knew, when oppressive and unconstitutional measures were, by an administration of that country, attempted to be enforced. And, surely, gentlemen will not say the Constitution and Government of England, is more friendly to liberty, and the free expression of opinion, than the Constitution and Government of the United States. *Parliamentary Debates*, volume 29, page 50:

"My Lords, I need not look abroad for grievances. The grand capital mischief is fixed at home. It corrupts the very foundation of our political existence, and preys upon the vitals of the State—the constitution has been grossly violated—the constitution at this moment stands violated. Until that wound be healed, until the grievance is redressed, it is vain to recommend union to Parliament—in vain to promote concord among the people. If we mean seriously to unite the nation within itself, we must convince them that their complaints are regarded, and that their injuries shall be redressed. On that foundation, I would take the lead in recommending peace and harmony to the people. On any other, I would never wish to see them

united again. If the breach in the constitution be effectually repaired, the people will of themselves return to a state of tranquillity. If not, may discord prevail forever! I know to what point this doctrine and this language will appear directed. But I feel the principle of an Englishman; and I utter them without apprehension or reserve. The crisis is indeed alarming: So much the more does it require a prudent relaxation on the part of Government. If the King's servants will not permit a Constitutional question to be decided on, according to the forms, and on the principles of the constitution, it must then be decided in some other manner; and rather than it should be given up, rather than the nation should surrender their birthright to a despotic Minister, I hope, my Lords, old as I am, I shall see the question brought to issue, and fairly tried between the people and the Government. My Lords, this is not the language of faction; let it be tried by that criterion, by which alone we can distinguish what is factious, from what is not—by the principles of the English constitution. I have been bred up in these principles; and know that, when the liberty of the subject is invaded, and all redress is denied him, resistance is justified."

When the Parliament of England were attempting to enforce these unjust and oppressive measures on the Colonies, which caused resistance, and terminated in our Revolution and independence, Lord Chatham, this friend of civil liberty, said in the House of Lords, "I rejoice that the Colonies have resisted."

An objection arises to this measure of non-importation and non-intercourse, from the circumstance of the strong resemblance it bears to that system of warfare which the nations of continental Europe have, under the auspices of Bonaparte, been induced to wage against England. Was not that a non-intercourse, and a non-importation of all articles the growth or manufacture of the British dominions? Will not this circumstance alarm the minds of the people? It may be said this measure, upon the face of it, purports to be against both belligerents, and is therefore impartial. Was not that the case also with the embargo? And has not that been found to be a measure in perfect union with the wishes, feelings, and views of Bonaparte? It is in vain to deny it, he has been too explicit in his declarations on that subject to leave a doubt. Nay, sir, what he has said, taken in connexion with other known facts, has gone far to excite, in the minds of the people, in one portion of the Union, a suspicion, and I should be incorrect if I should say more than suspicion, that there was some secret understanding. Here let me remark that, I do not mean to accuse the Administration of anything inconsistent with our rights as an independent nation; for as such we have a right not only to co-operate but to form an alliance with France. If our Administration believed, as I know many do believe, that it would be a wise policy, should we not have cause to fear they would adopt that course? It is because I believe such a policy would be unwise, would be ruinous to the nation, that I wish to avoid every thing that looks that way.

I have said that what the Emperor of France, or, which is the same thing, what his confidential Ministers have said, taken in connexion with other

matters known to us, has excited suspicion, that there was an understanding between our Administration and France in relation to the embargo: I will now enumerate some of the circumstances. During the last session of Congress, letters were received from the Continent of Europe, bringing information, from a respectable source, that on the sailing of the United States' armed schooner *Revenge*, from France, with Doctor Bullus, and despatches, our Minister there wrote to Holland, communicating information that the arrival of the *Revenge* in the United States would be immediately followed by a general embargo, and urging the merchants to hasten the departure of their vessels, under an apprehension, as I suppose, that the embargo might induce a declaration of war on the part of Great Britain. This intelligence, I am credibly informed, has been confirmed by a person not long since in this city, who states that he was in Holland at the time, and was well acquainted with the fact. The *Revenge* arrived, and the ever memorable embargo was laid. The question is asked, and I am not able to answer it, how was it known in France; unless there had been some previous communication and understanding on that subject, that such an embargo would be laid, at a time when such a thing was not suspected by the people of the United States? That the Emperor expected a policy of the nature of the embargo to be adopted in the United States, is manifest from another circumstance. After the embargo began to operate on the inhabitants of Guadeloupe, to induce them to be patient under their sufferings, the three chief officers there, members of Bonaparte's Legion of Honor, issued their proclamation on the 21st of March, 1808, in the name of the Emperor of the French, in which, referring to our embargo, they say:

"That the rigor of these measures is a new proof of the faithfulness of this Power (the United States) to its former friendship with the French empire; of its attachment to the general interests of Europe, which are likewise its own, as one of the great means of accelerating a maritime peace, by the impossibility which it presents to the common enemy of the means to continue the war."

This proclamation must have been issued in consequence of orders and instructions from the Emperor; for his officers do not act in his name without orders; and those orders must have been issued in consequence of his previous knowledge that an embargo was to be laid; because there was not time, after the embargo act arrived in France, for such orders to have reached Guadeloupe before the issuing of this proclamation. Another circumstance, which made some impression, was the unceasing effort, during the last session of Congress, to convert the embargo into a non-intercourse. Expecting, no doubt, that, by cutting off all remittances, by land as well as by sea, the merchants would cease to send out their goods. If this bill passes, we shall have adopted the very measures which have been required by the French Emperor of other neutral nations, and it will be considered as furnishing irresistible evidence to confirm those existing suspicions.

There are other circumstances which have excited alarm. I must speak out—times have become too serious to conceal anything; for I consider the vote which is about to be given, on this bill, as deciding the all important question of peace or war. When an opinion seemed to prevail, a little time since, that it would be necessary to repeal the embargo, those who are considered as the most confidential organs of the Administration, strenuously urged the first of June for the time of the repeal. And why? Not certainly on account of any advantage it could be to the people of the United States to postpone the repeal to that time. The real cause why the 1st of June was fixed on, is not for me to say; but I can tell you what is suspected by some of the people to be the reason; it is, that there may be time for the despatch vessel to go to France and return; so that some arrangement may be made as to a substitute for the embargo, that the Emperor may not take umbrage at the repeal. These suspicions are much increased by a report which is in circulation, for the truth of which, however, I cannot vouch, that the Private Secretary of the President is to be the bearer of the despatches. It can hardly be supposed that this confidential agent of the President should be sent on the mere errand of a post-boy. People fear some private agency, some secret negotiation, which may ultimately in linking the destinies of our country to those of France. An idea which is terrifying to them; for, as it regards our liberties and our free Government, the embrace of France would be the grasp of death. Bonaparte will never rest satisfied to see the people of any country in the enjoyment of liberty. The name of a free Republic is a living reproach to him. Other questions are asked, which I am not able to answer; such as, why the next session of Congress is fixed on the fourth Monday of May? Whether it is not to give time for the despatch vessel to go and return? Whether the plan of going to war with both the belligerents was not with an understanding with one nation that it was to be merely a nominal war? And whether, in any other point of view, the idea of going to war with two such powerful belligerents, at the same time, was not too ridiculous to be seriously entertained for a moment? On the last point, I have information perfectly satisfactory to my mind, that such a war would not be objected to on the part of France.

Sir, the bill before you is war. It is to suspend all intercourse, to put an end to all the relations of amity. What is that but war? war of the worst kind—war under the disguise of non-intercourse, which is only a milder mode of declaring it. If we must have war, let it be an open war. Let gentlemen come forward with a bold and manly front and declare war; and not attempt, in this covert manner, to decoy and deceive the people into war. I honor the open conduct of the gentleman from Virginia: he has not hesitated to declare that his sentiments and wishes are for war. If I entertained the same opinion of the conduct of our Administration, and of foreign nations, as he has declared, I would join him

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heart and hand for a declaration of war. But, sir, the policy of our country is pacific, as I hope it always will be. The nation will not consent to go to war until all honorable and fair means have been attempted to settle differences by negotiation—a negotiation conducted in a manner that shall evince the most perfect sincerity and justice. An Administration that should commence a war, against public sentiment, would assume an awful responsibility, and bring on themselves and their country inevitable disgrace. Even the monarchy of England cannot sustain a war that is unpopular.

The gentleman from Virginia has, in pathetic strains, invited us; he has in emphatic language called upon all parties to unite in supporting the cause of our country. In the cause of our country we will unite. The American people will all unite in supporting our nation's independence, and in the support of our rights. In no portion of this Union will the people be more united, or more obedient to such a call than in New England. They will not surrender; but with their lives, either to foreign domination, or domestic despotism, their unalienable privilege of freemen, their birthright.

But, sir, there is a manifest difference between a call to support our country's cause—and a call to support the measures of an Administration. The former is peremptory and irresistible. But the latter is not entitled to the like support; unless its measures are founded in justice, wisdom, and sound policy. The people of New England have sufficient discernment to distinguish between the Constitution of the United States and the Administration—between their country and the Administration of its Government. They cannot be induced to sacrifice their best interests to support the failing projects of an Administration whose political character and influence; and not the honor and interest of the country, are at stake on the measures now proposed to be enforced.

An Administration to be just must be sincere and impartial, both toward foreign nations and our own citizens. Conscious of this truth, the gentleman from Virginia has declared, in the most decisive language, that the present Administration have been both sincere and impartial, and has challenged us to adduce proof to the contrary. As the gentleman from Delaware (Mr. BAYARD) has so ably and so conclusively proved the insincerity and partiality of the Administration, as regards foreign nations, I shall not take up the time of the Senate on that point, but confine myself to a very few remarks upon the insincerity and partiality which have been practised upon our own citizens. May I not ask, whether the commencement of this Administration was not distinguished by circumstances which might well excite doubts of Executive sincerity? In the inaugural speech, we were told:

“All will bear in mind this sacred principle, that though the will of the majority is in all cases to prevail, that will to be rightful must be reasonable; that the minority possess equal rights, which equal laws must protect, and to violate would be oppression. Let

us, then, fellow-citizens, unite with one heart and one mind, let us restore to social intercourse that harmony and affection without which liberty, and even life itself are but dreary things. And let us reflect that, having banished from our land that religious intolerance under which mankind so long bled and suffered, we have yet gained but little, if we countenance a political intolerance, as despotic, as wicked, and capable of as bitter and bloody persecution. We have called by different names brethren of the same principle. We are all Republicans—we are all Federalists. Equal and exact justice to all men, of whatever state or persuasion, religious or political.”

I was so credulous as to believe all this sincere. I went home, and was active and in earnest to propagate the same opinion among the people of the State to which I belonged. The people were prepared not only to support the Constitution and Government of their country, which they will always do, but such an Administration as they understood, from the inaugural speech, we were to have. A few months only elapsed, however, before there was displayed a spirit of intolerance and party spirit, which filled them with astonishment. Persons, old Revolutionary characters, were displaced, not for want of talents or integrity to the due execution of their offices, nor for any neglect or infidelity in the performance of their duty. Whether such removals were merely on account of political opinion, or because such men would not be obsequious to the particular and private views of the Executive, I leave to others to explain. Though eight years have elapsed, this political intolerance has not ceased; during this very session we have been called upon to sanction appointments to fill vacancies made by such removals. Like partiality and injustice have been practised toward citizens of the United States in regard to appointments to new offices. I will not take up the time of the Senate in enumerating cases. The appointments of the present session are fresh in the minds of every member of this body. Unfortunately, the time has never yet arrived, when the only inquiry was to be, “is he honest, is he capable, is he faithful to the Constitution.” Sir, an Administration thus conducting is not entitled to support; and an Administration thus managing the affairs of a nation will not ultimately be supported.

I shall next inquire in what has consisted the wisdom of the Administration as regards their measures? Those measures which have been adopted, and are now proposed to be extended and enforced, for they are links of the same chain, and as they regard foreign nations, are feeble; and, as far as the experiment has been made, have proved wholly inefficient. While at home they have prostrated a flourishing commerce—destroyed both our revenue and our resources—paralyzed private enterprise and honest industry—given encouragement to fraud, deception, and violence; exposing the honest, industrious, unsuspecting citizen, to become the dupe and the prey of unprincipled speculators—deprived many of our fellow-citizens of the means of gaining a subsistence—and rendered them incapable of contrib-

uting anything to the general defence and security of the nation. In the management of our foreign relations there has been such a want of wisdom as to bring our country (to use the expression of the gentleman from Virginia,) "into an awful crisis;" and if the same course of measures is to be persevered in, we shall, in all probability, be entangled in inextricable broils.

As to sound policy, as regards the measures of the present Administration, I have not been able to discern it. The measures now pursuing appear to me to be the reverse of sound policy. Let me ask, in what consists the policy of administering another poisonous dose to a patient already sick and fainting under the embargo? Has not experience shown us that there is no policy in non-importation and non-intercourse laws? Can it consist with good policy to increase the discontents of a people driven almost to desperation, by attempting to enforce, by the bayonet, acts which are opposed to the sentiments, feelings, and interest of the people? So long as the people preserve their liberties, and reserve in their own hands their arms, can it be prudent or politic for an Administration to attempt coercion?

Mr. President, I will now close my remarks with a concise prospective view. If we pass this bill, in what situation will the President elect find our affairs on the 4th day of March next, when he is to take the chair of State? To the embargo, and various supplementary acts, and the enforcing statute, the unpopularity of which an Administration of eight years standing, aided by the personal popularity of the Chief Magistrate could not sustain, we are about to superadd a non-importation and a non-intercourse; measures as incapable of execution—not less inefficient in regard to foreign nations—and, as they respect ourselves, equally oppressive and injurious, and, if possible, more odious than the embargo. This bill is covert war, and not only gives to the President of the United States the power, but seems to lay him under a necessity of commencing active war; which by the Constitution is confided only to Congress. By this bill we are about to extend that threatening policy, which is not likely to bring about an amicable adjustment of differences, but is, as well as other provisions of the bill, artfully calculated to involve our country in war. No Power having national feelings, or regard to national character, and possessing the means of resistance, will submit to such coercion.

Is it conducting candidly toward the President elect? Is it giving him a fair opportunity, for the present Congress to lay him under the necessity of going to war, or of receding in a manner to which some might be disposed to attach the idea of disgrace? No, sir, good policy requires that we now recede from measures found to be ineffectual or injurious. There would be magnanimity in this. To retract errors becomes a great mind. We ought to repeal the embargo altogether, and leave the President elect free to adopt such measures, and to pursue such a course as wisdom, sound policy, and the lessons of experience may dictate. In this situation the Presi-

dent elect would have it in his power to extricate us from our present embarrassments, if, fortunately, he should possess the fortitude and magnanimity (which may I not be permitted to hope will be the case?) to determine to assume the elevated character of President of the United States, and not to become the chief of a party.

If the Administration which is to commence on the 4th of March, shall adopt and pursue a course of measures which shall wear the stamp of sincerity, justice, wisdom, and sound policy, both as regards our own citizens and foreign nations, it will have the cordial co-operation and firm support of the great body of the people; but if governed by an intolerant spirit of party, a persecuting spirit as regards our own citizens, or a want of sincerity and justice toward any foreign nation, such an Administration will not be supported; and, on the experiment, it will be found that such an Administration cannot go on with the Government.

The question was now taken on the passage of the bill, and determined in the affirmative—yeas 21, nays 12, as follows:

YEAS—Messrs. Anderson, Condit, Franklin, Gailard, Giles, Gregg, Howland, Kitchel, Leib, Mathewson, Melgs, Milledge, Mitchell, Moore, Pope, Robinson, Smith of Maryland, Smith of New York, Smith of Tennessee, Thruston, and Tiffin.

NAYS—Messrs. Bayard, Crawford, Gilman, Goodrich, Hillhouse, Lloyd, Parker, Pickering, Reed, Sumter, Turner, and White.

So it was resolved that this bill pass, and that the title thereof be, "An act to interdict the commercial intercourse between the United States and Great Britain and France, and their dependencies, and for other purposes."

WEDNESDAY, February 22.

Mr. SMITH, of Maryland, from the committee to whom was referred the bill, entitled "An act for imposing additional duties upon all goods, wares, and merchandise, imported from any foreign port or place," reported amendments; which were read, and ordered to lie for consideration.

The Senate resumed the consideration of the report of the committee appointed to confer with the Surveyor of the Public Buildings, relative to the accommodation of the Senate at the next meeting of Congress, and

Resolved, That the Surveyor of Public Buildings do cause to be prepared, for the accommodation of the Senate at the next session of Congress, the room called "The Library Room," in the manner stated in the said Surveyor's report; with as little expense as may consist with the reasonable comfort of the members, and the convenience of spectators.

Mr. TIFFIN, from the committee, reported the bill supplementary to the act, entitled "An act to amend the charter of Georgetown," correctly engrossed. The bill was read the third time, and the blank in the fourth section was filled with the word *twelve*.

Resolved, That this bill pass, and that the title

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thereof be, "An act supplementary to the act, entitled 'An act to amend the charter of Georgetown.'"

Mr. TIFFIN, from the committee, reported the bill freeing from postage all letters and packets to Thomas Jefferson, correctly engrossed; and the bill was read the third time.

Resolved, That this bill pass, and that the title thereof be, "An act freeing from postage all letters and packets to Thomas Jefferson."

Mr. GILES, from the committee to whom the subject was referred on the 14th instant, reported a bill further to amend the several acts for the establishment and regulation of the Treasury, War, and Navy Departments; and the bill was read, and passed to the second reading.

THURSDAY, February 23.

Mr. BRADLEY, from the committee to whom was referred the bill making further provision for the Corps of Engineers, reported the bill amended.

The Senate proceeded to consider the amendments, as in Committee of the Whole, and having agreed thereto, the PRESIDENT reported the bill to the House amended; and on the question, Shall this bill be engrossed and read a third time as amended? it was determined in the affirmative.

On motion of Mr. BRADLEY, it was ordered that the bill, entitled "An act for the relief of William White and others" be the order of the day for Monday next.

The bill further to amend the several acts for the establishment and regulation of the Treasury, War, and Navy Departments, was read the second time.

Mr. WHITE from the committee to whom was referred the bill, entitled "An act for the relief of Daniel Cotton," reported the bill without amendment.

Ordered, That this bill pass to a third reading.

The Senate resumed, as in Committee of the Whole, the consideration of the amendments reported by the select committee to the bill, entitled "An act for imposing additional duties upon all goods, wares, and merchandise, imported from any foreign port or place;" and having agreed to the report, and the bill having been further amended, the PRESIDENT reported it to the House accordingly.

On motion, by Mr. LLOYD, the bill was further amended, by inserting, after the word "place," in the eighth line of the printed bill, "except in any vessel which cleared out from the United States prior to the 22d of December, 1807, for any port or place not in Europe or the West Indies;" and on the question, Shall this bill pass to the third reading? as amended? it was determined in the affirmative—yeas 20, nays 9, as follows:

YEAS—Messrs. Anderson, Condit, Crawford, Franklin, Gaillard, Gregg, Howland, Kitchel, Leib, Mathewson, Meigs, Milledge, Mitchell, Moore, Smith of Maryland, Smith of New York, Smith of Tennessee, Sumter, Thruston, and Turner.

NAYS—Messrs. Bayard, Bradley, Gilman, Hillhouse, Lloyd, Parker, Pickering, Reed, and White.

A message from the House of Representatives informed the Senate that the House have passed the bill, entitled "An act for the relief of certain Alabama Indians," with amendments, in which they request the concurrence of the Senate.

The Senate proceeded to consider the amendments of the House of Representatives to the bill, entitled "An act for the relief of certain Alabama Indians."

Ordered, That it be referred to Messrs. MITCHELL, CRAWFORD, and GREGG, to consider and report thereon.

Mr. GREGG, from the committee, reported the bill making further provision for the Corps of Engineers, correctly engrossed.

FRIDAY, February 24.

Mr. GREGG, from the committee, reported the amendments to the bill, entitled "An act for imposing additional duties upon all goods, wares, and merchandise, imported from any foreign port or place," correctly engrossed.

Mr. THURSTON, from the committee to whom was referred the petition of a number of French citizens of the Territory of Michigan, reported a bill providing for the promulgation of certain laws in the Territory of Michigan; and the bill was read, and passed to the second reading.

The bill making further provision for the Corps of Engineers was read the third time, and the blank in the first section filled with "July."

Resolved. That this bill pass and the title thereof be "An act making further provision for the Corps of Engineers."

Mr. FRANKLIN reported from the committee appointed on the subject: Whereupon,

Ordered, That the committee to whom was referred the petition of Richard Bland Lee be discharged from the further consideration thereof.

ADDITIONAL DUTIES.

The bill, entitled "An act for imposing additional duties upon all goods, wares, and merchandise, imported from any foreign port or place," was read the third time as amended.

Mr. LLOYD moved to postpone the further consideration of this bill until the first Monday in June next; and addressed the Chair as follows:

Mr. President: After the observations which I have before made, sir, on this bill, and the detailed consideration which was given to it yesterday, I should not again rise, were the subject not a commercial, and an exceedingly important one; nor is it now my intention to make more than a few remarks, and these the Senate will probably think entitled to more than usual respect, when I inform them they will principally be, neither my own, nor wholly accordant with my opinions.

This bill can only be advocated upon the ground that a war is about to ensue, and that, to prepare the public treasury to sustain the prosecution of such war, this proposed duty is necessary. My purpose is to cite some authorities to show

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that neither the one nor the other is either expected or necessary; and the authorities I shall adduce to prove this, are those to which the Senate is accustomed to pay the highest respect.

The first is from Mr. Gallatin's report to Congress in November, 1807, in which he says—

"A maritime war will, in the United States, generally and deeply affect, whilst it continues, the resources of individuals; as not only commercial profits will be curtailed, but, principally, because a great portion of the surplus of agricultural produce necessarily requires a foreign market. The reduced price of the principal articles exported from the United States will operate more heavily than any contemplated tax. And, without inquiring whether a similar cause may not still more deeply and permanently affect a nation at war with the United States, it seems to follow that, so far as relates to America, the losses and privations caused by the war should not be aggravated by taxes beyond what is strictly necessary. An addition to the debt is doubtless an evil; but experience having now shown with what rapid progress the revenue of the Union increases in time of peace; with what facility the debt formerly contracted has, in a few years, been reduced; a hope may confidently be entertained that all the evils of the war will be temporary, and easily repaired; and that the return of peace will, without any effort, afford ample resources for reimbursing whatever may have been borrowed during the war.

"The credit of the United States is also unimpaired, either at home or abroad; and it is believed that loans to a reasonable amount may be obtained on eligible terms."

And the same gentleman, (Mr. Gallatin,) in his report to Congress the present session, further remarks—

"The expenditures for the year 1809 ought not to exceed the sum of thirteen millions of dollars, which, as has been stated, is requisite for the support of the present establishment; and this would leave, for the service of the year 1810, a surplus of three millions of dollars, which, together with the proposed loan of five millions of dollars, would be sufficient to defray the Peace Establishment, and to pay the interest on the public debt during that year; thus two years more would be provided for, without either increasing the public debt or laying any new taxes. It is certainly only with a view to war, either immediate or contemplated, that it will become necessary to resort, at least to any considerable extent, to extraordinary sources of supply."

Now, sir, as there is no doubt but a new duty is a new tax, it is apparent from these observations of Mr. Gallatin, that if revenue is wanted, *loans*, and not *taxes*, ought to be resorted to, and that of course this new duty or tax ought not to be imposed, as the opinion expressed by the Secretary no doubt is correct, that the present "reduced price of the principal articles of the United States, already operate more heavily upon the citizens, than any contemplated tax that ought to be assessed, and that the losses and privations caused by war should not be aggravated beyond what is strictly necessary," and more especially should this not be done, when war as yet may be uncertain, and when it also appears that without a war, the Secretary, according to

his own statement, has resources enough, without new duties or taxes, to carry the United States forward two years, to the end of 1810.

The next authority I shall adduce, is one that will not be contested in this House; it is the highest in the nation. The President of the United States, in his Message to Congress at the commencement of the present session, after stating that the receipts amounted to near eighteen millions of dollars, and also remarking on the partial extinction of the public debt makes the following observations and inquiries: "The probable accumulation of the surpluses of revenue beyond what can be applied to the payment of the public debt, merits the consideration of Congress. Shall it lie unproductive in the public vaults? Shall the revenue be reduced? Or shall it not rather be appropriated to the improvement of roads, canals, rivers, education, and other great foundations of prosperity and union?"

Sir, as no new decrees, or Orders in Council, have taken place since the delivery of his Message, no very material change in our foreign relations can have occurred. I know that an accommodation with Great Britain at the commencement of the session was not expected by the President of the United States; he, therefore, cannot now expect war more than then; nor could he ask you whether the surpluses of revenue should "lie unproductive in the public vaults?" or whether "the revenue should be reduced?" if he had the least idea of a necessity to raise the duties on imported merchandise 50 per cent. on the present rates,—which in some instances is equal to 50 per cent. also, on the first cost of the articles—and this, too, so shortly after he made these inquiries. It is clear, therefore, the President could not recommend the assessment of these duties; and if you pass the bill, he very possibly may refuse to sign it.

The last authority I shall bring forward is that of an honorable Senator from Maryland, now in his place, (Mr. S. SMITH,) to whose opinions on commerce and finance, his friends in this country are disposed to pay much respect. In his speech delivered in favor of the embargo, which is printed, he said, in answer to the gentleman from Delaware—

"We are told that we shall not have a dollar in the Treasury at the meeting of Congress. We were told the same story last year, and thousands of hand bills had been distributed through the Union asserting that fact; yet, sir, when we met, we found fourteen millions of dollars in the Treasury—we found our receipts more than in any preceding year. The gentleman is alarmed lest the present party in power shall be prostrated, as he thinks that was to which he belonged, by the necessity of laying a direct tax. He is mistaken; they were dismissed, because that, *the tax after tax, duty on duty*, that were laid by them, were dissipated, the people knew not how; and because the people thought their system would lead the nation imperceptibly to monarchy."

The gentleman from Maryland proceeds to show the diminution of the public debt by an average of five millions of dollars a year, and then states that,—

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"Besides having paid off thirty-three millions of dollars of the public debt, we have relieved ourselves thereby from the payment of an annual interest of two millions of dollars. These items, making together seven millions of dollars, will operate, in effect, for any purposes now required, as so much received. But we have other resources. The law of the last session authorized the articles of sugar, coffee, tea, pepper, and certain wines, to be deposited in the public stores until wanted for exportation. Those articles will now be required for consumption, and, presuming that as much thereof will be consumed as in former years, we may fairly count on the following duties being collected, to wit: on sugar, &c., including public lands, \$4,668,000. Nor is this all. It is a well known fact, which will not be contradicted by the gentleman from Massachusetts, that the importations from India and China have, in the present year, been equal to that of any preceding year; nor has the importation of dry goods from England during the present year been so much less than former years, as materially to affect the revenue. On the whole, Mr. President, I believe that the receipts for the year 1809 may with safety be calculated on as at least twelve millions of dollars, from which, nothing being payable towards the principal of the public debt, we may count the actual supply to the Treasury as equal to any preceding year.

"Let us take a view of the customary expenses of the Government for the year 1809. Civil List, &c., including one million of dollars for new regiments, \$8,675,000. If the gentleman from Delaware will not admit any other of my calculations, he will certainly admit that, if we have fourteen millions now in the Treasury, at the next meeting of Congress, (in the winter session,) and in case of war, if the people consume as much as usual, ways and means will be found to introduce the articles on which the duties have heretofore been collected."

Now, sir, it is clear, from the showing even of this honorable gentleman whose calculations are received with so much respect here, that whether there is peace, war, or embargo, our resources are yet abundant to carry us on, at least until the next winter, and as we are to meet again in three months, it follows, that the present undigested project must be worse than useless.

To all this mass of evidence and authority against both the necessity and policy of laying this duty, I have only to add a few observations to show that it will, in its operation, be both unequal and unjust.

It is well known that permanent duties, except on their first imposition, are paid by the consumer; but whenever duties are to be of short duration, as in the present instance, or until the stocks of merchandise prior to the assessment of the duty are run off, the price does not rise in ratio with the duty, and that, of consequence, the whole, or part of the duty, is thus much of loss to the merchant. This, in a degree, cannot be avoided, nor is it even a subject of complaint, where due notice has been given of the intention to lay the duty; but if it be imposed without notice, or giving time for preparation, then the interest of the merchant is sacrificed.

The basis of all commerce is calculation; what calculation can be found for distant enterprises when the data are perpetually shifting? If a

merchant rests on the stability of the laws of the Government, and sends away his vessel, and on her return finds a new duty of 50 per cent. imposed, which, for the circumstance of it, the consumer does not pay, his whole calculations are defeated, and he pockets a loss instead of a profit for his industry.

Commerce is very probably as well understood in England as anywhere. In that country new duties on imports are imposed with great caution; whenever contemplated, the subject is generally a long time under consideration, sometimes hanging over from one session to another. The Ministry make it a point frequently to consult committees of merchants from most of the principal seaports in the kingdom. The result is, the subject is well considered; and, when the duties are imposed, they are submitted to with cordiality and cheerfulness. Mr. Pitt, in the latter part of his life, always adopted this mode. He did not think it condescension to consult merchants on subjects with which they were better acquainted than himself. In the early part of his administration, I have understood, he rashly imposed some additional and heavy duties on imported merchandise; the consequence was, the revenue diminished, and smuggling increased. With his characteristic vigor he determined to stop it, and lined the coast with luggers, revenue cutters, and frigates; still the revenue did not increase. He consulted the merchants—they told him the articles were taxed beyond their bearing; he manfully retraced his steps, and took off the additional duty—and immediately smuggling did not pay its cost—his luggers, cutters, and frigates, became useless, and the revenue advanced to its ancient standard. This is one among many memorable instances that might be adduced to show that an unwise augmentation of duties is very far from producing an increase of revenue.

There is another view of the subject on which I shall say a few words. This new duty will operate as a bounty to monopolizers, forestallers, and speculators. Gentlemen are not aware of the avidity with which mercantile men have regarded the proceedings of this session. I am told that, within half an hour after the question was taken, about a fortnight since, in the other House, ten expresses started for different parts of the United States. It is notorious that English and West India goods, and most articles of foreign merchandise in the United States, have been bought up by speculators; it is now in the hands of a few persons; by passing this law, you discourage new importations, and enable the present holders to grind the poor, by extorting high prices for the articles they hold, from a want of competition in the market. From all these views of the subject, and from the sentiments I have quoted from the President, Mr. Gallatin, and General Smith, it is apparent that this measure is unwise, unnecessary, and impolitic.

I am unwilling, sir, to take up the time of the Senate; but, however unavailing may be the efforts of my friends and myself, I wish to have it recorded that I was neither ignorant of the very

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injurious operation of this bill upon my constituents, nor unwilling to endeavor to prevent it. I therefore ask the indulgence of the Senate, that the ayes and noes may be taken when this question is decided.

And on the question, it was determined in the negative—yeas 10, nays 19, as follows:

YEAS—Messrs. Bayard, Bradley, Gilman, Hillhouse, Lloyd, Mitchill, Parker, Pickering, Reed, and White.

NAYS—Messrs. Anderson, Condit, Crawford, Franklin, Gaillard, Gregg, Howland, Kitchel, Leib, Meigs, Milledge, Moore, Pope, Smith of Maryland, Smith of New York, Smith of Tennessee, Sumter, Thruston, and Turner.

On motion, by Mr. SMITH, of Maryland, the further consideration of the bill was postponed to Monday next.

SATURDAY, February 25.

Mr. SMITH, of Maryland, presented a memorial signed by twelve hundred and four citizens of Frederick county, and State of Maryland, pledging "their lives, fortunes, and sacred honor," to support the constituted authorities against foreign and domestic violence; and the memorial was read; and, on request of Mr. SMITH, withdrawn for the purpose of communicating it to the House of Representatives.

The bill providing for the promulgation of certain laws in the Territory of Michigan, was read the second time, and postponed until Monday next.

The following Message was received from the PRESIDENT OF THE UNITED STATES:

To the Senate and House of Representatives of the United States:

I now lay before Congress a statement of the militia of the United States, according to the last returns received by the Department of War.

TH. JEFFERSON.

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The Message and documents were read, and ordered to lie for consideration.

The Senate resumed, as in Committee of the Whole, the bill further to amend the several acts for the establishment and regulation of the Treasury, War, and Navy Departments; and, after progress, on motion, by Mr. GILES, the consideration of the bill was postponed until Monday next.

Mr. GILES submitted a communication from the Secretary of the Navy in relation to this bill; and it was agreed that it be printed for the use of the Senate.

Mr. MITCHILL, from the committee to whom were referred the amendments of the House of Representatives to the bill, entitled "An act for the relief of certain Alabama Indians," made report: Whereupon,

Resolved, That the Senate do concur in the said amendments.

Mr. MITCHILL submitted the following resolution:

Resolved, That a committee of three members of the Senate be appointed, who, with three members of the

House of Representatives, to be appointed by the said House, shall have the application of the money appropriated by the "Act making a further appropriation for the support of a library," passed 21st February, 1806; and that the Secretary give information thereof to the House of Representatives.

The bill, entitled "An act for the relief of Daniel Cotton;" was read the third time, and passed.

MONDAY, February 27.

The Senate resumed, as in Committee of the Whole, the bill, entitled "An act for the relief of William White and others."

Ordered, That it be recommitted to Messrs. POPE, GREGG, BRADLEY, MITCHELL, and ANDERSON, further to consider and report thereon.

On motion, by Mr. GILES,

Ordered, That the bill further to amend the several acts for the establishment and regulation of the Treasury, War, and Navy Departments, be postponed until to-morrow.

The Senate resumed the third reading of the bill, entitled "An act for imposing additional duties upon all goods, wares, and merchandise, imported from any foreign port or place."

Ordered, That the consideration thereof be postponed until Thursday next.

The Senate resumed the consideration of the motion made on the 25th instant; and,

Resolved, That a committee of three members of the Senate be appointed, who, with three members of the House of Representatives, to be appointed by the said House, shall have the application of the money appropriated by the "Act making a further appropriation for the support of a library," passed 21st of February, 1806; and that the Secretary give information thereof to the House of Representatives.

Ordered, That Messrs. GILES, THRUSTON, and GREGG, be the committee on the part of the Senate.

REMONSTRANCE OF MASSACHUSETTS.

Mr. LLOYD, in behalf of the Senators from Massachusetts, presented a memorial and remonstrance from the Legislature of the State of Massachusetts, against certain acts of the General Government, and also expressing the opinion of that Legislature in relation to certain measures presumed by them to be contemplated by the Government of the United States; which was received and read, as follows:

To the Honorable the Senate and House of Representatives of the United States, the memorial and remonstrance of the Legislature of Massachusetts.

When the Government of a free people is felt to be oppressive on the community; when its measures appear to originate in imperfect conceptions of the interest of the whole, or inattention to the important concerns of any considerable portion; a decent respect for the opinions of their fellow-citizens, and a just sense of their own rights, require of that part of the society which feels oppressed or alarmed, a prompt and explicit declaration of their opinions. Such a course of proceeding, by producing early and frequent public discussions, is calculated to support all such measures as are wise

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and expedient, and on the other hand it furnishes a seasonable opportunity to the Government to abandon all such as are found to be impracticable or injurious: it is calculated at once to silence the murmurs of the people if they are unbounded, and to remove all their just causes of complaint.

The citizens of Massachusetts are firm and zealous in the vindication of their rights; but their habits and their principles equally forbid a resort to violent, disorderly, or unconstitutional means for that purpose. They indulge a pride in the belief, that the Constitutions of Government, under which they live, are so framed, as to afford a peaceable remedy for every grievance to which they may be subjected. They have accordingly, by petitions from various parts of the State, expressed to the President of the United States their sentiments on the oppressive operation and destructive tendency of the embargo laid on their ships and vessels in December, 1807. This Legislature, also, in the same spirit, have heretofore endeavored, through their Senators and Representatives, to communicate to the Government of the United States, their opinions and views of the system of policy lately adopted and pursued by the Administration. They have seen with regret that these peaceable and respectful efforts have not produced any relaxation of the rigorous measures complained of; but that, on the contrary, it has been thought proper to enforce the embargo, by a late act, exceeding in severity all that preceded it—an act which, if continued in operation, will, as we apprehend, not only complete the destruction of the commercial prosperity, but prove highly dangerous to the public liberty and domestic peace of this people. This Legislature have also felt the most serious alarm from perceiving the other measures lately proposed and contemplated in the Congress of the United States. At this awful and momentous crisis, we ought not to affect ignorance of those events, which, on ordinary occasions, a sense of decorum might forbid our noticing. It would be a base dereliction of duty if, at such a moment as the present, we should permit a too scrupulous regard for mere forms, to prevent our attempting everything possible for the security of our constituents, and for the peace and happiness of our common country. This Legislature, therefore, with the plainness and sincerity which become the representatives of a free people, and with all the respect which is due to the honorable body which they address, do present this their solemn remonstrance against the course of measures which is now oppressing this part of the United States.

Commerce has been one of the chief employments of the people of New England, from the first settlement of the country, and their success has promoted and abundantly rewarded the labors of agriculture. This latter in its turn has extended and encouraged commerce, and from the joint operation of these causes, New England, without any great staple, and without any peculiar local advantages, has constantly and rapidly increased in wealth, prosperity, and power. If, however, the advantages of commerce were less obvious and less important, yet the habits of the country, so long and firmly established, could not be suddenly changed, without producing consequences the most distressing and destructive. Our husbandmen and mariners cannot, by an act of Government, be converted into manufacturers; nor will our merchants and mechanics ever consent to abandon their cities, and retire from the sea shore, to clear up and cultivate the wilderness. The history of the world has demonstrated, that even the most despotic Governments have hardly

ever succeeded in changing the habits of a great people; and most certainly in a free country it cannot be attempted with any prospect of success. The measures adopted by the British Government to interdict or control our commerce, were among the most powerful causes of the Revolution. The power of establishing commerce is enumerated, in the Declaration of our Independence, among the essential rights of sovereignty; and in the articles of confederation, trade, religion, and the sovereignty of the States, are mentioned as the three principal objects which that compact was intended to protect. In the present Constitution of the United States, while the Government are entrusted with a greater and more adequate power for the protection and extension of commerce, the caution and jealousy of the people have imposed various restrictions on that power. The Government are prohibited from imposing any tax or duty whatever on exports, lest, in virtue of that authority, they might in any degree embarrass the exportation of our produce. The people have manifested a similar disposition in other articles of the Constitution; and in at the time of framing and adopting that instrument, any question had arisen, as to the extent of the power, or the duty of the Government in this particular, there can be no doubt that a clause would have been inserted, most explicitly declaring the interests of commerce to be one of the principal inducements for forming the Union, and its encouragement and defence to be among the first duties of the Government; while the right to annihilate or obstruct it would have been explicitly denied. For a long time after the establishment of this Government, the fisheries, navigation, and trade of the country were protected and widely extended. They furnished almost the whole revenue of the United States, and encouraged universal industry. When, in the year 1794, the commercial rights of the nation were assailed by Great Britain, the immortal Washington, by dignified, fair, and impartial negotiation, procured for his country ample compensation for past injuries, and security against future aggressions. In the year 1798, our Government, under similar circumstances, attempted, in the same manner, to obtain from France indemnity for outrages, and a recognition of our rights; and when fair negotiation was found to be fruitless, they did not hesitate immediately to adopt measures of defence becoming an independent and powerful people. The success of these wise and patriotic measures, and the universal satisfaction manifested by the people, in their effects, seemed to have decided forever the true policy of the United States. But, in the year 1806, when our commercial rights were again attacked by the same nation, which had but imperfectly atoned for her injuries in 1798, and in a manner more unwarrantable, insolent, and outrageous, than before, the people expected that the Government would have recourse to the same policy which had formerly been crowned with such signal success. Instead of prompt and vigorous measures of defence, they have seen the Government retiring from the conflict, and by annihilating their whole foreign commerce, tacitly confess that they are unwilling or unable to protect it. This apparent inability or disposition to resist aggression has furnished a pretence to another Prince to retaliate on his enemy though our unprotected rights. Thus the United States are placed in a situation unprecedented, it is believed, in the history of the world, being involved at the same moment in serious controversies with two most powerful nations, who are themselves at war with each other.

The interdiction of foreign commerce, for an indefi-

nite period, by perpetual laws, is justly considered as a total annihilation of it. The people of this country are not accustomed to class among their rights such enjoyments and privileges as depend on the will of any set of men whatever; under such circumstances they would cease to be the rights of a free people. Yet it is obvious, that the acts laying an embargo have suspended their commercial rights, and if those acts are Constitutional, these rights can never be restored without a concurrent act of all the branches of the Federal Government. The events now passing at the Seat of Government strongly exemplify the force of this remark. If one branch of the Legislature should be unanimously inclined to remove the embargo, and even if the other branch should concur, yet the President of the United States may prevent the passing of an act for such a purpose; and if afterwards only twelve members of the Senate should adopt his policy, and unite in supporting his measures, the embargo must remain in force. Most certainly the people of this country never intended to subject to the discretionary power of thirteen men one of their most essential and invaluable rights. If the existence or the apprehension of war would justify a temporary embargo, the spirit of the Constitution would demand that it should be imposed for a short and definite period; so as to require from time to time the same concurrence of opinion to continue it which is now required for its removal.

In the act of Congress, passed on the ninth day of January last, for enforcing the preceding embargo acts, this Legislature see with extreme pain a perseverance in the system which has proved so injurious to the country. But they are still more alarmed from examining some of the provisions of this act, which appear to them hostile to the dignity and independence of this Commonwealth, and subversive of the civil liberty and Constitutional rights of its citizens. They see there, the rights of individuals subjected to the arbitrary will of an Executive officer, instead of being defined and secured by standing laws; secret and variable instructions and orders of the President entitled to equal respect with the laws of the land; an indefinite and almost unlimited authority given to the officers of the customs, without any warrant from a civil magistrate to search for, and seize, the property of the citizens; excessive sureties required of men who are not even charged with any offence, and excessive fines and penalties imposed; individuals exposed to losses and penalties, for actions which were lawful at the time of committing them; and the benefits of a trial by jury in many cases virtually denied. If any citizen, who is aggrieved, should apply for redress to the laws and judicial courts of the Commonwealth, their processes may be impeded, their officers resisted, and their authority put at defiance, by the standing army of the United States, under the command of any inferior officer empowered by the President. Thus, whenever a petty officer shall be found hardy and adventurous enough to exercise the authority conferred by this act, the sovereignty and independence of the State will be humbled in the dust, or its Government must vindicate by force its dignity and its honor, and may be consequently involved in a civil war.

This Legislature cannot review, without the most painful emotions, the measures of the General Government which they have here been considering. They cannot, without the most gloomy apprehensions, contemplate the probable consequences of a perseverance in such measures. They are constrained respectfully, but most unequivocally, to declare their conviction, that

the several laws before referred to, which interdict the foreign commerce of the United States, and which have imposed numerous embarrassments on the coasting trade, must have originated in a misconstruction of the Federal Constitution; that they are contrary to the spirit and intention of that instrument, and are not warranted by any of the powers therein given, by the People to the Congress of the United States. In the hope of preventing any further evil consequences from these measures, and with the most ardent desire to preserve inviolate the Constitution of these States, and to remove every source of discontent and jealousy among the different members of the Union, this Legislature do solemnly remonstrate against the several acts of Congress for imposing and enforcing the embargo, and do earnestly request your honorable body to take the same into your most serious consideration; and by repealing them to restore this People to their former enviable state of freedom, prosperity, and happiness.

It is impossible to contemplate the repeal of the several acts relating to the embargo, without considering the various substitutes for this measure which have been proposed, and which are now before the public. This Legislature feel bound to express the strong and decided opinion they entertain on the subject before any of these proposed measures shall be adopted. The expression of this opinion is required by a just sense of their own rights and those of the State which they represent, and also by a due regard to the sentiments and feelings of their constituents, which are well known to the individuals of this Legislature, and which are so strongly displayed in the numerous petitions and memorials daily arriving from all parts of the Commonwealth.

The prohibition of all intercourse with France and Great Britain, and their respective dependencies, would probably prove fruitless and inefficient, from the extreme difficulty of enforcing its observance; and would thus serve to bring into contempt the laws and the Government of the country; or, if enforced, it would impose embarrassments on commerce nearly as fatal as the obstructions created by the present embargo. It would soon become a restriction only on the orderly and well disposed part of the community, and would furnish opportunities and inducements to the officers of Government, by occasional indulgence and connivance, to promote the interest of their personal and political friends. But, in another view of this measure, it appears still more serious and alarming. It is obvious that, if the embargo was removed, our citizens would have but little intercourse with France or her dependencies. The total disregard of the laws of nations, and the obligation of treaties, manifested by that Government; the seizure and detention of neutral property in all parts of her dominions; the unprecedented decrees against neutral commerce, promulgated at Berlin, at Milan, and at Bayonne, would deter our citizens from adventuring in commerce with her subjects. The proposed non-intercourse, therefore, would in effect apply solely to Great Britain. The natural tendency of this measure, which is undoubtedly foreseen, if not intended, by some of its advocates, would be to involve the nation in war with Great Britain—a measure which would necessarily produce a fatal alliance with France.

The project of arming our merchantmen to resist seizures by either of the belligerents, appears to manifest a spirit which, when excited in a just cause, will always be warmly approved, and vigorously supported by the people of Massachusetts. They cannot cease to lament, that some portion of this spirit had not been

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exhibited in resisting the first outrage on our rights, by the Berlin decree of November, 1806. If our Government had at that time expressed a strong sense of this outrage on the nation, and a firm resolution to vindicate and maintain its rights, they would have been most cordially and zealously supported by men of all political parties. This project, if adopted now without limitation, however it may be intended by those who propose it, would speedily and inevitably lead to a war with Great Britain. France has comparatively few cruisers on the ocean, which is covered by the ships of her enemy. Our vessels would be seldom encountered by those of the former Power, while hardly ~~she~~ ^{we} would escape those of the latter. All our actual collisions would necessarily be with Great Britain, who would thus be made to appear the only aggressor; and when the public sensibility was excited by these causes, the dictates of reason, of justice, and sound policy, would cease to be regarded. It cannot be too often repeated, that such a war would necessarily involve a destructive alliance with France—an alliance which experience has shown to be more fatal than any war, and which is universally dreaded, throughout this part of the United States, as highly dangerous to the independence of the nation, and hostile to the liberties of the world.

The Legislature of Massachusetts express without reserve their sentiments on the conduct of the two belligerent Powers of Europe. They cannot be restrained by the audacious and unfounded insinuation, that the people of New England are influenced by undue partiality to either of those Powers. They repel with indignation this slanderous aspersion, which cannot be believed even by those who propagate it. It is refuted by the well known spirit and patriotism of this people; it is disproved by the annals of our Revolutionary War, and by our whole history to the present day. This State was among the first to resist the encroachments of the British Government at that time; her citizens still retain the same spirit to oppose unjust aggressions, from whatever quarter they may be attempted. While they cultivate this spirit, the pledge of their liberties and their independence, they cherish also those moral habits and religious principles which distinguished their ancestors, the first settlers of this country. While vindicating their own rights, they are admonished candidly to examine, and religiously to respect, the rights of others. They can never cordially engage in any contest which does not appear to them *necessary* to the honor and the essential interests of their country; nor can they appeal with confidence to the God of armies, in a war which does not appear to them to be just.

With these impressions, the Legislature of Massachusetts have deliberately examined the several documents respecting the foreign relations of the United States, which were published by Congress for the information of the people. They have impartially weighed and considered the dates and the contents of the maritime decrees and orders of France and Great Britain, affecting the commerce of the United States, and the dispositions of those two Governments, as manifested in their correspondence with our public ministers. The numerous and repeated aggressions on the part of France, displayed in these documents, are as injurious to the honor of the nation as to the interests of the citizens—violating at once the obligations of our treaty with that Government and the established principles of the law of nations. The remonstrances and complaints of our Minister appear to have been treated with con-

temptuous silence, or answered only with new outrages; and he seems at last to have abandoned all hope and expectation of influencing that Government by diplomatic representations, and to have left to the wisdom and the spirit of the United States to adopt such other measures as may be necessary to cause their rights to be respected. While France shall maintain this contemptuous indifference, and these hostile dispositions, it appears hardly possible to attempt any accommodation with her which shall not tarnish the honor and endanger the independence of our country.

On the part of Great Britain there appears, from those documents, to be a disposition to cultivate a good understanding with this country. They have manifested a strong desire to make atonement and compensation for injuries that were even unauthorized and unintentional, and to adjust the respective rights and claims of the two nations on such a basis as shall prevent future collisions. If these dispositions on her part are sincere, and we do not see in these documents any reason to question their sincerity, they should undoubtedly be met by a correspondent disposition on our part. They certainly furnish an opportunity to attempt a negotiation, without any sacrifice of honorable sentiment or independent feelings, and this Legislature have great confidence that such a negotiation, conducted in a fair, impartial, and candid manner, would speedily restore harmony between the two countries. In considering the different degrees and orders of France and Great Britain, it is obvious that those of the former have been uniformly first in order of time, and most injurious in their nature. But even if those nations were, as has been sometimes asserted, on the most perfect equality in this respect, and if the conduct of each furnished such a cause of war as would leave only the choice of our adversary, every motive of policy would induce the United States to select France for her enemy. Without condescending to calculate, with precision, the comparative ability of those two nations to injure and annoy this country, the present state of the world should decide our choice. In one event we should have the satisfaction of aiding in that glorious struggle now carried on in Europe against the tyranny of France, and of assisting to maintain the cause of that brave and gallant nation which has lately thrown off the yoke of her oppressors, and which was among the first to promote our exertions in a like cause. In the other case we should be immediately arrayed on the side of France; we should necessarily aid the gigantic strides of her Emperor towards universal domination, and assist in annihilating the independence of nations and the freedom of the world.

On motion, by Mr. LLOYD, the memorial was ordered to be printed for the use of the Senate.

TUESDAY, February 28.

The Senate resumed, as in Committee of the Whole, the bill further to amend the several acts for the establishment of the Treasury, War, and Navy Departments; and the PRESIDENT reported the bill to the House amended.

On motion by Mr. HILLHOUSE, to add the following words to the end of the third section:

“And provided, also, that every agent of the United States shall make his payments on account of the United States, in the same description of money, or bank bills, which he may receive from the Treasury,

whenever practicable, and if impracticable in specie, or bank bills of equal value at the time of payment :—"

It was determined in the negative—yeas 14, nays 17, as follows :

YEAS—Messrs. Anderson, Bayard, Goodrich, Gregg, Hillhouse, Kitchel, Leib, Lloyd, Meigs, Parker, Pickering, Reed, Sumter, and Turner.

NAYS—Messrs. Bradley, Condit, Franklin, Gaillard, Giles, Gilman, Howland, Mathewson, Milledge, Moore, Pope, Smith of Maryland, Smith of New York, Smith of Tennessee, Thruston, Tiffin, and White.

On the question, Shall this bill be engrossed, and read a third time as amended ? it was determined in the affirmative.

A message from the House of Representatives informed the Senate that the House have passed a bill, entitled "An act to interdict the commercial intercourse between the United States and Great Britain and France, and their dependencies, and for other purposes," with amendments, in which they request the concurrence of the Senate. They have passed a bill, entitled "An act further to amend the several acts for the establishment and regulation of the Treasury, War, and Navy Departments, and making appropriations for the support of the Military Establishment, and of the Navy of the United States, for the year 1809;" also a bill, entitled "An act to extend to Amos Whittemore, and Wm. Whittemore, jr., the patent right to a machine for manufacturing cotton and wool cards;" in which they request the concurrence of the Senate.

The bill, entitled, "An act further to amend the several acts for the establishment and regulation of the Treasury, War, and Navy Departments, and making appropriations for the support of the Military Establishment, and of the Navy of the United States, for the year 1809," was twice read by unanimous consent, and referred to Messrs. SMITH of Maryland, CRAWFORD, and FRANKLIN, to consider and report thereon.

The bill, entitled "An act to extend to Amos Whittemore and William Whittemore, jr., the patent right to a machine for manufacturing cotton and wool cards," was twice read by unanimous consent, and referred to Messrs. LLOYD, BRADLEY, and MITCHILL, to consider and report thereon.

The Senate proceeded to consider the amendments of the House of Representatives to the bill, entitled "An act to interdict the commercial intercourse between the United States and Great Britain and France, and their dependencies, and for other purposes."

On the question to agree to the amendment of the 11th section, as follows :

Strike out the words, "And to cause to be issued, under suitable pledges and precautions, letters of marque and reprisal against the nation thereafter continuing in force its unlawful edicts against the commerce of the United States :—"

It was determined in the affirmative—yeas 17, nays 14, as follows :

YEAS—Messrs. Anderson, Bayard, Bradley, Condit, Franklin, Gregg, Howland, Kitchel, Mathewson, Meigs,

Mitchill, Parker, Pope, Reed, Sumter, Tiffin, and White.

NAYS—Messrs. Gaillard, Giles, Gilman, Goodrich, Hillhouse, Leib, Lloyd, Milledge, Moore, Pickering, Smith of Maryland, Smith of New York, Smith of Tennessee, and Turner.

On the question to agree to the amendment in the 12th section, as follows :

Strike out "fourth of March next," and insert "fifteenth of March, 1809 :—"

It was determined in the affirmative—yeas 25, nays 6, as follows :

YEAS—Messrs. Anderson, Bradley, Condit, Franklin, Gaillard, Giles, Gilman, Gregg, Howland, Kitchel, Leib, Mathewson, Meigs, Milledge, Mitchell, Moore, Parker, Pope, Reed, Smith of Maryland, Smith of New York, Smith of Tennessee, Sumter, Tiffin, and Turner.

NAYS—Messrs. Bayard, Goodrich, Hillhouse, Lloyd, Pickering, and White.

All the other amendments to the bill were agreed to.

WEDNESDAY, March 1.

Mr. TIFFIN, from the committee, reported the bill further to amend the several acts for the establishment and regulation of the Treasury, War, and Navy Departments, correctly engrossed ; and the bill was read the third time, and passed.

Mr. LLOYD, from the committee to whom was referred the bill, entitled "An act to extend to Amos Whittemore and William Whittemore, jr., the patent right to a machine for manufacturing cotton and wool cards," reported the bill without amendment ; and the bill was read the third time, by unanimous consent, and passed.

Mr. SMITH, of Maryland, from the committee to whom was referred the bill, entitled "An act further to amend the several acts for the establishment and regulation of the Treasury, War, and Navy Departments, and making appropriations for the support of the Military Establishment, and of the Navy of the United States, for the year 1809," reported the bill amended ; and the Senate proceeded to consider the said amendments, as in Committee of the Whole, and the PRESIDENT reported the bill to the House amended.

On motion, by Mr. BRADLEY, further to amend the bill, to strike out the following words in the sixth section : "For the fortification of the ports and harbors, in addition to the sums heretofore appropriated for that purpose, one million of dollars :—" it was determined in the affirmative—yeas 23, nays 6, as follows :

YEAS—Messrs. Anderson, Bayard, Bradley, Condit, Franklin, Goodrich, Gregg, Hillhouse, Howland, Kitchel, Leib, Lloyd, Mathewson, Moore, Parker, Pickering, Pope, Smith of Tennessee, Sumter, Thruston, Tiffin, Turner, and White.

NAYS—Messrs. Crawford, Milledge, Mitchell, Robinson, Smith of Maryland, and Smith of New York.

And the bill having been further amended, it was ordered to the third reading as amended.

The PRESIDENT communicated a report of the Secretary of the Treasury, with a statement of the emoluments of the officers employed in the

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collection of the customs for the year 1808; which was read, and ordered to lie for consideration.

A message from the House of Representatives informed the Senate that the House have passed a bill, entitled "An act concerning invalid pensioners," in which they request the concurrence of the Senate.

The bill last brought up for concurrence was twice read by unanimous consent, and referred to Messrs. BRADLEY, SMITH of Maryland, and FRANKLIN, to consider and report thereon.

A message from the House of Representatives informed the Senate that the House have passed the bill, entitled "An act further to amend the judicial system of the United States," with amendments; in which they request the concurrence of the Senate. They have also passed the bill, entitled "An act to extend the time for making payments for the public lands of the United States," with amendments, in which they request the concurrence of the Senate. The House of Representatives have passed a bill, entitled "An act supplemental to the act, entitled 'An act for establishing trading-houses with the Indian tribes,'" in which they request the concurrence of the Senate.

The Senate proceeded to consider the amendments of the House of Representatives to the bill, entitled "An act further to amend the judicial system of the United States." Whereupon,

Resolved, That they concur therein.

The Senate proceeded to consider the amendments of the House of Representatives to the bill, entitled "An act to extend the time for making payments for the public lands of the United States." Whereupon,

Resolved, That they concur therein.

The bill, entitled "An act supplemental to the act, entitled 'An act for establishing trading-houses with the Indian tribes,'" was twice read by unanimous consent, and ordered to the third reading.

Mr. GREGG presented the memorial of Arthur St. Clair, accompanied with papers and remarks on the report of the committee to whom his petition was referred at the last session, and praying a reconsideration thereof, for reasons stated in the memorial; which was read, and ordered to lie on the table.

Mr. FRANKLIN, from the committee to whom was referred the petition of Ebenezer S. Platt, made report. Whereupon,

Resolved, That the prayer of his petition cannot be granted, and that he have leave to withdraw the same.

THURSDAY, March 2.

Mr. GILES, from the committee to whom was referred the resolution directing an inquiry into the expediency of amending the act, entitled "An act to establish the judicial courts of the United States," reported that it is not expedient at this time to adopt any measure in relation to that subject; and the report was agreed to.

Mr. BRADLEY, from the committee to whom

was referred the bill, entitled "An act concerning invalid pensioners," reported the bill amended; and the President having reported the bill to the House amended, on motion, the bill was read the third time, by unanimous consent, as amended.

Resolved, That this bill pass with an amendment.

A message from the House of Representatives informed the Senate that the House have passed a bill entitled "An act for the relief of Jacob Barnitz," in which they request the concurrence of the Senate.

Mr. TIFFIN, from the committee, reported the amendments to the bill, entitled "An act further to amend the several acts for the establishment and regulation of the Treasury, War, and Navy Departments, and making appropriations for the support of the Military Establishment, and of the Navy of the United States for the year 1809," correctly engrossed; and the bill was read the third time as amended.

Resolved, That this bill pass as amended.

Agreeably to the order of the day, the Senate resumed the third reading of the bill, entitled "An act for imposing additional duties upon all goods, wares, and merchandise, imported from any foreign port or place;" and on the question, Shall this bill pass as amended? it was determined in the negative—yeas 5, nays 24, as follows:

YEAS—Messrs. Condit, Kitchel, Leib, Pope, and Robinson.

NAYS—Messrs. Bayard, Bradley, Crawford, Franklin, Gaillard, Giles, Gilman, Goodrich, Gregg, Hillhouse, Lloyd, Mathewson, Meigs, Milledge, Mitchell, Moore, Parker, Pickering, Smith of Maryland, Smith of Tennessee, Sumter, Thruston, Tiffin, and Turner.

The bill, entitled "An act for the relief of Jacob Barnitz," was read three times by unanimous consent, and passed.

The Senate resumed, as in Committee of the Whole, the bill providing for the promulgation of certain laws in the Territory of Michigan. And, no amendment having been proposed, on the question, Shall this bill be engrossed, and read a third time? it was determined in the affirmative.

The bill, entitled "An act supplemental to the act, entitled 'An act for establishing trading-houses with the Indian tribes,'" was read the third time, and passed.

FRIDAY, March 3.

A message from the House of Representatives informed the Senate that the House disagree to the first and fourth amendment of the Senate to the bill, entitled "An act further to amend the several acts for the establishment and regulation of the Treasury, War, and Navy Departments, and making appropriations for the support of the Military Establishment and the Navy of the United States for the year 1809;" and they agree to the other amendments to the said bill.

The Senate proceeded to consider the amendments disagreed to by the House of Representatives to the bill, entitled "An act further to amend

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the several acts for the establishment and regulation of the Treasury, War, and Navy Departments, and making appropriations for the support of the Military Establishment and the Navy of the United States for the year 1809;" and, on motion, by Mr. GILES, that the Senate insist on their said amendments disagreed to, it was determined in the affirmative—yeas 26, nays 2, as follows:

YEAS—Messrs. Anderson, Bayard, Bradley, Condit, Gaillard, Giles, Giltman, Hillhouse, Howland, Kitchel, Leib, Lloyd, Mathewson, Meigs, Milledge, Moore, Parker, Pickering, Pope, Reed, Robinson, Smith of Maryland, Smith of New York, Smith of Tennessee, Tiffin, and White.

NAYS—Messrs. Crawford and White.

So it was, *Resolved*, That they insist on their said amendments disagreed to by the House of Representatives.

A message from the House of Representatives informed the Senate that the House have passed a bill, entitled "An act to deprive, in certain cases, vessels of their American character, and to prevent, under certain disabilities, any citizen of the United States taking a license from any foreign Power to navigate the ocean, or to trade with any other foreign and independent Power;" in which they request the concurrence of the Senate. They do not concur in the bill, entitled "An act authorizing the sale and grant of a certain quantity of public land to the Chesapeake and Delaware Canal Company."

The bill, entitled "An act to deprive, in certain cases, vessels of their American character, and to prevent, under certain disabilities, any citizen of the United States taking a license from any foreign Power to navigate the ocean, or to trade with any other foreign and independent Power," was read; and, on the question, Shall this bill be read the second time? it was determined in the affirmative.

On motion, by Mr. ANDERSON, that the bill be read a second time, it was objected to as contrary to rule.

Mr. TIFFIN, from the committee, reported the bill providing for the promulgation of certain laws in the Territory of Michigan correctly engrossed; and the bill was read the third time, and passed.

A message from the House of Representatives informed the Senate that the House have passed a bill, entitled "An act authorizing the augmentation of the Marine Corps," with an amendment, in which they request the concurrence of the Senate.

The Senate proceeded to consider the said amendment. Whereupon,

Resolved, That they concur therein.

The PRESIDENT communicated to the Senate the following letter from the President elect of the United States:

CITY OF WASHINGTON, March 2, 1809.

SIR: I beg leave, through you, to inform the honorable the Senate of the United States, that I propose to take the oath which the Constitution prescribes to the President of the United States, before he enters on the execution of his office, on Saturday the 4th instant, at

twelve o'clock, in the Chamber of the House of Representatives.

I have the honor to be, with the greatest respect, sir, your most obedient and most humble servant,

JAMES MADISON.

The Hon. JOHN MILLEDGE,

President pro tempore of the Senate.

BANK OF THE UNITED STATES.

The PRESIDENT also communicated the report of the Secretary of the Treasury on the memorial of the stockholders of the Bank of the United States, referred to him on the 26th of April last; which was read, as follows:

The Secretary of the Treasury, to whom was referred the memorial of the stockholders of the Bank of the United States, praying for a renewal of the charter which will expire on the 4th day of March, 1811, respectfully submits the following report:

The Bank of the United States was incorporated by the act of March 2, 1791, with a capital of ten millions of dollars, divided into twenty-five thousand shares, of four hundred dollars each. Two millions of dollars were subscribed by the United States, and paid in ten equal annual instalments. Of the eight millions of dollars subscribed by individuals, two millions were paid in specie, and six millions in six per cent. stock of the United States. Two thousand four hundred and ninety-three of the shares belonging to the Government were sold in the years 1796 and 1797, at an advance of twenty-five per cent.; two hundred and eighty-seven were sold in the year 1797, at an advance of twenty per cent.; and the other two thousand two hundred and twenty shares in the year 1802, at an advance of forty-five per cent.; making together, exclusively of the dividends, a profit of \$671,860 to the United States. The greater part of the six per cent. stock originally paid by the stockholders has since been sold by the Bank; a portion has been redeemed by Government, by the operation of the annual reimbursement, and the Bank retains at present only a sum of \$2,231,698 in six per cent. stock.

About eighteen thousand shares of the Bank stock are held by persons residing abroad, who are by the charter excluded from the right of voting. The stockholders resident within the United States, and who have the exclusive control over the institution, hold only seven thousand shares, or little more than one-fourth part of its capital. They appoint annually twenty-five directors of the Bank itself, which is established at Philadelphia, and those directors have the entire management of the discounts and other transactions of the institution in that city, and the general superintendence and appointment of the directors and cashiers of the offices of discount and deposit established in other places. There are at present eight of those offices, viz: at Boston, New York, Baltimore, Norfolk, Charleston, Savannah, the City of Washington, and New Orleans. The last two were established at the request of the Secretary of the Treasury.

The profits of a Bank arise from the interest received on the loans made, either to Government or to individuals; and they exceed six per cent. or the rate of interest at which the loans are made, because every bank lends, not only the whole of its capital, but also a portion of the moneys deposited for safekeeping in its vaults, either by Government or by individuals. For every sum of money thus deposited, the party making the deposit, either receives the amount in

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bank notes, or obtains a credit on the books of the bank. In either case he has the same right at any time to withdraw his deposits; in the first case, on presentation and surrender of the bank notes; in the other case, by drawing on the bank for the amount. Bank notes, and credits on the books of the bank arise, therefore, equally from deposits, although the credits alone are, in common parlance, called deposits; and the aggregate of those credits, and of the bank notes issued, constitutes the circulating medium substituted by the banking operations to money; for payments from one individual to another are equally made by draughts on the bank, or by delivery of bank notes. Experience has taught the directors what portion of the money thus deposited they may lend, or in other words how far they may with safety extend their discounts beyond the capital of the bank, and what amount of specie it is necessary they should keep in their vaults. The profits, and therefore the dividends of a bank, will increase in proportion as the directors will increase loans of the moneys deposited, and suffer the amount of specie on hand to diminish. Moderate dividends, when not produced by some particular cause which checks the circulation of bank paper, are the best evidence of the safety of the institution, and of the wisdom of its direction.

The annexed table of all the dividends made by the Bank of the United States since its establishment, shows that they have on an average been at the rate of $8\frac{2}{3}$ (precisely) 8-13 (14) per cent. a year, and proves that the bank has not in any considerable degree used the public deposits for the purpose of extending its discounts.

From what has been premised, it appears that the property of a bank in full operation, consists of three general items, viz: 1st. Outstanding debts, consisting principally of the notes payable at sixty days, which have been discounted at the bank. 2dly. Specie in the vaults. 3dly. Buildings necessary for the institution. On the other hand, the bank owes: 1st. To the stockholders, the amount of the capital stock originally subscribed, payable only in case of the dissolution of the institution. 2dly. To Government or individuals, the whole amount of moneys deposited, payable on demand, and including both the credits on the bank books, commonly called deposits, and the bank notes in circulation. The account is balanced by the amount of undivided profits and accruing discounts, which constitute the fund for defraying current expenses, for paying subsequent dividends, and for covering contingent losses.

The following statement of the situation of the Bank of the United States, including its branches, exhibits the true amount of public stock which is still held by the institution, of the cost of its buildings and lots of ground, and of the undivided surplus or contingent fund subsequent to the dividend made in January last. But the amount of loans to individuals or discounts, of specie in the vaults, and of moneys deposited, including both the credits on the bank books, commonly called deposits, and the bank notes in circulation, is taken on a medium; and, so far as relates on the credit side of the account, to specie on hand, and, on the debit side, to deposits, is several millions of dollars less than it happens to be at this moment; both having been swelled much beyond the average by the embargo, and by the unusually large balance in the Treasury, which is principally deposited in the bank. Some minor items arising from accidental circumstances are omitted for the sake of perspicuity.

Cr.

I. Debts due to the bank, viz:

1. Six per cent. stock of the United States, being the residue of that part of the original subscription paid in public stocks, which is still held by the bank \$2,230,000

2. Loans to individuals, consisting chiefly of discounted notes, payable at sixty days, and in some instances of bonds and mortgages taken in order to secure doubtful debts - 15,000,000

3. Due by banks incorporated by the States - 800,000

18,030,000

II. Specie in the vaults - 5,000,000

III. Cost of lots of ground, and buildings erected - 480,000

Total Cr. \$23,510,000

Dr.

I. Capital stock of the bank

payable to the stockholders whenever the institution may be dissolved - 10,000,000

II. Moneys deposited, viz:

1. Credits on the bank books commonly called deposits, including the deposits both by Government and by individuals 8,500,000

2. Bank notes in circulation 4,500,000

23,000,000

Total Dr. 23,000,000

Balance, being the amount of undivided profits, commonly called the "contingent fund," and applicable to cover losses which may arise from bad debts or other contingencies, and to extra dividends - 510,000

It sufficiently appears from this general view, that the affairs of the Bank of the United States, considered as a moneyed institution, have been wisely and skilfully managed.

The advantages derived by Government from the bank are nearly of the same nature with those obtained by individuals, who transact business with similar institutions, and may be reduced to the following heads.

1. Safe keeping of public moneys. This applies not only to moneys already in the Treasury, but also to those in the hands of the principal collectors, of the Commissioners of Loans, and of several other officers, and affords one of the best securities against delinquencies.

2. Transmission of public moneys. As the collection will always, in various quarters of the extensive territory of the Union, either exceed or fall short of the expenditures in the same places, a perpetual transmission of money, or purchase of remittances at the risk and expense of the United States, would become necessary in order to meet those demands; but this is done by the bank at its own risk and expense, for every place where one of its branches is established, which embraces all payments of any importance.

3. Collection of the revenue. The punctuality of payments introduced by the banking system, and the facilities afforded by the bank to the importers indebted for revenue bonds, are amongst the causes which have

enabled the United States to collect with so great facility, and with so few losses, the large revenue derived from the impost.

4. Loans. Although the prosperity of past years has enabled Government, during the present Administration, to meet all the public demands without recurring to loans, the bank had heretofore been eminently useful in making the advances which under different circumstances were necessary. There was a time when, exclusively of the six per cent. stock held by the institution as part of the original subscription, the loans obtained by Government from the bank amounted to \$6,200,000. And a similar disposition has been repeatedly evinced whenever the aspect of public affairs has rendered it proper to ascertain whether new loans might, if wanted, be obtained.

The numerous banks now established under the authority of the several States, might, it is true, afford considerable assistance to the Government in its fiscal operations. There is none, however, which could effect the transmission of public moneys with the same facility, and to the same extent, as the Bank of the United States is enabled to do through its several branches. The superior capital of that institution offers also a greater security against any possible losses, and greater resources in relation to loans. Nor is it eligible that the General Government should, in respect to its own operations, be entirely dependent on institutions over which it has no control whatever. A National Bank, deriving its charter from the National Legislature, will at all times, and under every emergency, feel stronger inducements, both from interest and from a sense of duty, to afford to the Union every assistance within its power.

The strongest objection against the renewal of the charter seems to arise from the great portion of the bank stock held by foreigners; not on account of any influence it gives them over the institution, since they have no vote, but of the high rate of interest payable by America to foreign countries on the portion thus held. If the charter is not renewed, the principal of that portion, amounting to about \$7,200,000, must at once be remitted abroad; but if the charter is renewed, dividends equal to an interest of about $8\frac{1}{2}$ per cent. a year must be annually remitted in the same manner. The renewal of the charter will, in that respect, operate in a national point of view, as a foreign loan, bearing an interest of $8\frac{1}{2}$ per cent. a year.

That inconvenience might perhaps be removed by a modification in the charter, providing for the repayment of that portion of the principal by a new subscription to the same amount in favor of citizens; but it does not, at all events, appear sufficient to outweigh the manifest public advantages derived from a renewal of the charter.

The conditions in favor of the public, on which this should be granted, are the next subject for consideration.

The nett profit, annually derived by the stockholders from a renewal of the charter, is equal to the difference between the annual dividends and the market rate of interest. Supposing this to continue at six per cent. during the period granted by the extension of the charter, and the dividends to be on an average at the rate of $8\frac{1}{2}$ per cent., that profit will be $2\frac{1}{2}$ per cent. a year. If the charter be extended twenty years, the value of the privilege will be equal to an annuity of $2\frac{1}{2}$ per cent. on the capital, that is to say, of \$250,000 for twenty years; and such annuity being

payable semi-annually, is worth almost \$2,890,000. This, however, would be much more than any bank would give for a charter, as it would leave it nothing but the right of dividing at the rate of six per cent. a year, which the stockholders have without a charter. It is believed that they would not be willing to give even half that sum for the extension, and that about \$1,250,000 may be considered as the maximum which could be obtained, if it was thought eligible to sell the renewal of the charter for a fixed sum of money.

It is, however, presumed that the decision on the conditions which may be annexed to an extension of charter will be directed by considerations of a much greater importance than the payment of such a sum into the Treasury. The object will undoubtedly be to give to the institution all the public utility of which it is susceptible, and to derive from it permanent and solid advantages rather than mere temporary aid. Under those impressions, the following suggestions are respectfully submitted:

I. That the Bank should pay interest to the United States on the public deposits, whenever they should exceed a certain sum, which might perhaps be fixed at about \$3,000,000.

II. That the Bank should be bound, whenever required, to lend to the United States a sum not exceeding three-fifths of its capital, at a rate of interest not exceeding six per cent.; the amount of such loan or loans to be paid by the Bank in instalments not exceeding a certain sum monthly, and to be reimbursed at the pleasure of Government.

III. That the capital stock of the Bank should be increased to \$30,000,000, in the following manner, viz:

1. Five millions of dollars to be subscribed by citizens of the United States, under such regulations as would make an equitable apportionment amongst the several States and Territories.

2. Fifteen millions to be subscribed by such States as may desire it, and under such equitable apportionment amongst the several States as may be provided by law; and a branch to be established in each subscribing State, if subscribed for by the State.

3. The payments either by individuals or States to be either in specie or in public stock of the United States, at such rates as may be provided by law.

4. The subscribing States to pay their subscription in ten annual instalments, or sooner, if it suits their convenience, but to receive dividends in proportion only to the amount of subscription actually paid, and their shares of bank stock not to be transferable.

IV. That some share should be given in the direction to the General and State Governments: the General Government appointing a few directors, and the Government of each subscribing State appointing a few directors in the direction of the branch established in such State.

The result of that plan would be, 1st, That the United States, receiving no interest on public deposits, might, without inconvenience, accumulate during years of peace and prosperity, a treasure sufficient to meet periods of war and calamity, and thereby avoid the necessity of adding, by increased taxes, to the distresses of such periods. 2dly, That they might rely on a loan of \$18,000,000 on any sudden emergency. 3dly, That the payment of the greater part of the proposed increase of capital being made in ten annual instalments, that increase would be gradual, and not more rapid than may be required by the progressive state of the country. 4thly, That the Bank itself would form an

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additional bond of common interest and union amongst the several States.

All which is respectfully submitted.

ALBERT GALLATIN.

TREASURY DEPARTMENT, March 2, 1809.

On motion, the Senate adjourned to five o'clock.

Five o'clock in the Evening.

Ordered, That Messrs. SMITH of Maryland, BAYARD, and GAILLARD, be a committee of arrangement for the reception of the President of the United States to-morrow, on the occasion of his inauguration.

A message from the House of Representatives informed the Senate that the House insist on their disagreement to the amendments of the Senate to the bill, entitled "An act further to amend the several acts for the establishment and regulation of the Treasury, War, and Navy Departments, and making appropriations for the support of the Military Establishment and of the Navy of the United States for the year 1809." They ask a conference, on the disagreeing votes of the two Houses, and have appointed managers on their part. They have passed a bill, entitled "An act for the relief of William Hastings," in which they request the concurrence of the Senate.

The Senate proceeded to consider the resolution of the House of Representatives, requesting a conference on the disagreeing votes of the two Houses on the bill first above mentioned; and having agreed to the same.

Ordered, That Messrs. GILES and BRADLEY be the managers at the same on the part of the Senate.

The bill, entitled "An act for the relief of William Hastings," was read. On the question, Shall this bill be read a second time? it was determined in the affirmative. On motion, that the bill be now read a second time, it was objected to as against the rule.

Mr. GILES, from the managers at the conference on the bill, entitled "An act further to amend the several acts for the establishment and regulation of the Treasury, War, and Navy Departments, and making appropriations for the support of the Military Establishment and of the Navy of the United States for the year 1809," made report. Whereupon, it was agreed that a bill further to amend the several acts for the establishment and regulation of the Treasury, War, and Navy Departments, be now read three several times, by unanimous consent.

Resolved, That this bill pass, and that the title thereof be "An act further to amend the several acts for the establishment and regulation of the Treasury, War, and Navy Departments."

Resolved, That Messrs. MITCHELL and SMITH, of New York, be a committee on the part of the Senate, with such as the House of Representatives may join, to wait on the President of the United States and notify him that, unless he may have any further communications to make to the two Houses of Congress, they are now ready to adjourn.

Ordered, That the Secretary acquaint the

House of Representatives therewith, and request the appointment of a committee on their part.

A message from the House of Representatives informed the Senate that the House have passed the bill, entitled "An act supplementary to the act, entitled 'An act to amend the charter of Georgetown,' with an amendment, in which they request the concurrence of the Senate.

The Senate proceeded to consider the amendment of the House of Representatives to the bill, entitled "An act supplementary to the act, entitled 'An act to amend the charter of Georgetown.'" On motion of Mr. BRADLEY, that the bill and amendment be postponed to the next session of Congress, it was determined in the negative.

On motion, by Mr. BRADLEY,

Resolved, That the Senate disagree to the said amendment.

Mr. MITCHELL, from the committee, reported that they had waited on the President of the United States, who informed them that he had no further communications to make to the two Houses of Congress.

Ordered, That the Secretary notify the House of Representatives that the Senate having finished the business before them, are about to adjourn.

The Secretary having performed that duty, the Senate adjourned without day.

EXTRA SESSION.

The President of the United States

to —, Senator for the State of —:

Certain matters touching the public good requiring that the Senate should be convened, on Saturday, the fourth day of March next, you are desired to attend at the Senate Chamber, in the City of Washington, on that day; then and there to deliberate on such communications as shall be made to you.

TH. JEFFERSON.

WASHINGTON, Dec. 30, 1808.

SATURDAY, March 4.

In conformity with the summons from the President of the United States, the Senate assembled in the Chamber of the House of Representatives.

PRESENT:

JOHN MILLEDGE, from the State of Georgia, President *pro tempore*.

NICHOLAS GILMAN, and NAHUM PARKER, from New Hampshire.

TIMOTHY PICKERING, from Massachusetts.

CHAUNCEY GOODRICH, from Connecticut.

ELISHA MATHESON, from Rhode Island.

STEPHEN R. BRADLEY, from Vermont.

JOHN SMITH, from New York.

AARON KITCHEL, from New Jersey.

ANDREW GREGG, from Pennsylvania.

JAMES A. BAYARD, from Delaware.

PHILIP REED, from Maryland.

WILLIAM B. GILES, from Virginia.

JAMES TURNER, and JESSE FRANKLIN, from North Carolina.

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THOMAS SUMTER, and JOHN GAILLARD, from South Carolina.

WILLIAM H. CRAWFORD, from Georgia.

BUCKNER THRUSTON, and JOHN POPE, from Kentucky.

DANIEL SMITH, from Tennessee.

EDWARD TIFFIN, from Ohio.

JOHN LAMBERT, appointed a Senator by the Legislature of the State of New Jersey for six years, and SAMUEL SMITH, appointed a Senator, by the Executive of the State of Maryland, attended, and their credentials were read.

JAMES LLOYD, junior, appointed a Senator by the Legislature of the State of Massachusetts, attended, stating that he was elected, but not in possession of his credentials.

JOSEPH ANDERSON, from the State of Tennessee; RICHARD BRENT, from the State of Virginia; JAMES HILLHOUSE, from the State of Connecticut; MICHAEL LEIB, from the State of Pennsylvania; RETURN J. MEIGS, from the State of Ohio; JONATHAN ROBINSON, from the State of Vermont; SAMUEL WHITE, from the State of Delaware, severally attended.

The oath required by law was administered to the Senators above mentioned, in the six years' class, respectively, except to Mr. BRENT.

The PRESIDENT OF THE UNITED STATES attended, and communicated the following

ADDRESS :

Unwilling to depart from examples of the most revered authority, I avail myself of the occasion now presented, to express the profound impression made on me by the call of my country to the station, to the duties of which I am about to pledge myself by the most solemn of sanctions. So distinguished a mark of confidence, proceeding from the deliberate and tranquil suffrage of a free and virtuous nation, would, under any circumstances, have commanded my gratitude and devotion, as well as filled me with an awful sense of the trust to be assumed. Under the various circumstances which give peculiar solemnity to the existing period, I feel that both the honor and the responsibility allotted to me are inexpressibly enhanced.

The present situation of the world is, indeed, without a parallel, and that of our own country full of difficulties. The pressure of these, too, is the more severely felt, because they have fallen upon us at a moment when the national prosperity being at a height not before attained, the contrast, resulting from the change, has been rendered the more striking. Under the benign influence of our Republican institutions, and the maintenance of peace with all nations, whilst so many of them were engaged in bloody and wasteful wars, the fruits of a just policy were enjoyed in an unrivalled growth of our faculties and resources. Proofs of this were seen in the improvements of agriculture; in the successful enterprises of commerce; in the progress of manufactures and useful arts; in the increase of the public revenue, and the use made of it in reducing the public debt; and in the valuable works and establishments everywhere multiplying over the face of our land.

It is a precious reflection that the transition from this prosperous condition of our country, to the scene which has for some time been distressing us, is not chargeable

on any unwarrantable views, nor, as I trust, on any involuntary errors in the public councils. Indulging no passions which trespass on the rights or the repose of other nations, it has been the true glory of the United States to cultivate peace by observing justice; and to entitle themselves to the respect of the nations at war, by fulfilling their neutral obligations with the most scrupulous impartiality. If there be candor in the world, the truth of these assertions will not be questioned; posterity, at least, will do justice to them.

This unexceptionable course could not avail against the injustice, and violence of the belligerent Powers. In their rage against each other, or impelled by more direct motives, principles of retaliation have been introduced, equally contrary to universal reason and acknowledged law. How long their arbitrary edicts will be continued, in spite of the demonstrations that not even a pretext for them has been given by the United States, and of the fair and liberal attempt to induce a revocation of them, cannot be anticipated. Assuring myself, that, under every vicissitude, the determined spirit and united councils of the nation will be safeguards to its honor and its essential interests, I repair to the post assigned me with no other discouragement than what springs from my own inadequacy to its high duties. If I do not sink under the weight of this deep conviction, it is because I find some support in a consciousness of the purposes, and a confidence in the principles which I bring with me into this arduous service.

To cherish peace and friendly intercourse with all nations having correspondent dispositions; to maintain sincere neutrality towards belligerent nations; to prefer, in all cases, amicable discussion and reasonable accommodation of differences, to a decision of them by an appeal to arms; to exclude foreign intrigues and foreign partialities, so degrading to all countries, and so bareful to free ones; to foster a spirit of independence, too just to invade the rights of others, too proud to surrender our own, too liberal to indulge unworthy prejudices ourselves, and too elevated not to look down upon them in others; to hold the union of the States as the basis of their peace and happiness; to support the Constitution, which is the cement of the Union, as well in its limitations as in its authorities; to respect the rights and authorities reserved to the States and to the people, as equally incorporated with, and essential to the success of, the general system; to avoid the slightest interference with the rights of conscience or the functions of religion, so wisely exempted from civil jurisdiction; to preserve, in their full energy, the other salutary provisions in behalf of private and personal rights, and of the freedom of the press; to observe economy in public expenditures; to liberate the public resources by an honorable discharge of the public debts; to keep within the requisite limits a standing military force, always remembering that an armed and trained militia is the firmest bulwark of Republics; that without standing armies their liberty can never be in danger, nor with large ones safe; to promote, by authorized means, improvements friendly to agriculture, to manufactures, and to external as well as internal commerce; to favor, in like manner, the advancement of science and the diffusion of information, as the best aliment to true liberty; to carry on the benevolent plans which have been so meritoriously applied to the conversion of our aboriginal neighbors from the degradation and wretchedness of savage life, to a participation of the improvements of which the human mind and manners are susceptible in a civilized state;—as far as sentiments and intentions

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such as these can aid the fulfilment of my duty, they will be a resource which cannot fail me.

It is my good fortune, moreover, to have the path in which I am to tread lighted by examples of illustrious services, successfully rendered in the most trying difficulties, by those who have marched before me. Of those of my immediate predecessor it might least become me here to speak. I may, however, be pardoned for not suppressing the sympathy with which my heart is full, in the rich reward he enjoys in the benedictions of a beloved country, gratefully bestowed for exalted talents, zealously devoted, through a long career, to the advancement of its highest interest and happiness.

But the source to which I look for the aids which alone can supply my deficiencies, is in the well-tryed intelligence and virtue of my fellow-citizens, and in the counsels of those representing them in the other departments associated in the care of the national interests. In these my confidence will, under every difficulty, be best placed, next to that which we have all been encouraged to feel in the guardianship and guidance of that Almighty Being whose power regulates the destiny of nations, whose blessings have been so conspicuously dispensed to this rising Republic, and to whom we are bound to address our devout gratitude for the past, as well as our fervent supplications and best hopes for the future.

After which, the oath prescribed by law was administered to the PRESIDENT OF THE UNITED STATES, by the Chief Justice.

The President of the United States then retired, and the Senate repaired to their own Chamber.

Ordered, That Messrs. ANDERSON and BAYARD be a committee to wait on the President of the United States, and notify him that the Senate are ready to receive any communications that he may be pleased to make to them.

MONDAY, March 6.

FRANCIS MALBONE, appointed a Senator by the Legislature of the State of Rhode Island, for six

years, commencing on the fourth instant, attended, and produced his credentials; which were read.

The credentials of RICHARD BRENT, appointed a Senator by the Legislature of the State of Virginia, for six years, commencing on the fourth instant, were read.

The oath required by law was administered to Messrs. BRENT and MALBONE, respectively.

On motion, by Mr. ROBINSON,

Resolved, That the Secretary of the Senate be authorized to pay, out of the contingent fund of this House, to George Thomas, Walter Reynolds, and Tobias Simpson, the sum of fifty dollars each, in addition to their annual compensation.

Mr. ANDERSON reported, from the committee, that they had waited on the President of the United States, who informed them that he should this day make a communication to the Senate.

Soon after, a communication was received from the President of the United States, submitting sundry nominations to office, which were mostly confirmed.

TUESDAY, March 7.

The PRESIDENT laid before the Senate a communication from Governor Huntingdon, enclosing a resolution passed by the General Assembly of the State of Ohio, approving the measures of the General Government; which was read.

After the consideration of Executive business, Messrs. BAYARD and REED were appointed a committee to wait on the President of the United States, and notify him, that, unless he may have any further communications to make to them, the Senate are ready to adjourn.

Mr. BAYARD reported, from the committee, that they had waited upon the President of the United States, who informed them that he had no further communications to make to them. Whereupon,

The Senate adjourned without day.

PROCEEDINGS AND DEBATES

OF THE

HOUSE OF REPRESENTATIVES OF THE UNITED STATES,

AT THE SECOND SESSION OF THE TENTH CONGRESS, BEGUN AT THE CITY OF WASHINGTON, MONDAY, NOVEMBER 7, 1808.

MONDAY, November 7, 1808.

This being the day appointed by law for the meeting of the present session, the following members of the House of Representatives appeared and took their seats, to wit :

From New Hampshire—Daniel M. Durell, Francis Gardner, Jedediah K. Smith, and Clement Storer.

From Massachusetts—Ezekiel Bacon, Joseph Barker, Orchard Cook, Richard Cutts, Josiah Deane, William Ely, Isaiah L. Green, Daniel Holey, Edward St. Loe Livermore, Josiah Quincy, Ebenezer Seaver, William Stedman, Jabez Upham, and Joseph B. Varnum, (the Speaker.)

From Rhode Island—Isaac Willbour.

From Connecticut—Epaphroditus Champion, Samuel W. Dana, John Davenport, jr., Jonathan O. Mosely, Timothy Pitkin, jr., Lewis B. Sturges, and Benjamin Talkadge.

From Vermont—Martin Chittenden, James Elliot, and James Fisk.

From New York—John Blake, jr., John Harris, Reuben Humphreys, William Kirkpatrick, Gurdon S. Mumford, Samuel Riker, John Russell, Peter Swart, John Thompson, James I. Van Alen, Killian K. Van Rensselaer, and Daniel C. Verplanck.

From New Jersey—Adam Boyd, William Helme, John Lambert, Thomas Newbold, James Sloan, and Henry Southard.

From Pennsylvania—David Bard, Robert Brown, William Pindley, John Heister, William Hoge, William Milner, Daniel Montgomery, jr., John Porter, John Pugh, John Rea, Matthias Richards, John Smilie, Samuel Smith, and Robert Whitehill.

From Maryland—Charles Goldsborough, William McCreery, John Montgomery, Nicholas R. Moore, and Archibald Van Horn.

From Virginia—Burwell Bassett, William A. Burwell, John Clopton, John Dawson, John W. Eppes, James M. Garnett, Peterson Goodwyn, Edwin Gray, David Holmes, John G. Jackson, Joseph Lewis, jun., John Love, John Morrow, Thomas Newton, John Smith, Abraham Trigg, and Alexander Wilson.

From Kentucky—Joseph Desha, Benjamin Howard, and Richard M. Johnson.

From North Carolina—Willis Alston, jr., William Blackledge, Thomas Blount, John Culpeper, Nathaniel Macon, Lemuel Sawyer, and Richard Stanford.

From Tennessee—George W. Campbell, John Rhea, and Jesse Wharton.

From South Carolina—Lemuel J. Alston, William Butler, Joseph Calhoun, John Taylor, and David R. Williams.

From Georgia—William W. Bibb, and George M. Troup.

From Ohio—Jeremiah Morrow.

From the Mississippi Territory—George Poindexter, Delegate.

Two new members, to wit : NATHAN WILSON, returned to serve in this House as a member for New York, in the room of David Thomas, who hath resigned his seat, and THOMAS GHOLSON, jr., returned to serve as a member from Virginia, in the room of John Claiborne, deceased ; appeared, produced their credentials, and took their seats in the House.

And a quorum, consisting of a majority of the whole number, being present, a message was received from the Senate, informing the House that a quorum of the Senate is assembled, and ready to proceed to business ; the Senate have appointed a committee on their part, jointly, with such committee as may be appointed on the part of this House, to wait on the President of the United States, and inform him that a quorum of the two Houses is assembled, and ready to receive any communications he may be pleased to make to them.

The oath of affirmation to support the Constitution of the United States was then administered to Mr. NATHAN WILSON and Mr. GHOLSON, by Mr. SPEAKER, according to law.

Ordered, That a message be sent to the Senate to inform them that a quorum of this House is assembled, and ready to proceed to business ; and that the Clerk of this House do go with the said message.

The House proceeded to consider the resolution of the Senate for the appointment of a joint committee of the two Houses to wait on the President of the United States and inform him that a quorum of the two Houses is assembled, and ready to receive any communication he may be pleased to make to them : Whereupon, the House agreed to the said resolution ; and Mr. MACON, Mr. QUINCY, and Mr. McCREERY, were appointed the committee on their part.

Mr. MACON, from the joint committee appointed to wait on the President of the United States, and inform him that a quorum of the two Houses is assembled, reported that the committee had performed that service; and that the President signified to them he would make a communication, in writing, to this House, to-morrow at twelve o'clock, by way of Message.

On motion of Mr. SMILIE,

Resolved, That the Clerk of this House cause the members to be furnished, during the present session, with three newspapers to each member, such as the members shall respectively choose, to be delivered at their lodgings; and that the clerk be directed to procure such papers from any number of offices that the members shall elect: provided, the expense does not exceed the amount of three daily newspapers.

And then the House adjourned until to-morrow morning eleven o'clock.

TUESDAY, November 8.

Several other members, to wit: from Pennsylvania, JACOB RICHARDS; from Virginia, MATTHEW CLAY, and WALTER JONES; and from South Carolina, ROBERT MARION; appeared, and took their seats in the House.

A new member, to wit: SAMUEL SHAW, returned to serve in this House as a member from the State of Vermont, in the room of James Withereff, who has resigned his seat, appeared, produced his credentials, was qualified, and took his seat in the House.

A message from the Senate informed the House that the Senate have resolved that two Chaplains, of different denominations, be appointed to Congress for the present session, who shall interchange weekly; to which they desire the concurrence of the House.

The House proceeded to consider the foregoing resolution of the Senate, and it was agreed to.

The SPEAKER laid before the House a letter from the Governor of the State of Pennsylvania, enclosing a letter to him from JOSEPH CLAY, the Representative for the district composed of the city and county of Philadelphia, and county of Delaware, in the said State, containing his resignation of a seat in this House; also, a proclamation of the said Governor, and a certificate of the election of BENJAMIN SAY, to serve as a member for the said District and State, in the room of the said Joseph Clay; which were read, and referred to the Committee of Elections.

The SPEAKER laid before the House a letter from the Speaker of the House of Representatives of the Mississippi Territory, accompanied with a memorial of the said House of Representatives, praying a revision and amendment of the laws relating to the sale of the lands of the United States, as far as relates to the instalments due, and to become due, for the lands purchased by settlers in the said Territory; also, that the provisions of a bill which was depending before this House at the last session, for the establishment of a Federal Court in that Territory, may not be enacted into

a law, for the reasons therein mentioned.—Read and referred to the Committee on the Public Lands.

A motion was made by Mr. RHEA, of Tennessee, that the House do agree to the following resolution and order, to wit:

Resolved, That the order hereto subjoined, be inserted among the rules and orders of this House:

Ordered, That a standing committee, to consist of one member from each State, the Representatives or Representative from which may or shall attend, and to be styled "the Committee of the Post Office and Post Roads," shall be appointed, whose duty it shall be to take into consideration all such matters and things touching the Post Office and Post Roads of the United States, as shall be presented, or shall or may come in question, and be referred to them by the House, and to report thereon; and also to report such alterations and amendments to the laws concerning the Post Office and Post Roads as may become necessary.

The motion was read, and ordered to lie on the table.

A Message was received from the PRESIDENT OF THE UNITED STATES.

The House proceeded in the reading of the said Message, and the documents which accompanied the same, and made some progress therein; when an adjournment was called for: Whereupon, the farther reading was postponed until to-morrow.

[For this Message see Senate Proceedings, of this date, *ante*, page 11.]

STANDING COMMITTEES.

The following Committees were appointed, agreeably to the standing rules and orders of the House, viz:

Committee of Elections—Mr. FINDLEY, Mr. DAVID R. WILLIAMS, Mr. CLAY, Mr. LAMBERT, Mr. BLAKE, Mr. STURGES, and Mr. ELLIOT.

Committee of Claims—Mr. HOLMES, Mr. PITKIN, Mr. SEAVER, Mr. JOHNSON, Mr. HUMPHREYS, Mr. BROWN, and Mr. BUTLER.

Committee of Commerce and Manufactures—Mr. NEWTON, Mr. MCCREERY, Mr. CUTTS, Mr. MARION, Mr. DANA, Mr. MUMFORD, and Mr. PORTER.

Committee of Ways and Means—Mr. GEORGE WASHINGTON CAMPBELL, Mr. WILLIS ALSTON, Mr. EPPES, Mr. SMILIE, Mr. TALLMADGE, Mr. FISK, and Mr. JOHN MONTGOMERY.

Committee on the Public Lands—Mr. JEREMIAH MORROW, Mr. GOODWYN, Mr. RUSSELL, Mr. BOYD, Mr. ELY, Mr. BIBB, and Mr. HOWARD.

Committee of Revision and Unfinished Business—Mr. CLOPTON, Mr. VAN RENSSELAER, and Mr. DURELL.

Committee of Accounts—Mr. NICHOLAS R. MOORE, Mr. STEDMAN, and Mr. MFLNOR.

Ordered, That a Committee for the District of Columbia be appointed, pursuant to an additional rule and order of the House, agreed to on the twenty-seventh of January last; and a committee was appointed, of Mr. LEWIS, Mr. VAN HORN, Mr. SOUTHARD, Mr. BLACKLEDGE, Mr. REA of Pennsylvania, Mr. LEMUEL J. ALSTON, and Mr. WHARTON.

NOVEMBER, 1808.

Motion to Repeal the Embargo.

H. or R.

WEDNESDAY, November 9.

Another member, to wit: ROBERT JENKINS, from Pennsylvania, appeared, and took his seat in the House.

The House proceeded in the reading of the documents accompanying the President's Message; which being concluded, on motion of Mr. DAWSON, they were referred, together with the Message, to a Committee of the Whole on the state of the Union, and ordered to be printed.

On the question as to the number to be printed, it was moved by Mr. FISK, and seconded by Mr. DANA, that ten thousand copies be printed. Negatively by a considerable majority.

Five thousand copies were then ordered to be printed.

The House was then cleared and the doors closed, for the purpose of reading the confidential part of the President's Message.

After the doors were opened, a resolution yesterday laid on the table by Mr. RHEA, for appointing a Committee of Post Offices and Post Roads, to consist of one member from each State, was taken up and agreed to. The following gentlemen compose the Committee: Mr. RHEA of Tennessee, Mr. GREEN, Mr. CHITTENDEN, Mr. DAVENPORT, Mr. STANFORD, Mr. CALHOUN, Mr. TROUP, Mr. DESHA, Mr. WHITEHILL, Mr. NEWBOLD, Mr. VERPLANCK, Mr. PUGH, Mr. STÖRER, Mr. JEREMIAH MORROW, Mr. GOLDSBOROUGH, Mr. NATHAN WILSON, and Mr. WILBOUR.

THURSDAY, November 10.

Several other members, to wit: from Virginia, WILSON CARY NICHOLAS and JOHN RANDOLPH; and from North Carolina, JAMES HOLLAND; appeared, and took their seats in the House.

On motion of Mr. LEWIS,

Ordered, That the memorial of sundry proprietors of Washington, relative to the subdivision of squares and lots in the said city, and admitting the same to record, presented the fourteenth of March, one thousand eight hundred and six, be referred to the Committee for the District of Columbia.

A message from the Senate informed the House that the Senate have proceeded to the appointment of a Chaplain to Congress for the present session, on their part; and the Reverend Mr. ELLIOTT hath been duly elected.

The House then proceeded, by ballot, to the appointment of a Chaplain to Congress, for the present session, on the part of the House; and, upon examining the ballots, a majority of the votes of the whole House was found in favor of the Rev. ORADIAH B. BROWN.

Mr. PORTER presented the petition of a number of merchants of Philadelphia, praying that the bill giving an extension of credit on revenue bonds, be amended so as to include bonds given for duties on goods imported since the passage of that law; and for which it does not provide.—Referred to the Committee on Commerce and Manufactures.

Mr. SOUTHARD presented the petition of Ste-

phen Sayre, praying further compensation for services rendered the United States by negotiation in the north of Europe; which he moved to refer to the Committee of Claims. The motion was negatived; and on motion of Mr. HOLMES, the petition was rejected, without a division.

MOTION TO REPEAL THE EMBARGO:

Mr. CHITTENDEN said he rose with considerable diffidence to offer to the House a resolution on the subject of the embargo. Having witnessed the feelings heretofore excited by a similar proposition at the last session, he said he would assure gentlemen that he had no object in view but to bring the subject before the House, and excite a fair and liberal discussion. He had hoped that the situation of our affairs would ere this have authorized the removal of the embargo. Disappointed in this, he felt it a duty which he owed to his constituents and to the nation, to endeavor to elicit an expression of the opinion of the House, to prevent ruinous speculations, and to relieve the nation from suspense. The measure had now been in operation ten or eleven months, and he had not perceived the good effects resulting from it. The importance of this subject, its interesting nature to his constituents, who, in addition to the common sufferings, had the extreme mortification of being represented as in a state of insurrection, must be an apology for his coming forward at this early period on the subject of the embargo. He then offered the following resolution:

Resolved, That the act passed at the last session of Congress entitled "An act laying an embargo on all ships and vessels in the ports and harbors of the United States, and the several acts supplementary and additional thereto," ought to be immediately repealed.

On the question whether the House will agree to consider the resolution, it was decided in the affirmative—yeas 83, nays 9, as follows:

YEAS—Lemuel J. Alston, Willis Alston, jun., David Bard, Joseph Barker, Burwell Bassett, William Blackledge, John Blake, junior, Robert Brown, William A. Burwell, William Butler, George W. Campbell, Epaphroditus Champion, Martin Chittenden, John Culpeper, John Davenport, jun., John Dawson, James Elliot, William Findley, James Fisk, Meshack Franklin, Francis Gardner, James M. Garnett, Thomas Gholson, jun., Charles Goldsborough, Peterson Goodwyn, Edwin Gray, Isaiah L. Green, John Harris, John Heister, William Helms, William Hoge, David Holmes, Reuben Humphreys, Daniel Isley, Robert Jenkins, Walter Jones, William Kirkpatrick, Joseph Lewis, jun., Edward St. Loe Livermore, Edward Lloyd, John Love, Nathaniel Macon, Robert Marion, William McCreery, William Milnor, Nicholas R. Moore, Jeremiah Morrow, Jonathan O. Mosely, Gurdon S. Mumford, Thomas Newbold, Thomas Newton, Timothy Pitkin, jun., John Porter, John Pugh, Josiah Quincy, John Rea of Pennsylvania, John Rhea of Tennessee, Jacob Richards, Samuel Riker, John Russell, Lemuel Sawyer, Samuel Shaw, James Sloan, John Smilie, Jedediah K. Smith, John Smith, Samuel Smith, Henry Southard, Richard Stanford, Clement Storer, Lewis B. Sturges, Peter Swart, Benjamin Tallmadge, John Taylor, John Thompson, Jabez Upham, James I. Van Allen, Archi-

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bald Van Horn, Daniel C. Verplanck, Jesse Whartop, Robert Whitehill, Isaac Wilbour, and Nathan Wilson.

NAYS—William W. Bibb, Thomas Blount, Adam Boyd, Joseph Calhoun, John Clopton, Joseph Desha, Abram Trigg, George M. Troup, and Alexander Wilson.

Mr. CHITTENDEN then moved, that it be referred to the Committee of the Whole House on the state of the Union, to whom was referred the President's Message.

Mr. MACON had no objection to a fair discussion. If the laws were wrong; and productive of no beneficial effect, they ought to be repealed. He suggested to the gentleman, however, the propriety of moving a reference to a Committee of the Whole, other than that on the state of the Union.

Mr. CHITTENDEN so modified his motion, and it was agreed to refer the resolution to a Committee of the Whole.

On the question for what day it should be the order, Mr. CHITTENDEN moved to-morrow.

Mr. SMILIE said, he had no objection to meet this question, but not at so early a period. From the general state of our foreign relations, he thought the resolution was ill-timed. What could the gentleman mean by bringing this distinct question now before the House? Does he mean, said Mr. S., that we must repeal the whole of the embargo system, and substitute nothing in the room of it? Certainly, if his intention may be judged by the manner in which the subject is brought forward, he means this. If he does, I wish him to come forward and tell us so; tell us that he and his constituents are willing to pay tribute and submit; that they will surrender the independence of their country. To consider this motion now, unless a substitute for the embargo were proposed, Mr. S. said, he could not agree. He therefore moved that it be made the order of the day for Monday week. In the meantime he took it for granted that the President's Message would become the subject of consideration, and the House would be prepared to say what course it would pursue.

Mr. W. ALSTON objected to the mode in which the subject had been now introduced; and suggested that it would have been more respectful to the President first to have considered the Message. But since the gentleman had thus brought forward the question of repealing the embargo law, he was ready to meet him on his own ground to-morrow. He trusted it would then be seen in what quarter and from whom the opposition to the execution of the measure had arisen, and the desire for its removal now proceeded.

Mr. DANA presumed the gentleman from Vermont was perfectly competent to show the motives of his actions and the object he had in view without the assistance of the gentleman from North Carolina. Really, commencing the public business in this manner did not bode auspiciously to its progress. As a reason for now bringing this subject forward, Mr. D. reminded gentlemen of a fact which, in the fulness of their zeal they seemed wholly to have overlooked—that the sea-

son was fast approaching when the navigation of the northern portion of the Union would be locked up. If the embargo was to be removed at all, it was of the utmost importance that it should be done promptly; that it should be decided within a fortnight from this time. And whether it should be removed or not, it was of importance to know the opinion of this body. Need gentlemen now be told that in almost all the ports of the Union vessels were preparing for sea? That some had even bent their sails; many having taken cargoes on board? These now remained in a state of suspense, and a state of suspense always gave birth to perpetual speculations. To put a stop to these speculations, it was necessary that a decision of the question should be had. How it should be decided at the present time Mr. D. said he did not undertake to say. The people should know, as soon as practicable, consistently with the decorum of Legislative deliberation, the decision of the House.

As to the question asked by the gentleman from Pennsylvania (Mr. SMILIE,) as to paying tribute, and as to the gentleman who proposed the resolution being willing to pay tribute—if the gentleman wanted to know the spirit of Vermont, Mr. D. referred him to the history of the Revolutionary war. Let the gentleman see if, for her numbers, any other State gave the enemy more bloody battles. Let him then suppose the gentleman from Vermont to differ from the mass of his fellow-citizens whom he represents. Mr. D. censured these insinuations as indecorous in the extreme. Mr. D. said the present motion led to a question of serious moment; and when they came to a decision of it he wished it to be done by comparing their opinions fairly, frankly, and decisively, if necessary; and that they might unite in taking the course which would best maintain the rights and preserve the honor of the nation. On the question of the raising of the embargo, it was necessary, however, that there should be an authoritative decision one way or other.

Mr. ELLIOT said it might for aught he knew be considered disrespectful to the President to urge the immediate agitation of this momentous question; but if it were so, a forbearance from so doing on that account would be a respect inconsistent with the independence of sentiment which elevates and warms the character of an independent people. He had read somewhere in the works of celebrated newspaper civilians of this country, that "oppugnation" or even disrespect were treasonable offences. He hoped no gentlemen here meant to advance the doctrine that disrespect partakes of the nature of treason.

Mr. E. then spoke of a resolution which he had intended to have offered, and which he described, as leading to an inquiry into the mode in which the embargo law had been executed.

Notwithstanding the insinuation of the gentleman from North Carolina, (Mr. ALSTON,) which no one could mistake, notwithstanding whole volumes of newspaper denunciation, Mr. ELLIOT said he trembled not for the character of Ver-

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mont. The great body of the people of Vermont, though hostile, as he firmly believed, to the whole system of the embargo, had manifested a degree of patriotism that had not been exceeded by any; they had never failed, when called upon, to march to the frontiers and enforce those laws which they disapproved.

He thought it due to the character of the nation to investigate this subject; the constitutionality of the laws, the propriety of their continuance, the manner in which they had been carried into execution, and the manner in which they had been evaded. Whilst he did not wish to precipitate the discussion, much less the decision, yet he thought the day mentioned by the gentleman from Pennsylvania was too distant. The people had certainly looked forward to the meeting of Congress with considerable solicitude, as much excited by the embargo system as by the situation of our foreign affairs. The people of the United States, (said he) do not believe that they are called upon to decide between the embargo or war. We who originally opposed the embargo law, believing that it would be ruinous to the nation, are under no obligation to propose the substitute which is called for, and which we would have proposed, though it would not have been adopted, had not the embargo been put into operation. Mr. E. apologized for his warmth on this subject by alleging the sensibility he had felt at the allusion of the gentleman from North Carolina.

Mr. ALSTON explained that he had not said or meant, that it would be seen from "what quarter of the Union" opposition came.

Mr. MACON could see no advantage in postponing a decision of the question, being himself ready to meet it at any moment. The very proposition of the resolution would excite all the attention of the seaports, and awaken all their anxiety. He thought it out of order now to discuss the merits of the question.

Mr. TROUP said he felt himself bound at all times to treat with the greatest delicacy all motions and propositions of an ordinary nature. But there were times in which his feelings compelled him to depart from the ordinary rule. This was one. He had voted against the consideration of the resolution because he would reject, with that indignity which it deserved, an abstract proposition at this time to remove the embargo; and because he thought a prompt rejection would mark to the foreign world the temper of the country. He suggested, since it was to be discussed, that the discussion should be postponed a while until time was given to digest the voluminous mass of documents laid before them. For in these documents were contained the best arguments in favor of the embargo.

Mr. EPPES was willing to vote in favor of the commitment of the motion; but did not wish the delusion under which some portion of the people of the United States labored should longer continue. He wished them to understand what course would be pursued. If, said he, it be the opinion of the Representatives of the nation

that the embargo should be taken off, and no other measure substituted, the majority governs in a Republic, and I should, with every good citizen, submit to its decision; but I should ever feel for the eternal disgrace of that nation of which I should then feel it a misfortune to be a member. As it is my opinion that should the embargo be raised, other measures ought to be adopted, whether I meet with the support of the House or not, I will at least evince to the people whose representative I am, that I will not submit to British or French tyranny, but hand down to their posterity unimpaired that liberty which their forefathers so nobly achieved.

Mr. E. then proposed the following resolutions, as an amendment to Mr. CHITTENDEN's motion:

"Resolved, That, from and after the — day of — next, all intercourse between the United States and Great Britain, its islands and dependencies, ought to cease and determine.

"Resolved, That, from and after the — day of — next, all intercourse between the United States and France, its islands and dependencies, ought to cease and determine.

"Resolved, That provision ought to be made by law for arming and equipping for immediate service — thousand militia, in addition to the force already authorized by law."

The SPEAKER informed Mr. EPPES that these could not be received while another question was pending, and Mr. E. withdrew them for the present.

Messrs. BLACKLEDGE, CLOPTON, and G. W. CAMPBELL, declared themselves positively opposed to the motion in its present abstract form. Their observations were of the same tenor as those of Messrs. SMILE, TROUP, and EPPES.

Messrs. COOK and CUTTS spoke in favor of an immediate consideration of the subject, from its importance to the mercantile interest.

The resolution was then made the order of the day for Monday next; a motion for postponement until Monday week having been negatived.

EXECUTION AND EVASIONS OF THE EMBARGO LAWS.

Mr. ELLIOT offered the following resolution:

Resolved, That the Secretary of the Treasury be directed to lay before the House of Representatives copies of all instructions which have been transmitted by him to the collectors of the revenue and other officers of the United States, in relation to the execution of the act laying an embargo upon all ships and vessels in the ports and harbors of the United States, and the several acts supplementary and additional thereto.

Mr. ELLIOT observed, that as his sole object was to obtain information, he presumed no objection could be made to the resolution.

Mr. QUINCY said it certainly was not his intention to make any objection to the resolution, on the contrary, he was happy that it had been brought forward. His mind had been turned to the same subject, and he suggested to the gentleman from Vermont whether his resolution comprised all the information which might be desirable. Mr. Q. said for himself he should wish to

see all the instructions given, not only by the Secretary of the Treasury, but by any head of any department, to any civil or military officer, touching the embargo law.

Mr. ELLIOT said that all the objects which he had in view would be answered by the resolution as it now stood. The calling for such a mass of matter might delay the production of the part which he wished immediately to obtain.

Mr. LOVE thought that the calling for these instructions would be an assumption by the Legislature of the functions of a department with which they had no connexion. Their business was to enact laws; the execution of those laws was confided to another department. If there had been an infraction of the Constitution or laws by that department, there was a Constitutional mode of redress.

Mr. D. R. WILLIAMS said, as the resolution went to call for information, he felt solicitous to enlarge its scope by an amendment which he held in his hand. [Mr. ELLIOT said he had no objection to such an amendment.] Mr. W. said the gentleman perhaps might not approve of the amendment when he heard it read. It was in these words:

"Also, as far as practicable, the names and places of residence of such persons as have been detected in violating the embargo laws."

Mr. ELLIOT consented to the amendment.

Mr. DANA said, on the general merits of the resolution, having information for its object, he should not suppose that it was so reprehensible as the gentleman from Virginia (Mr. LOVE) seemed to think it. They were placed in an unfortunate situation indeed if they could never ask for information, except they would first accuse some one of the Departments of misconduct. He really hoped the gentleman did not wish them to become accusers before they had information on which an accusation could be formed, or to prefer complaints before they knew of what to complain.

Mr. LOVE said, as he understood the resolution, it stood on the broad ground of an inquiry into the manner in which the laws had been executed, and that it was travelling out of their province. He was not opposed to receiving information; but he could not see how jurisdiction on this subject could be assumed by Congress. Would they pass a law declaring void instructions which had been given? No. If, then, no use could be made of information when received, he could not see why it should be required. He wished the gentleman to explain his object.

Mr. ELLIOT said the gentlemen from Virginia seemed to object to the motion, first, because he wished to hear it dilated on, and secondly to know the object contemplated by it. Though perhaps not so much in the habit of dilating as the gentleman from Virginia, he would explain his object, and before the subject was dismissed, there would probably be dilatation sufficient on it. He hoped, notwithstanding the alarming doctrines of late advanced in regard to motions, that no gentleman would ever rise on this floor to make a

motion, the object of which he should be ashamed to declare and defend.

A great number of facts (said Mr. E.) have been stated to me from various quarters in relation to the execution of the several embargo laws. Indeed, I have collected almost enough to fill a volume, which have left in my mind not a particle of doubt that the Constitution and laws have been almost daily violated in the execution of the embargo laws, and sometimes in the most flagrant manner. These facts I will hereafter state to the House. It is not to be presumed, however, because the Constitution and the laws have been violated by subordinate officers, whether civil or military, that these violations have been authorized by the Executive. I will not presume it; I have no right to do so; nor does the resolution. But I think it very proper that it should be ascertained whether the officers, in these violations or supposed violations of the Constitution and laws, are or have not been authorized by instructions received from superior officers. If, when the information is obtained, it shall appear that the statements which I have received on these subjects are erroneous; that the Executive has not authorized the commission of these violations which have been stated to me; I shall certainly have nothing of which to accuse the Executive. And if it shall even appear that the Executive has gone further than he should, it will not follow that it will be either my duty or disposition to move an impeachment. Certainly the Executive officer is liable to errors of judgment; he may have misinterpreted his authority, and thus have led to violations, without any corrupt intention. I have stated in the most explicit manner my object: I mean not to impeach the head of the Executive or any other Department; for I know not, *officially*, where, in any one instance, orders have been issued which amount to a violation of the Constitution or laws. Although I have not dilated so much as the gentleman could wish, he must be convinced of the propriety of the motion.

Mr. LOVE said, since the gentleman had explained his object, he would withdraw his opposition.

Mr. G. W. CAMPBELL wished the resolution to lie on the table till to-morrow, to give time for further consideration. He had no objection to calling for information when necessary, though he must say, that had any persons suffered by violations of the Constitution and laws, under pretence of carrying them into effect, they had their remedy in a court of justice, against the individual officer perpetrating the offence. When brought to trial, the officer would, in defence, produce the authority upon which he acted. That authority would be the instructions to which the gentleman alluded; which would then properly be subjected to a judicial decision on their constitutionality or legality, and the party injured thus obtain his redress.

The resolution was then, with the consent of Mr. ELLIOT, ordered to lie on the table.

Mr. EPPES now moved the resolutions given

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British Orders and French Decrees—Embargo.

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above; which were referred to the committee to whom was referred Mr. CHITTENDEN's resolution.

FRIDAY, November 11.

Two other members, to wit: from Massachusetts, SAMUEL TAGGART; and from Maryland, JOHN CAMPBELL; appeared, and took their seats in the House.

A new member, to wit: RICHARD S. JACKSON, returned to serve in this House, as a member for the State of Rhode Island; in the room of Nehemiah Knight deceased, appeared, produced his credentials, was qualified, and took his seat in the House.

On motion of Mr. LIVERMORE, the House came to the following resolution:

Resolved, That the Committee of Commerce and Manufactures be instructed to inquire into the expediency of rebuilding two light-houses on Plumb Island, at the mouth of Merrimack river, in the State of Massachusetts; and that they report by bill or otherwise.

BRITISH ORDERS AND FRENCH DECREES.

Mr. BURWELL offered the following resolution:

Resolved, That the President of the United States be requested to lay before this House copies of the act or acts of Parliament of Great Britain carrying the Orders in Council of the 11th November, 1807, into effect; and also an act placing the commerce of America in English ports upon the footing of the most favored nations.

Mr. B. said he had never met with the documents here referred to. He thought it very important that they should be before the House and the nation, that they might know precisely the duties imposed on American commerce; and particularly that they ought to have a copy of the act placing this country on the footing of the most favored nation, that it might be seen, in carrying their own produce to Great Britain, what immense advantage was given to America. If he was not mistaken, such was the advantage that the British merchant might pay double the freight for American produce to be exported in British vessels to England, which an American merchant would, and yet reap double the profit to be made on the same produce, if carried in American vessels. It was in this view he thought the production of these papers important, and to have considerable bearing on the question of our foreign relations, which had been made the order of the day for Monday next.

Mr. G. W. CAMPBELL said he was willing to see all the acts alluded to; but he believed they were so numerous and so contradictory in their nature, that it would require all the skill and ingenuity of the House to discover the extent of their operation, or to define what would be the practice under them.

Mr. BURWELL's resolution was adopted without a division; but a short time afterwards rescinded, on motion of Mr. MACON, seconded by Mr. QUINCY, with the consent of Mr. BURWELL, and the following resolution adopted, giving more latitude to the call for papers:

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Resolved, That the President of the United States be requested to lay before this House copies of all acts, decrees, orders, and proclamations, affecting the commercial rights of neutral nations, issued or enacted by Great Britain, and France, or any other belligerent Power, since the year 1791; and also an act placing the commerce of America in English ports upon the footing of the most favored nations."

In advocating the above resolution, Mr. QUINCY expressed his wish to have all these papers, that it might be clearly understood which Power had commenced the system of violations of neutral commerce.

In discussing the terms of the resolution Mr. J. G. JACKSON took occasion to observe that the precise words were immaterial; for that every edict violated which affected neutral commerce.

Messrs. BURWELL and CUTTS were appointed a committee to wait on the President with the above resolution.

EMBARGO LAWS.

Mr. J. G. JACKSON said, in order to meet the proposition of the gentleman from Vermont (Mr. CHITTENDEN) of yesterday, he would offer to the House the following resolutions:

Resolved, That provision ought to be made by law for more effectually carrying into execution the several embargo laws.

Resolved, That no vessel shall be allowed to depart from one port to another of the United States that does not with her cargo wholly belong to a citizen or citizens of the United States, and be navigated solely by citizens thereof."

Mr. JACKSON said, it was not his purpose now to discuss the propriety of their adoption or the principles contained in them; but he moved their reference to the same committee to whom was referred the resolution for repealing the embargo laws—which was agreed to.

PRESIDENT'S MESSAGE.

On motion of Mr. G. W. CAMPBELL, the House resolved itself into a Committee of the Whole, on the state of the Union, Mr. MACON in the Chair.

Mr. CAMPBELL, after observing that it appeared proper that the several subjects contained in the President's Message should be referred to the consideration of committees, offered the following resolutions, which were severally agreed to in Committee of the Whole without a division, and concurred in by the House:

1. *Resolved*, That so much of the Message of the President of the United States as relates to our relations with foreign Powers, be referred to a select committee.

2. *Resolved*, That so much of the Message of the President of the United States as relates to fortifications for the security of the seaport towns and harbors, be referred to a select committee.

3. *Resolved*, That so much of the Message of the President of the United States as relates to our Military and Naval Establishments, be referred to a select committee.

4. *Resolved*, That so much of the Message of the President of the United States as relates to re-

vising and improving the militia system of the United States, be referred to a select committee.

5. *Resolved*, That so much of the Message of the President of the United States as relates to the disposition of surplusage of our revenue, to improvements of roads, canals, and rivers, be referred to a select committee.

6. *Resolved*, That so much of the Message of the President of the United States as relates to encouraging and promoting internal manufactures, be referred to the Committee of Commerce and Manufactures.

7. *Resolved*, That so much of the Message of the President of the United States as relates to our finances, be referred to the Committee of Ways and Means.

Mr. GEORGE WASHINGTON CAMPBELL, Mr. NICHOLSON, Mr. MUMFORD, Mr. FISK, Mr. CHAMPION, Mr. JOHN MONTGOMERY, Mr. BACON, Mr. TAYLOR, and Mr. POTTER, were appointed a committee, pursuant to the first resolution.

Mr. BLOUNT, Mr. BURWELL, Mr. COOK, Mr. GOLDSBOROUGH, Mr. RIKER, Mr. JEDEDIAH K. SMITH, and Mr. TROOP, were appointed a committee, pursuant to the second resolution.

Mr. NELSON, Mr. DAWSON, Mr. TALLMADGE, Mr. HOWARD, Mr. STORER, Mr. BUTLER, and Mr. SHAW, were appointed a committee, pursuant to the third resolution.

Mr. MACON, Mr. CLAY, Mr. FINDLEY, Mr. DURELL, Mr. CUTTS, Mr. STURGES, and Mr. JOHNSON, were appointed a committee, pursuant to the fourth resolution.

Mr. RANDOLPH, Mr. QUINCY, Mr. BROWN, Mr. KIRKPATRICK, Mr. LAMBERT, Mr. SAWYER, and Mr. DESHA, were appointed a committee, pursuant to the fifth resolution.

And on motion, the House adjourned until Monday.

MONDAY, November 14.

Several other members, to wit: from New York, JOSIAH MASTERS; from Maryland, PHILIP B. KEY; and from North Carolina, THOMAS KENAN; appeared and took their seats in the House.

On motion of Mr. ELLIOT, the House proceeded to consider the resolution proposed by him on the tenth instant, which lay on the table; and the same being again read, was, on the question put thereupon, agreed to by the House, as follows:

Resolved, That the Secretary of the Treasury be directed to lay before the House of Representatives, copies of all the instructions which have been transmitted by him to the Collectors of the Revenue and other officers of the United States, in relation to the execution of the act laying an embargo upon all ships and vessels in the ports and harbors of the United States, and the several acts supplementary and additional thereto; and, also, so far as practicable, the names and places of residence of such persons as have been detected in violating the embargo laws.

On motion of Mr. NEWTON,

Resolved, That the committee appointed on so much of the Message of the President of the

United States as relates to the ~~Military~~ and Naval Establishments, be instructed to inquire into the expediency of authorizing the President of the United States to employ such an additional number of seamen, not exceeding —, as, in his opinion, the public service may require; and that the committee have leave to report by bill or otherwise.

On motion of Mr. BACON,

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of providing by law for the transportation of the Message of the President of the United States of the eighth instant, and the documents accompanying the same, by mail, free of postage.

On motion of Mr. RHEA, of Tennessee,

Resolved, That the Committee on Public Lands do inquire into the expediency of laying off and describing, by certain metes and bounds, a tract of country to which the Indian title hath been extinguished within the limits of Louisiana, and to include all the settlements within the said Territory; and of having the said tract of country laid off into townships and sections, half and quarter sections, agreeably to the several laws heretofore made for surveying the public lands of the United States; and, also, to inquire into the expediency of granting one quarter of a section to every free male white person who now resides thereon, or who will, within — years, actually improve and reside thereon.

Also, on motion of Mr. RHEA,

Resolved, That the Committee on Public Lands do inquire into the expediency of laying off and describing, by certain metes and bounds, a tract of country to which there is no existing Indian title, within the limits of the Territory of Orleans; and to include all the settlements on the west side of the river Mississippi within the said Territory; and of having the said tract of country laid off into townships and sections, half and quarter sections, agreeably to the several laws heretofore made for surveying the public lands of the United States; and, also, to inquire into the expediency of granting one quarter of a section to every free male white person who now resides thereon, or who will, within — years, actually improve and reside thereon.

The SPEAKER laid before the House a letter from the Speaker of the House of Representatives of the Indiana Territory, enclosing several resolutions of the said House of Representatives, submitting to the consideration of Congress certain propositions which they pray may be adopted for the convenience and benefit of the inhabitants of that Territory.—Read, and ordered to lie on the table.

On motion of Mr. BLACKLEDGE, the House came to the following resolution:

Resolved, That the Committee of Commerce and Manufactures be instructed to inquire into the expediency of authorizing the President of the United States to employ an additional number of revenue cutters; and that they report by bill or otherwise.

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Inland Navigation—Embargo.

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INLAND NAVIGATION.

Mr. MARION presented the petition of the company for opening the Catawba and Wateree rivers, signed by J. F. Grimke, President, stating the embarrassed state of the association, and praying that the Secretary of the Treasury may be authorized to subscribe to such number of shares on account of the United States, as Congress may in their wisdom think proper.

Mr. M. moved a reference of the memorial to the committee on that part of the President's Message relating to internal improvements.

Mr. RANDOLPH said, with due submission to the gentleman from South Carolina, he could not see the propriety of the reference moved for. He thought the petition was for a specific object. If he understood the reference of this part of the President's Message, it embraced a general question, and indeed nothing short of an alteration of the Constitution of the United States. He could not, therefore see the propriety of referring to it a petition for a specific aid.

Mr. MARION said, he was induced to move a reference to this committee, because he had no doubt the memorial had been preferred in consequence of an idea which had gone abroad, from the report of the Secretary of the Treasury of last session, that Congress had it in view to take the subject of the improvement of the country under serious consideration. Expecting that other applications of a like nature would be made, he thought it best that they should go to the committee on the general subject.

Mr. RANDOLPH said, the two questions were totally distinct; for, if this petition should go to any committee already appointed by the House, it should be to the Committee of Claims. If not to the Committee of Claims, there should be some such thing as a Standing Committee of Benevolences and Aids, and it should go to that. Without any disparagement to the memorialists, he thought it highly improper to refer their prayer to a committee who had under their consideration the general subject of internal improvements, its expediency and constitutionality. This was entirely a matter of individual claim. The two subjects were in their nature so distinct, that it did not appear to him that the same committee could take up and consider both. With submission, therefore, to the gentleman who presented the memorial, he moved that it be referred to a select committee.

Mr. MARION consenting, that course was given to the petition, without opposition. Messrs. MARION, TRIGG, MOSELY, JENKINS, and GARDNER, form the committee.

Mr. RHEA, of Tennessee, offered the following resolution:

Resolved, That every pension or arrearages of pensions due or that may hereafter become due to any officer or soldier of the United States, who served in the Revolutionary war with Great Britain, and who doth reside in any of the United States, in which there hath not been established a Commissioner of Loans, or in which there may not be any resident attending Commissioner of Loans, shall be paid by the Secretary of the

Treasury at the City of Washington, on application of the party interested, conformably to the rules and restrictions provided by law for the payment of pensions or arrearages of pensions by a Commissioner of Loans.

Mr. MORROW, of Ohio, moved to strike out the words in *italic*, as he could not conceive any reason why the accommodation should be confined to pensioners of one description only.—Agreed to.

Mr. POINDEXTER moved to insert, after the words "United States," the words "and Territories thereof."—Agreed to.

Mr. RHEA's resolution, as amended, was referred to the Committee of Claims, to consider and report by bill or otherwise.

EMBARGO.

Mr. MUMFORD offered the following resolution:

Resolved, That the act laying an embargo on all ships and vessels in the ports and harbors of the United States, and the several acts supplementary thereto, be repealed, so far as to allow the ships and vessels of the United States to depart with their cargoes for those countries not subject to the decrees of France, or those subject to the British Orders in Council.

Mr. MUMFORD observed, that his object was, simply, to inquire into the propriety of opening our trade with those countries not subject to the orders and decrees of England and France, viz: Spain and her colonies in the East and West Indies, including Buenos Ayres; Portugal and her colonies in the East and West Indies, including the Brazils; China and the native ports in India; Russia; Denmark; Sweden and her island of St. Bartholomew's in the West Indies; the coast of Barbary; and the Island of Hayti.

The resolution was referred to the Committee of the Whole, to whom several resolutions on the same subject have been referred, without opposition.

TUESDAY, November 15.

Another member, to wit: JAMES KELLY, from Pennsylvania, appeared, and took his seat in the House.

Mr. CLOPTON, from the Committee of Revision and Unfinished Business, to whom it was referred to examine the Journal of the last session, and report therefrom such matters of business as were then depending, made a report, in part, thereupon; which was read, and ordered to lie on the table.

On motion of Mr. FISK,

Resolved, That a committee be appointed to inquire into the expediency of altering the times and places for holding the Circuit and District Courts of the United States in the district of Vermont; and that they report thereon by bill or otherwise.

Ordered, That Messrs. FISK, SAMUEL SMITH, and GRAY, be appointed a committee pursuant to the said resolution.

On motion of Mr. JOHN MONTGOMERY,

Resolved, That a committee be appointed to inquire if any, and what, compensation ought to be made to Captain Pike, and his companions, for

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West India Trade—Miranda's Expedition.

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their services in exploring the Mississippi river, in their late expedition to the sources of the Arkansas, Osage, and La Platte rivers, together with their tour through New Spain; and that they have leave to report by bill, or otherwise.

Ordered, That Messrs. J. MONTGOMERY, D. R. WILLIAMS, JOHN G. JACKSON, LIVERMORE, and HELMS, be appointed a committee pursuant to the said resolution.

Mr. RHBA, of Tennessee, from the Committee on Post Offices and Post Roads, presented a bill to authorize the transportation, by mail, free of postage, of a certain Message of the President of the United States, and documents accompanying the same; which was read twice, and ordered to be engrossed, and read the third time to-day.

On motion of Mr. POINDEXTER,

Resolved, That a select committee be appointed to inquire into the expediency of repealing so much of the ordinance for the government of the several Territories of the United States as authorizes the Governors of said Territories, respectively, to prorogue and dissolve the General Assembly.

Ordered, That Messrs. POINDEXTER, HOLLAND, JOHN SMITH, KELLY, and DEANE, be appointed a committee, pursuant to the said resolution.

WEST INDIA TRADE.

Mr. SAWYER begged leave to add one more resolution to those already before the House on the subject of the embargo.

Resolved, That it is expedient for the United States to open a communication and trade with the West Indies generally."

Mr. S. said, he thought the present resolution would be found, when they were all taken up and examined by the House, the least liable to exception of any. For he could not go so far with trade as to vote for the resolutions of the gentleman from Vermont in favor of an indiscriminate repeal of the whole embargo system; neither could he go so far against it as to support those of the gentleman from Virginia for a total non-intercourse. He thought our best policy might be found in a medium between the two. In the first place, the Orders in Council, which were, he supposed, a principal cause for those latter resolutions, do not affect our West India trade; and unless that trade came under the cause which very properly influenced the gentleman in his intention of suppressing our foreign trade, he could not see the necessity of its being included in its effects. He would mention one fact of serious importance, which was, the very great amount of revenue which we derived from that quarter. By recurring to the report of the Secretary of the Treasury of November last, it would be found that almost one half of our revenue arose from that trade. [He here read the report, and enumerated the different articles, with their relative amount, the aggregate of which was, \$7,803,195.] Whether it would be prudent or wise in us to give up this large sum, to dry up this genial current, at a time when it was so much required to support the body politic under its accumulating ills, was

certainly a serious question. To these considerations of a general nature, which he trusted would have some weight with the House, he added another particular reason, which had very great weight with him for introducing this resolution. The district he had the honor to represent was engaged exclusively in this trade. Their staple article, viz. lumber, was calculated for no other market. Vast piles of that article had been accumulating in the hands of our merchants, in payment of their accounts as in ordinary cases, under a supposition that some opportunity might offer of making their usual shipments, by which means alone would they be enabled to comply with their engagements. If this opportunity were now denied them, inevitable ruin must overtake a considerable portion, and infinite injury to the whole of them, as their creditors would see no motives for farther indulgence, but would fall upon them, and the hard earnings of an active life would be wrested from them for comparatively inconsiderable claims. This would induce the merchant to heap upon his customers a share of the evils which he felt himself. He therefore felt some solicitude for the fate of his resolution.

The resolution was referred to the Committee of the Whole to which several resolutions on the same subject had been referred.

WEDNESDAY, November 16.

Another member, to wit: ROGER NELSON, from Maryland, appeared, and took his seat in the House.

A new member, to wit: BENJAMIN SAY, returned to serve in this House as a member from the State of Pennsylvania, in the room of Joseph Clay, who has resigned his seat, appeared, produced his credentials, was qualified, and took his seat in the House.

On motion of Mr. VAN HORN, a memorial presented at the last session, and not finally acted on, on the subject of a canal through the City of Washington, was referred to the Committee of the District of Columbia.

Mr. VERPLANCK presented the memorial of a large and respectable number of the freeholders of Dutchess county, in the State of New York, detailing at considerable length the evils and pressure of the embargo, and praying its removal. The petition was referred to a Committee of the Whole to whom Mr. CHITTENDEN's and other resolutions are referred.

MIRANDA'S EXPEDITION.

Mr. McCREERY presented the petition of thirty-six American citizens, confined at Carthagena, in South America, under the sentence of slavery. The petition was read, as follows:

VAULTS OF ST. CLARA, CARTHAGENA,
September 16, 1808.

To the honorable the Congress of the United States of America, in Congress assembled:

The petition of thirty-six American citizens confined at Carthagena, South America, under sentence of slavery, humbly sheweth:

That we, your petitioners, were brought from New York in the armed ship Leander, Thomas Lewis, com-

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Miranda's Expedition.

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mander, on the 2d of February, 1806, together with a number of others, mostly inhabitants of that State and city, under the most specious engagements of their country; to establish which, they beg leave to state that Colonel William Smith, then Surveyor of the port of New York, William Armstrong, Daniel D. Durning, and John Fink, butcher, of the city of New York, declared they were authorized to enlist a number of men to go to New Orleans, to serve as guards to the United States mails, and a number of others as mechanics. Some backwardness on the part of your petitioners to engage being discovered by William Smith, he read passages from letters to prove his authority, and several paragraphs from newspapers to convince them of the validity of their engagements. William Armstrong and Daniel D. Durning were appointed to command them, and were to accompany them to the City of Washington, where they were to receive clothing and accommodations, and thence to New Orleans. The ship *Leander*, owned by Samuel G. Ogden, and formerly in the St. Domingo trade, was procured for the conveyance of your petitioners to the City of Washington, for which purpose she was hauled down to the watering place, where your petitioners went on board her the 1st day of February, 1806, and the next day (the 2d) the ship put to sea. Shortly after *Miranda*, under the name of *Martin*, and a number of persons hitherto unknown to your petitioners, appeared on board, in the character of his officers; which, for the first time, awakened strong suspicions in the breasts of your petitioners that they had been entrapped into the power of wicked and designing men, and that, too, when retreat was impracticable. From New York your petitioners were carried to *Jacmel*, in the island of St. Domingo, where they were exercised in military duty, under the most arbitrary stretch of power, by *Miranda* and his officers. At *Jacmel* several attempts to escape proved abortive, from the vigilance of our oppressors, they having procured guards to be stationed in all the passes leading from *Jacmel* to other parts of the island, where your petitioners might expect to receive aid and protection from their countrymen. At *Jacmel* two schooners were hired, on board of which your petitioners were sent, under the care of a number of officers, whose wariness still remained unabated; and on the 27th March, 1806, the ship, accompanied by the two schooners, proceeded towards the coast of Terra Firma, where, after touching at the island of Aruba for refreshments, she arrived on the 28th of April, when two armed vessels hove in sight, which, after some manœuvring, the ship engaged, but soon ran away, leaving the two schooners to be captured. They were carried into Porto Cabello, where your petitioners were proceeded against as pirates, a number of warlike implements being found on board, which were placed there without the knowledge of your petitioners. And on the 12th July following, the process against us closed at Caracas, sentencing ten, whom they considered to be criminally engaged, to be hanged and beheaded, and the remainder (your petitioners) to eight and ten years' slavery on the public works at Omao, Bocca Chica, and the island of Porto Rico. Your petitioners were all sent to this place, where those sentenced to Bocca Chica were put to work, chained two-and-two, and the residue, in double irons and close confinement, strongly guarded, waiting for an opportunity to be sent to their respective places. Upon several occasions your petitioners were told by William Armstrong, Thomas Lewis, and others, that they were sent out by the Government of the United States. To prove to the satisfaction of your honorable body the truth of

the above statement, your petitioners beg you will examine Robert Lavery, John Stagg, John Ritter, Matthew Morgan, Richard Platt, Adam Ten Brook, and John Miller, of New York, who were under the same engagements with your petitioners. Francis White and Thomas McAllister, butchers in the Bear market, New York; Mr. Brinkeroff, tavern keeper, near the Bear market; David Williams, John Garret, and a Mr. Kemper, weighmaster, whose son was executed at Porto Cabello, were present when all or most of your petitioners were engaged, and can prove beyond all doubt that your petitioners could have had no other idea than that of entering into the service of the United States. Captain Bomberly, of the ship *Mary*, of Baltimore; Captain Israel, of the brig *Robert and Mary*; Captain Waldron, of the schooner *Victory*; and Captain Abbot, of the brig *Charleston Packet*, all of Philadelphia, were eyewitnesses to the tyranny and oppression under which your petitioners labored while at *Jacmel*. When the crew of the *Bee*, one of the schooners which was chartered by the *Leander*, refused to go in her, a number of officers from the ship, with Lewis at their head, came on board the *Bee*, and, after beating and cutting the men with sticks and sabres in the most brutal manner, dragged them on board the *Leander*, put them in irons under a strong guard, and kept them there until the moment of sailing, when they were sent on board the *Bee*, with orders to keep near and to leeward of the ship. Another man, who had effected his escape from a French privateer, and found his way to *Jacmel*, with the hope of getting a passage home in some of his country vessels, was seized at the instance of Thomas Lewis, commander of the *Leander*, and captain under *Miranda*, thrown into prison, and compelled to go in the expedition, or to starve in jail.

Your petitioners are confident, that, when your honorable body becomes thoroughly acquainted with the circumstances of art and deception which betrayed them into the expedition, the destination of which they had no knowledge until it was too late to retreat, you will not only punish such of their betrayers as are within the reach of your power, but will adopt proper measures to restore your unfortunate petitioners to liberty and their families. We beg leave to mention that Jeremiah Powell, who was an officer of high confidence in the expedition, was pardoned without hesitation by the Spanish monarch, on the application of his father. Your petitioners have embraced many opportunities to convey to your honorable body the prayer of a petition, but, from the length of time elapsed since they sent off their last, and not hearing of any measures being adopted in their favor, they fear none ever arrived; and by the present opportunity several copies of this petition have been transmitted to gentlemen residing in different parts of the United States, with the hope that some of them may arrive safe.

Your petitioners cannot for a moment believe that the United States will suffer officers under her Constitution to kidnap her citizens into expeditions and services fitted out and maintained by a foreign outlaw against Powers with whom she is at amity and peace, under the specious pretence of engaging them into the service of their country, without punishing the aggressors, and using every effort to regain her citizens. Such is the case of your unfortunate petitioners, who entreat you, as children would a parent, to relieve them from total destruction, on the brink of which they have been thrown by the practice of frauds and villanies hitherto unheard of.

A short time since, a British ship of war arrived at

this place, the commander of which, (Edward Kittoe, Esq.,) upon being applied to by nine of our companions, who declared themselves to be British-born subjects, and being made acquainted with the circumstances which led to our capture, immediately sent on a petition to the Viceroy of this Kingdom in behalf of us all, but particularly for such as are British subjects, whom we expect will eventually be liberated. Nothing but humanity and a strong desire to relieve distress could have induced Captain Kittoe to this step, who, we are confident, as much as ourselves, regrets its failure of success, and to whom we feel every way indebted, and shall ever recollect it with gratitude and thanks.

When your petitioners remonstrate against any harsh treatment of these people, they invariably ask, "Why don't your country liberate you!—it rests solely with them."

Your petitioners feel confident, from the justness of their claim to the interference and protection of the constituted authorities of their country, measures will be adopted to restore them to liberty; and having no doubt but your honorable body will afford them that protection which citizens have a right to claim from their country, your petitioners beg that your honorable body will convey them an answer, and your petitioners, as in duty bound, will ever pray, &c.

Robert Saunders, Benjamin Davis, Henry Sperry, Joseph Hickle, Ellery King, William Long, Daniel Newbury, Wm. Cartwright, Samuel Tozier, James Hyatt, Abram Head, Robert Stevenson, Samuel Price, Robert Reins, Hugh Smith, Benjamin Nicholson, Geo. Ferguson, Wm. Pride, Pompey Grant, David Heckle, Bennett B. Negus, John Moore, John M. Elliot, Henry Ingersoll, John Parcels, John Hayes, David Winton, Matthew Buchanan, Alexander Buchanan, Jas. W. Grant, John Edsall, Thomas Gill, Joseph Bennett, Phineas Raymond, Peter Nautly, Stephen Burtis.

CARTHAGENA, August 12, 1808.

On my arrival at this place, I was applied to in behalf of the unfortunate men captured under the orders of General Miranda, who are under sentence of transportation to the different public works at Omoa, Porto Rico, &c., among whom are several British subjects, (whose names are inserted below.) I am well aware of the enormity of their crime, as I understand they were taken without colors or papers; but, as a British officer, I consider it a duty to plead for those in distress, wherever they may be found; and I trust, from the known lenity of your Excellency's character, I shall not plead in vain. The men in question are originally of British descent, and are allied to my nation by many ties. They have no Consul—no Minister—to prefer the prayer of their petition to your Excellency, having been prevented by the war between our nations from making known their situation to the President of the United States. Suffer me, therefore, to address your Excellency, and beg for their release, on a solemn promise that they will never be found again in arms on a similar occasion. As I am the bearer of welcome tidings to the inhabitants of the province under your Excellency's command, make me also the bearer of them to the unhappy sufferers now confined in Carthage. It is true, I am unauthorized to make this request in the name of the British Government for the men in general, but I am convinced the step will be approved; and if your Excellency will lend

a favorable ear to my petition, the circumstance will not pass unnoticed on their part; at all events, your Excellency will have the prayer of many individuals for your eternal happiness, and among them will be found (not the least fervent) those of your Excellency's most humble servant,

EDWARD KITTOE,
Com. H. B. M. ship Sabrina.

P. S.—If my request for the liberation of all General Miranda's men is by your Excellency deemed unreasonable or improper, I beg to confine it particularly to such as are British subjects: that is an indispensable duty I owe to them and to my country.

Names of British subjects under sentence of transportation at Carthage.

John Moore, Peter Nautly, John Hayes, Thomas Gill, Joseph Bennett, James Grant, Samuel Tozier, Robert Stevenson, and Hugh Smith, (a boy.)

VAULTS OF ST. CLARA, CARTHAGENA,
September 16, 1808.

RESPECTED SIR: I have taken the liberty to direct to your care a memorial of thirty-six American citizens, who have been lying in shackles more than two years—a great proportion of which time in stocks, upon the broad of their backs, not even taken out to answer the ordinary calls of nature—with the request that you would present, or procure it to be presented to the Legislature of the U. States; and, should it be acted upon the approaching session of Congress, to be good enough, by the first convenient opportunity, to acquaint us with what is to be done, and what prospect we have of being liberated from this loathsome confinement, little short of death. I enclose you a copy of a petition, which the commander of a British frigate presented to the Viceroy of this Kingdom, in our behalf, with liberty to publish it in the Telegraph, with a suitable caption, should you think proper. Indeed, I think it would serve our cause. However, its effect I submit to your better judgment, well convinced you will feel disposed to succor suffering humanity; and, if unable to bring to condign punishment the authors of our misfortunes, you will not withhold your aid to release us from this miserable condition. Our number has been reduced by deaths and escapes from forty-seven to thirty-six. I also enclose to your charge, a letter for my father, which I beg you would put on board some of the wood shallops belonging to Otter Point, which always may be found at the wharf, the foot of the Marsh market; or, if they cannot conveniently be found, to leave it at Mrs. Hay's, in Old Town, not far from Mr. Asque's, near the Baptist meeting, with the injunction to send it on as speedily as possible. For a description of the fraud and deception, which placed us in this unhappy situation, I refer you to the memorial itself.

I am your obedient, humble servant,
ROBERT SAUNDERS, JR.
Mr. THOS. DOBBIN, Printer, Ball.

The petition was referred to a committee, consisting of Messrs. McCREERY, LOVE, FRANKLIN, DANIEL MONTGOMERY, junior, and THOMPSON, to examine and report their opinion thereupon to the House.

TERRITORIAL GOVERNMENTS.

Mr. POINDEXTER, from the committee appointed on the subject, reported a bill concerning the power of the Territorial Governments. [The object of it is to take away from Governors of the

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Territories the power of proroguing or dissolving their Legislatures.]

The bill was twice read; and

Mr. POINDEXTER observed, that as the bill must stand or fall on its principle, and could not want amendment, he should wish to dispense with the usual course of reference to a Committee of the Whole, and that it should be engrossed for a third reading.

Mr. TROUP hoped the House would not be precipitated unadvisedly into a decision of a question of this kind; that they would not break in upon a system which had served them so well without maturely deliberating upon it. The ordinance for the government of the Territories he considered as Constitutional law, and it should be viewed and treated with as much delicacy as the Constitution of the General Government itself. It had served them well, it had nurtured the Territories from infancy to maturity, and he hoped the House would not innovate on the system, but for the most substantial reasons. He therefore wished this bill to take the course of all other business, and go to a Committee of the Whole.

Mr. POINDEXTER said it was not his object to exclude deliberation by his motion; as the day for its third reading might be fixed a fortnight hence, if the gentleman from Georgia wished it. He knew the difficulty of getting up such bills when committed to a Committee of the Whole; he also knew that in a few days the House would be engaged in great national concerns, which would occupy their entire attention to the exclusion of other business of minor importance. The gentleman seems to think (said Mr. P.) that to leave to the Governors of Territories of the United States powers which are fitted but for the Sovereigns of Europe is highly decorous; whilst I think they should be spurned from the statute book. The gentleman is mistaken when he says that we should view the ordinances in the same light as the Constitution; they are mere statutes. Placed by the Constitution under the particular care of Congress as the Territories are, the ordinances enacted for their government are mere statutes, subject to the revision of Congress, as other laws are.

Mr. PITKIN said the ordinances for the government of the Territories had been framed with great deliberation, and should always be considered as a compact between the General Government and its Territories. Whether an alteration could or could not be made without their consent, he would not undertake to say. He thought therefore in this case the usual rule should not be violated, for it was well known that no amendment could be received on the third reading of a bill.

Mr. TROUP said, the gentleman from the Mississippi Territory had totally mistaken his object. It was not procrastination that he wanted, but a mature consideration of the question, whether on this day or on this day fortnight. When he had considered the ordinance as a compact equally sacred with the Constitution of the United States, and as unalterable without the consent of the par-

ties to it, it was then that he considered this a question of such great and signal importance that he wished time for deliberation. And when he said this, he expressed the opinion of a man than whom no man in the country was more deeply read in its Constitution—St. George Tucker—who had described it as a compact unalterable, but with the consent of both parties. The gentleman would take away from the Territorial Governors the power to prorogue and dissolve the Assemblies. What would then be the state of the Territorial Legislatures? They would (said Mr. T.) be as completely independent of the General Government as the General Government is, I hope, of Great Britain at this moment. Retain the qualified veto, and take away the power to prorogue and dissolve, and what will be the consequence? The moment a misunderstanding takes place between the Legislature and Executive, legislation is at an end; and where legislation ends, revolution begins, and there is an end of government.

Mr. POINDEXTER said, at the suggestion of several gentlemen, he should consent to a reference of the bill to a committee, as he did not wish now to hasten the discussion. But the gentleman was mistaken if he supposed that taking away the power to prorogue, would deprive the Governors of their veto on laws. The Governors had an unqualified veto on the acts of the Legislature. The gentleman said, (observed Mr. P.) that take away the power of prorogation, and if a misunderstanding arise between the Governor and the Legislature, there is an end of legislation. That is now the fact. If there be any misunderstanding between them, the Governor sends the Legislature home; and I agree with the gentleman from Georgia, "where legislation ends, revolution begins." In this situation, I wish to take some power from the Governor and place it in the people, which would render the Government more congenial to the spirit of the Constitution and of the people of the United States. But I waive discussion and consent to reference.

The bill was made the order of the day for tomorrow.

FRANKING PRIVILEGE.

The bill reported yesterday, for authorizing the transportation by mail, free of postage, of the documents accompanying the President's Message, having been read a third time—

Mr. RANDOLPH said it was very far from his intention to oppose the passage of this bill, as he should suppose there could be but one opinion on its final passage; but he submitted to the committee who reported the bill the propriety of acting on the subject generally, if they should think themselves authorized to do so; if not, after the passage of the bill, he would move a resolution to instruct the committee to report a bill to authorize the members of both branches of the Legislature to frank *all* public papers. He could not see the propriety of the law as it now stood, restricting packets to a certain weight; for if a member wished to send ten times the weight allowed by

law, he had nothing to do but to divide it into as many packets as it weighed ounces. *Cui bono?* For the benefit of the Postmaster of this place. The public is taxed, said he, two cents as many times as a document weighs ounces, when thus divided; and from this I understand that the Post Office here is perhaps the most lucrative in the Union. I acknowledge these remarks are not very pertinent; but as this bill is before the House, and no other business demands immediate attention, I thought it pertinent to ask the chairman of the committee whether the committee considered it within their function to report such a bill.

Mr. RHEA said that his own opinion was that the bill should be general; but the committee had not thought as he did.

The bill was passed without a division.

Mr. RANDOLPH then offered the following resolution, adding to his former reasons, another: that the free packets paid a double duty—a tax at the office where they were received, and, by a special provision, he believed, a duty of two cents to the Postmaster here; and this did not prevent members from franking the most bulky packages, with this additional disadvantage, that if one part miscarried, the whole became useless:

Resolved, That provision ought to be made by law for sending free of postage, to and from members of Congress, all papers and documents touching the public service of the United States, or of any of the States or Territories thereof.

The resolution was passed, and referred to the Committee of Post Offices and Post Roads.

FOREIGN RELATIONS.

Mr. CHITTENDEN moved for the order of the day on his resolution on the subject of the embargo.

Mr. SMILIE thought, from the commencement of this business, they had taken an irregular course. In his opinion all the resolutions on this subject should have been referred to the committee on that part of the Message of the President of the United States relating to Foreign Relations. And to get at this object he moved to discharge the Committee of the Whole from the consideration of those resolutions.

The SPEAKER informed Mr. SMILIE that the motion could not be received while another was pending.

On the question to take up the order of the day, it was negatived—ayes 34.

Mr. COOK said he could not discern any disposition in the House to submit to the orders and decrees of Britain and France, and as the resolution which had been offered did not precisely meet his idea, he begged leave to submit another:

Resolved, That the act laying an embargo on all ships and vessels in the ports and harbors of the United States and the several acts supplementary thereto, be repealed, so far as to permit the vessels of the United States to depart with their cargoes for those countries not subject to the decrees of France, nor the orders of the British Council: and

That the citizens of the United States be authorized by law to arm and equip their merchant vessels for the

purpose of defending them against French and British cruisers, who may molest them when bound to any port or place not actually invested or blockaded.

On the suggestion of Mr. ELLIOT, the SPEAKER observed that the first clause of the resolution had been moved by Mr. MUMFORD, and was already before the House.

The second clause was then referred to the same committee to whom resolutions on the same subject have been referred.

THURSDAY, November 17.

Another member, to-wit: DENNIS SMELT, from Georgia, appeared, and took his seat in the House.

Mr. SAY presented a memorial from sundry persons in the city of Philadelphia, stating that they have at great labor and expense erected a manufactory of shot; and praying that, to encourage the domestic manufacture, a duty be laid on all imported shot.—Referred to the Committee of Commerce and Manufactures.

PETITIONS FOR REPEAL OF THE EMBARGO.

Mr. LIVERMORE said he held in his hand several petitions from inhabitants of the State of Massachusetts, signed by between four and five thousand persons, praying for a repeal of the embargo laws.

One of the petitions (from Newburyport) was read.

[In this petition the following sentence was twice read, by desire of one of the members:

“Your memorialists would further represent to your honorable body that they have witnessed with great surprise and alarm a systematic attempt among the enemies of the people to excite a belief that our nation has in its power only a choice of evils; that an embargo, or war with Great Britain, is our only alternative, an opinion which appears to your memorialists wholly devoid of foundation. Whatever injuries the United States may have sustained from that Power, we cannot perceive that a war with her would be either necessary or just, whilst she evinces on her part a disposition for an amicable settlement of all subjects of controversy; and especially, when we view her as almost alone maintaining a contest, on the successful issue of which depend the rights and liberties of the civilized world.”]

Mr. LIVERMORE said as the other petitions were precisely similar, he moved that their reading be dispensed with, and that they be referred to the Committee of the Whole to whom several resolutions on the subject have been referred.

The SPEAKER proceeding to put the question on reference—

Mr. D. R. WILLIAMS said, as he understood the same sentiments were repeated in all, and as there were sentiments expressed in the first which he could not understand, he called for the reading of another of them.

Mr. LIVERMORE said he had no objection.

Another of the petitions was then read, and they were all referred, without opposition, to the committee to whom several resolutions on the same subject have been referred.

Mr. LIVERMORE moved that the petition be printed—Negatived, 17 only rising in favor of it.

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Foreign Relations.

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FOREIGN RELATIONS.

Mr. MACON said, already had many resolutions been submitted to the consideration of the House on the subject of our foreign relations, and the embargo; some for a total and some for a partial repeal of it. As none of the motions had met his entire approbation, and as he considered this as one of the most important questions that could come before the House, he wished to submit to the House two or three propositions; which he wished to take a course different from that which had been given to the others on the same subject.

I have been astonished (said Mr. M.) to see so many resolutions on the subject of the embargo, and none contemplating its entire continuance. Is the American nation ready to bow the neck? Are we ready to submit to be taxed by Great Britain and France, as if we were their colonies? Where is that spirit which for this reason separated us from the nations of Europe? Where is that spirit which enforced a simple resolution of the old Congress, not then binding upon the people, as a law from Heaven? Is it extinct? Is it lost to this nation? Has the love of gain superseded every other motive in the breasts of Americans? Shall the majority govern, or shall a few wicked and abandoned men drive this nation from the ground it has taken? Is it come to this, that a law constitutionally enacted, even after a formal decision in favor of its constitutionality, cannot be enforced? Shall the nation give way to an opposition of a few, and those the most profligate part of the community? I think the stand we took last year was a proper one; and I am for taking every measure for enabling the nation to maintain it. Just as our measure is beginning to operate, just as provisions are becoming scarce in the West Indies and elsewhere, notwithstanding the evasions of our law, we are called upon to repeal it. I should not have made this motion at this time, had it not been for the petition just presented. When I stand here, sir, charged by a part of the community with being one of "the enemies of the people," notwithstanding I am willing to commit the petition, treating it with that respect which I conceive to be due from us to the prayer of any portion of the people, I wish my sentiments on this subject to be seen.

A proclamation has been issued by one of the belligerents since the passage of our embargo law, sir. Look at it. What says it? Clearance or no clearance, we will receive any neutral vessel into our ports; and, in speaking of neutrals, recollect that there is no nation in the civilized world that has a claim to the title, except ourselves. This proclamation then tells our citizens "Evade the laws of your country, and we will receive and protect you." This is the plain English of it.

If the mad Powers of Europe had entered into compact to injure us as much as they could, they could not have taken a more direct course to it. I consider them both alike, and the measures I would take would place them both on the same footing. I have made my resolutions as general as possible, to give all latitude to the committee.

Mr. M. then read his resolutions, as follows:

"*Resolved*, That the committee appointed on that part of the President's Message which relates to our foreign relations, be instructed to inquire into the expediency of excluding by law from the ports, harbors, and waters of the United States, all armed ships and vessels belonging to any of the belligerent Powers having in force orders or decrees violating the lawful commerce of the United States as a nation.

"*Resolved*, That the same committee be instructed to inquire into the expediency of prohibiting by law the admission into the ports, harbors, and waters of the United States, any ship or vessel belonging to or coming from any place in the possession of any of the above-mentioned Powers, and also the importation of any goods, wares, and merchandise, the growth, produce and manufacture of the dominions of any of the said Powers.

"*Resolved*, That the same committee be instructed to inquire into the expediency of amending the act laying an embargo, and the severals acts supplementary and additional thereto."

On the subject of the first of these resolutions (said Mr. M.) it might be proper to interdict the entrance of all armed vessels, although I have confined the interdiction to the belligerents. A certain time might be fixed on which the second should go into operation.

I have thought proper, sir, to bring forward all these resolutions together, to show my own opinion on what ought to be done. It is time for those who think the embargo a lawful and proper measure to come forward and declare it. No other person having as yet thought proper to do it I have now done it. I believe the embargo was right; that it was right to pass laws to enforce it; and believing this, I feel no hesitation in avowing it. Time has been when the impressment of our seamen was cried out against by a large majority of Congress. Now the cry is, that we will not let them go out and be taken. For if they go out they must be taken. Neither of the two great Powers of Europe have shown the least disposition to relax their measures; neither I hope shall we. I believe we have but three alternatives—*war, embargo, or submission*. The last I discard; this nation never would submit; nor are there many people in it that would. That is out of the question; then, the only question is, whether in the present state of the world, the embargo or war is the best for us? Arm your merchantmen, as has been proposed, send them out, and you have war directly. If we are to have war, I should rather have it openly, and let the nation know that we mean it. I am for the embargo yet. I am told flour is from thirty to fifty dollars a barrel in the West Indies; I am also told that wheat is fourteen shillings sterling a bushel in England. This must have an effect, if adhered to, through Spain and Portugal. France if she carries her armies into that country, cannot support them. Nor can Spain support her own armies, and at the same time those Great Britain sends there; for where war is waged, almost all agriculture is destroyed; and it only requires firmness in us to force them both by this measure to acknowledge

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our rights. If I am mistaken in my opinion, I wish that measure to be adopted which may best maintain our rights and independence.

It is not the embargo which causes the pressure on the people. No, sir, it is the orders and decrees of England and France. Take a license from England, and you may trade, but on no other terms. Let an officer of the British fleet visit your vessel, and France will condemn it. These are the things which destroy commerce. The country in which I live feels the measure as much as any; they are agriculturists, and their crops remain unsold; and if they will do without the principal, and resist imposition by withholding their produce, those who make a profit by the freight of our produce, may afford to lose that profit. Can any man tell what would be the consequence of war, in these times? In common war some regard is had to the laws of nations by belligerents, and they fight each other. In the present war the belligerents disregard the laws of nations, and fight every one but one another.

Mr. M. concluded by saying that he was aware that he had said nothing new, nor could anything new be said. The documents published at the last session and those published now put the subject in so complete a point of view, that it was impossible to add light to them.

The House agreed to consider the resolutions.

Mr. ALSTON suggested to his colleague the propriety of referring the last resolution to the Committee of Commerce and Manufactures, who had last session reported all the bills amendatory to the embargo laws.

Mr. MACON said he meant nothing less than disrespect to the Committee of Commerce and Manufactures, but he wished all the resolutions to go to one committee, that they might have the whole system before them.

Mr. DANA made a few observations which were not distinctly heard. He thought that an agreement to the third resolution would commit the House on the subject of the embargo; and suggested the propriety of taking the question on each separately.

Mr. QUINCY said he wished the last resolution to be separated from the first, as the House would be committed by its adoption. Not that he wished to avoid a discussion of that subject, for he wished for nothing so much as that the House would permit them to go into a discussion of the subject in Committee of the Whole. [Mr. MACON consented that the last resolution should lie on the table.] Mr. Q. said he wished to press a discussion on the subject of the embargo; for such was the state of public opinion in the Northern part of the Union that but one general sentiment prevailed, that the embargo would be immediately raised. Instead of postponing the subject from day to day, he only wished it to come before the House that gentlemen might understand one another, and put an end to the doubts that now existed.

The first and second resolutions offered by Mr. MACON were agreed to without a division. The third was ordered to lie on the table—yeas 78.

THE EMBARGO.

On motion of Mr. CHITTENDEN that the House do now, according to the order of the day, resolve itself into a Committee of the Whole on a resolution moved on the tenth instant, relative to a repeal of the several acts laying an embargo on all ships and vessels in the ports and harbors of the United States; and the question being taken thereupon, it passed in the negative—yeas 56, nays 58, as follows:

YEAS—Lemuel J. Alston, Burwell Bassett, William Blackledge, John Campbell, Epaphroditus Champion, Martin Chittenden, Matthew Clay, John Clopton, John Culpeper, Samuel W. Dana, John Davenport, jun., James Elliot, William Ely, Charles Goldsborough, Edwin Gray, John Harris, John Heister, William Hoge, Richard S. Jackson, Robert Jenkins, James Kelly, John Lambert, Joseph Lewis, jun., Edward St. Loe Livermore, Edward Lloyd, Nathaniel Macon, Robert Marion, Josiah Masters, William Milnor, Daniel Montgomery, junior, Jonathan O. Mosely, Gurden S. Mumford, Thomas Newbold, Timothy Pitkin, jun., Josiah Quincy, John Randolph, Matthias Richards, Samuel Riker, John Russell, James Sloan, Dennis Smelt, Jedediah K. Smith, John Smith, Samuel Smith, Richard Stanford, William Stedman, Lewis B. Sturges, Peter Swart, Samuel Taggart, John Taylor, Jabez Upham, Archibald Van Horn, Killian K. Van Rensselaer, Isaac Wilbour, David R. Williams, and Nathan Wilson.

NAYS—Willis Alston, jun., Ezekiel Bacon, Joseph Barker, William W. Bibb, Thomas Blount, Adam Boyd, Robert Brown, William A. Burwell, William Butler, Joseph Calhoun, George W. Campbell, Richard Cutts, John Dawson, Joseph Desha, Daniel M. Durell, John W. Eppes, William Findley, Meshack Franklin, James M. Garnett, Thomas Gholson, junior, Peterson Goodwyn, Isaiah L. Green, William Helms, James Holland, David Holmes, Benjamin Howard, Reuben Humphreys, Daniel Hsley, Richard M. Johnson, Walter Jones, William Kirkpatrick, John Love, William McCreery, John Montgomery, Nicholas R. Moore, Jeremiah Morrow, John Morrow, Roger Nelson, Thomas Newton, Wilson C. Nicholas, John Porter, John Pugh, John Rea of Pennsylvania, John Rhea of Tennessee, Jacob Richards, Benjamin Say, Ebenezer Seaver, Samuel Shaw, John Smilie, Henry Southard, Clement Storer, John Thompson, Abram Trigg, George M. Troup, Daniel C. Verplanck, Jesse Wharton, Robert Whitehill, and Alexander Wilson.

FRIDAY, November 18.

Mr. HOLMES, from the Committee of Claims, made reports favorable to the petitions of sundry inhabitants of Knox county, Kentucky, and of Daniel Cotton; which were referred to the Committee of the Whole.

Mr. MORROW presented the petition of sundry inhabitants of the State of Ohio, stating that, in consequence of not being able to make payment of the purchase money due for public lands, their purchases are liable to forfeiture.

[The petition contains the following sentence:

"Notwithstanding your petitioners find their means of payment suspended, and sincerely regret the causes which have produced the scarcity of circulating medium, and the loss of a market, yet we are decidedly of

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opinion that the measures pursued by the General Government were those, and those only, that saved our country from the evils and distresses of war, and which measures we are willing to support with our lives as well as our property."]

The petition was referred to the Committee of Public Lands.

Mr. QUINCY moved that it be printed for the use of the members; negatived—ayes 20.

Mr. LEWIS presented a petition of the Vestry of the Episcopal Church, in the town of Alexandria, praying that a law may be passed, authorizing the petitioners to raise, by way of lottery, the sum of twelve thousand dollars, for the purpose of building a new church, and the purchase of a burial ground within the said town, or its vicinity.—Referred to the Committee for the District of Columbia.

The SPEAKER laid before the House a letter from the President of the Legislative Council of Indiana Territory, enclosing a report of a Committee of the House of Representatives of the said Territory, adopted by the said House; also, the copy of a petition from sundry inhabitants of that Territory, in opposition to the admission of slavery or involuntary servitude within the same.

The SPEAKER laid before the House certain resolutions of the Legislative Council of the Indiana Territory, relative to the election of members of the said Council by citizens of the said Territory entitled to vote for Representatives to the General Assembly of that Territory; and that the continuance in office of the members of the Council shall be for the term of four years only.—Read, and ordered to lie on the table.

The SPEAKER laid before the House a certificate from the Legislative Council and House of Representatives of the said Territory of the election of JESSE B. THOMAS, to serve in this House as the Delegate in Congress for the said Territory, in the room of Benjamin Parke, who has resigned his seat; which was read, and referred to the Committee of Elections.

Mr. RHEA, of Tennessee, from the Committee on Post Offices and Post Roads, presented a bill to authorize the conveyance of certain papers and documents, by the mail, free of postage; which was read twice, and ordered to be engrossed, and read the third time on Monday next.

Mr. GHOLSON presented the petition of Amey Dardin, of the county of Mecklenburg, in the State of Virginia, widow and relict of David Dardin, deceased, praying compensation for the value of a horse called Romulus, which was impressed into the service of the Continental army during the Revolutionary war with Great Britain.—Referred to the Committee of Claims.

TERRITORIAL GOVERNMENTS.

On motion of Mr. POINDEXTER, the House resolved itself into a Committee of the Whole, on the bill concerning Territorial Governments.

The bill having been read—

Mr. BIBB said, that if the House were now called upon for the first time to pass an ordinance for the government of the Territories of the

United States, he should attach very little importance to the decision of the present question. But he considered it not now an abstract question of expediency, but as one of great moment, from the circumstances with which it was connected. He denied the right of the House to pass the bill; and if they had not the right, it was surely unnecessary to argue the question on the ground of policy. It would be recollected that the Mississippi Territory was formerly the property of the State of Georgia, and ceded by that State to the United States on certain conditions, one of which was that the ordinance for the government of the Territory Northwest of the Ohio should be the basis of the government of the Mississippi Territory. If this, said he, be one of the conditions of a compact between the United States and Georgia, surely the United States have no right to infringe it without the consent of Georgia; and I, as one of her Representatives, formally protest against the passage of this bill. It may be said, that Georgia is very little interested in the abstract question, whether the Governor should or should not have the power of prorogation; but, if a right exists to alter one part of the ordinance without the consent of Georgia, it certainly implies a power to alter it in every part.

Mr. TROUP moved that the Committee rise and report progress.

Mr. POINDEXTER inquired of the gentleman, what was his object in making this motion?

Mr. TROUP said, his object was that the Committee should rise and report progress, and give him an opportunity of making a motion that the further consideration thereof be indefinitely postponed; and he made the motion for the best of all possible reasons—that the Committee had no reason before it to induce it to act otherwise.

Mr. POINDEXTER said, he would state the reasons for which he had introduced the bill, and which would, he hoped, insure it the sanction of the Committee. I will, in the first place, said Mr. P., advert to that part of the ordinance which is proposed to be amended by the bill under consideration. In the ordinance for the government of the Northwestern Territory will be found this article: "The Governor shall have power to prorogue and dissolve the General Assembly, when, in his opinion, it shall be expedient." The bill proposes to take away this power, as being arbitrary and oppressive in the extreme, and incompatible with the Constitution of the United States. This ordinance was passed previous to the adoption of the Federal Constitution, and if it had been the subject of consideration subsequent to its adoption, this provision had never been inserted, giving to Governors of Territories a power paramount to any power possessed by the President of the United States. Take away this power and a Governor will still have left the power of negating all acts, so that none can pass without his assent; and, being the agent of the General Government, he would give consent to no law incompatible with the interests of the United States.

It has been said that the ordinance cannot be altered without the common consent of the parties to it, and that the State of Georgia must be called upon to give its assent before the Congress can alter it. There are two parts of this ordinance; the first contains the form of government, and the second several articles of compact which are declared unalterable but with common consent. After reciting the form of government, the ordinance says:

"The following articles shall be considered as articles of compact between the original States and the people of the States in the said Territory, and forever remain unalterable, unless by common consent, to wit."

[Here follow six articles.] The ordinance declares that which follows the declaration to be unalterable, but by common consent; it follows of consequence that that which precedes the declaration is alterable. Independent of this reasoning, which cannot be refuted, at every session since we have been a Territory, there have been laws passed altering the ordinance in some shape or other. For example, the ordinance requires two judges to hold a court; and, in a variety of instances, Congress has legislated with respect to the form of government of the Territory. I had supposed that the articles of agreement between the United States and Georgia had become obsolete, with respect to the imagined necessity of the consent of Georgia to legislation on the subject of the Territory. It was urged at the last session with all the eloquence which the gentlemen from Georgia are in so great a degree possessed, and disregarded; for it was decided by both Houses that the United States had a right to rule the Territory without the consent of Georgia.

The Constitution of the United States says that Congress shall "have power to dispose of 'and make all needful rules and regulations respecting the territory or other property belonging to the United States.'" Can an agreement arising from the exercise of this power, supersede the right of exercising the power expressly delegated by the Constitution itself? Certainly not.

On the ground of policy, I presume, that there is no gentleman who will contend that the power of which I wish to deprive the Governors, ought to be retained. The gentleman from Georgia himself says, that if he were about to frame an original ordinance, he would not think of such a power. As the opinion of Judge Tucker has been referred to on one subject, I will refer to it on the subject of prerogative. Let it be recollected, that the power to prorogue and dissolve is one of the highest prerogatives of the King of England; that it crept into the governments of his colonies, and thence into this ordinance, previous to the adoption of the Constitution. It now remains for the United States to say, whether they will copy after Great Britain, and because it is a high prerogative, give the Governors of the Territories of the United States the same powers as she gives to her Territorial Governors. I trust it will be expunged.

"The title 'prerogative,' it is presumed, was annihilated in America with the Kingly Government." "This definition (of prerogative) is enough to make a citizen of the United States shudder at the recollection that he was born under a Government in which such doctrines were received as catholic," &c.

This is the opinion of Judge Tucker. Is not this sufficient to induce us to take away from Governors this prerogative? Is not this feature modelled after the feature in the Government of England? Certainly; and that it is transferred from her Colonial Government, I can show by the present ordinance for the government of Canada, [to which Mr. P. referred.] It is the same principle, and we have copied it.

I will not object to retain this power, if any gentleman can show any advantage to be gained by it. I will suppose an extreme case; that any of the Territories designed to commit treason, and the Legislature were to pass an act giving it their sanction; (and they have shown less treasonable disposition than some of the elder States, if we may judge from occurrences of a few years past)—could not the Governor put his negative on this law? There could be no such law without his consent. It is therefore entirely unnecessary, in any possible case, to give the Governor the arbitrary power of dissolving the Legislature.

There is a special reason, which has operated upon my mind as forcibly as the general reason in favor of the bill on the table. In the Territory which I have the honor to represent, we have been nearly twelve months without any Legislature. The Governor thought proper to dissolve the Assembly without any reason given, for the ordinance does not bind him to assign reasons for his acts. Within a few days, a new Council has been chosen, which may again be dissolved as soon as it meets, and the Territory again left without a Legislature, and no reason assigned for the procedure. Is it possible that this Government will sanction such arbitrary practices? If it does, it will be the first case since the Revolution in which such a procedure has been sanctioned. I beg leave to refer gentlemen to the glorious year 1776. I beg them to revert to that instrument, in which all the sins of our political father, George III, were delineated, and they will find that one of the charges against him was that he permitted his Governors to dissolve the Legislatures from time to time. Are we prepared to ingraft these arbitrary principles into our Constitution, and cherish them when practised in so arbitrary a manner? Instead of this ordinance being passed with deliberation, it must have passed originally *sub silentio*, and been adopted for all the new Territories without any discussion at all; for, if the principle had been investigated, it would never have been enacted into a law. In the Declaration of Independence it is stated that "he (George III) has dissolved Representative Houses repeatedly, for opposing, with manly firmness, his invasions on the rights of the people." Here we see that, at that day, we complained of the arbitrary exercise of power, and I

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hope that, at this day, we shall give it a death-blow. If any gentleman wishes to retain it, let him show a single possible case in which it can properly be exercised—never, but to gratify the ambition or caprice of an individual. The people elect Representatives and send them to legislate; if they do not please the Governor, he can say, “gentlemen, go to your homes—I dissolve you.” Can there be any necessity for this? But I will not detain the House longer, except to express a hope that the Committee will not rise, unless it be to report the bill.

Mr. TROUP said he would state, in as few words as he could, his objections to the passage of the bill. It was only the day before yesterday that this bill had been introduced into the House, proposing to alter one part of the ordinance. To-day, a petition came from another Territory to alter another part of it. Before they adjourned, it was ten thousand to one that not a remnant of the ordinance would be left, with their good will.

I have before stated it as my opinion, said he, that the articles of the ordinance are a compact between the people of the States and of the Territories, unalterable but with the consent of both parties. With the permission of the House, I will read the opinion of Judge Tucker on this subject:

“Congress, under the former confederation, passed an ordinance July 13, 1787, for the government of the Territory of the United States Northwest of the Ohio, which contained, among other things, six articles, which were to be considered as articles of compact between the original States and the people and States of said Territory, and to remain unalterable, except by common consent. These articles appear to have been confirmed by the sixth article of the Constitution, which declares, that all debts contracted and engagements entered into, before the adoption of the Constitution, shall be as valid against the United States under the Constitution as under the Confederation.”

In this case there are not only two but three parties to the articles—the United States, the State of Georgia, and the people of the Territories. You will recollect, as my colleague properly stated to you, that the right of soil and jurisdiction of this Territory was originally in the people of Georgia. Of course Georgia had power to prescribe for the Territory what form of government she pleased, provided it was republican. By the articles of cession, the right of soil and jurisdiction was ceded to the people of the United States, on the express condition that the articles of the ordinance should form the government of the Mississippi Territory, and that they should not be governed otherwise. The inference inevitably is, that the State of Georgia would not have ceded but upon the express condition; and this inference is the more inevitable, inasmuch as, in this clause, Georgia has made an express exception to a particular article in the ordinance; from which, I say that Georgia intended that no other alteration should be made.

What was the policy of the ordinance, and

what the object of its framers? Why, assuredly, to render the governments of the Territories dependent on the Government of the United States. And how was it to be effected? By making the Territorial Legislature in a great degree dependent on the Governor, and him absolutely dependent on the Federal Executive. The moment we make the Legislature of a Territory independent of its Executive, we make it independent of the Federal Government.

And again, as my colleague has correctly told you, if you have a right to repeal one part of the ordinance, you have a right to repeal another part, and so overturn the whole system at a blow. If so, what will be the effect on the articles of cession and agreement between you and Georgia? I will tell you. By the articles of cession you reserve to yourself the right of disposing of the Territory; you also agree to pay Georgia, one million two hundred and fifty thousand dollars out of the product of the first sales of the land. Suppose you transferred to the independent Legislature of the Mississippi Territory the right to dispose of this Territory, what security has Georgia for the payment of her one million two hundred and fifty thousand dollars? Moreover, I feel every disposition to treat with respect the people of the Mississippi Territory, and particularly as I perceive that they approve of that course of our Government, in which I most heartily concur; yet I must say that a large majority of the people have a landed interest distinct from that of the Government of the United States. Take away from the Governor his power to prorogue and dissolve, leave him the veto, and there will soon be collision. The Legislature passes an act; the Governor puts his veto on it. The Legislature stands out, and the Governor will not yield, and eventually you may, perhaps, have to decide the question of Territorial property by the sword. Recollect, that upward of six thousand people have gone over in the present year, with every apparent intention to force a settlement against your interest and that of Georgia. I am very glad that the military have received orders to disperse them. I trust that they will be dispersed, and that every man who stands forth in resistance will be put to the sword.

But the gentleman from Mississippi Territory is certainly mistaken as to one point. He seems to consider the Constitution of the United States as giving to the people of the Territories the same rights as the people of the States. It is a mistaken idea, neither warranted by the letter or spirit of the Constitution. For although the Constitution has declared that the people of one State are entitled to all the rights and privileges of another, yet it has not declared that the people of the Territories have the same rights as the people of the States. In another part of the Constitution it is, indeed, expressly declared that Congress shall make all laws for the disposal of the Territories; but there is a salvo, that all acts done and contracts made previous to the adoption of the Constitution, shall be as binding as if done afterward. The articles of the ordinance were

enacted previously, and are consequently binding under the Constitution. It cannot be controverted, that they were wisely adopted, and have been salutary in their operation. They were framed by the Congress of '87, composed of men whose integrity was incorruptible, and judgment almost infallible. These articles, from that time to this, have remained unaltered, and carried the Territories through difficulties, almost insuperable, to prosperity. And now, for the first or second time, an alteration is proposed, the consequence of which cannot be foreseen, without any evidence that it is either necessary or expedient.

The population of every new country must necessarily be composed of a heterogeneous mixture of various tempers, characters, and interests. In a population thus composed, it would be highly ridiculous to expect that love of order and obedience to law would always predominate. Therefore the old Congress wisely reserved to itself the right to control them; to give the Governor power, when a Legislature became disorderly, to dissolve them; and for the exercise of this power he is accountable to the General Government.

The gentleman from Mississippi wishes us not to treat the Territories as children, whose wild extravagancies may require correcting by the indulgent hand of their parents, but as the equals of the States, without any other reason than that which he states to be the situation of the people of his Territory. They will next wish us to admit them into the Union before their population will authorize it; tell us that that Territory does not grow fast enough, and we must demolish the system for their convenience.

Mr. T. adverted to the representation made by Mr. POINDEXTER, of the state of things now existing in the Mississippi Territory. If such were the situation of the Territory, and Mr. T. said he sincerely regretted it, he could put the gentleman in a way of settling the dispute in a regular and Constitutional way, and which would be the most prudent and advisable. Certainly, in this dispute, one of the parties must be right and the other wrong. They had nothing to do but prefer their complaints before the proper authority, and, if they were there substantiated, they would obtain redress of their wrongs. If, on the contrary, the people were wrong and the Governor right, the wisdom of this part of the ordinance would be proved beyond question.

Mr. POINDEXTER observed that the gentleman from Georgia had set out with telling the House that if the Legislature were made independent of the Governor, they could pass any law they pleased respecting land titles. The gentleman could not have looked at the ordinance, for there was an express provision that the Legislature should "never interfere with the primary disposal of the soil by the United States in Congress assembled, nor with any regulations Congress may find necessary for securing the title in such soil," &c. Independent of this, it is control sufficient if the Governor have a veto on the laws. The gentleman has told you, said Mr. P., that these articles are unalterable but with common consent. When

up before, I read that part which is unalterable. It is the articles of ordinance and not the form of government; and to this Judge Tucker refers when he speaks of it. The gentleman has said, that the situation of the people would not be bettered by taking away the power, if the veto were left. In my opinion it would be ameliorated. Let the Governor retain his veto, but let them remain in session, and pass laws, that the General Government may see whether such laws are worthy of rejection or of approbation. Now, if the Governor discovers them about to pass a law or do an act he does not like, he sends them home. Lope off a little of this Executive power, and let the Legislature pass laws which he may negative, and the General Government will have an opportunity of seeing that the Governor will not consent to proper laws. Trust your Executive and distrust the people, and you sap the foundation of the Government. Whatever leads to the conclusion that the people are always wrong and the Executive right, strikes at the root of republican institutions.

The gentleman has spoken of the wildness and extravagance of the people of the Mississippi Territory. Does he recollect the invasion of the Spaniards two years ago? That, at a few days' notice, at the requisition of the Commander-in-Chief, a detachment of two hundred and fifty militia were sixty miles on their march? When an arch traitor from the East designed to sever the Union, the people of the Territory, without call, assembled near the city of Natchez, and arrested the traitor. These proceedings cannot be exceeded even by the spirit or prudence of the State of Georgia. I hope the indignation of this House will be displayed at these insinuations against the motives of people who have manifested the greatest patriotism. In respect to the late measures of the General Government, no people feel them more severely than the people of Mississippi, and no people better support them. There may be symptoms of wildness and extravagance, but they show a submission to the laws and measures of the Union.

The gentleman talks of tender parents. If he considers the State of Georgia as one of our tender parents, I protest against it. Although she be one of our parents, there has been no proposition ever made on this floor, for the good of the Territory, which has not met the opposition of that State. But these are subjects on which I will not dwell.

The gentleman has stated that a number of people have gone over to the Mississippi Territory to settle lands, against the express provisions of the law. That, under the pretext of a purchase from an Indian, named Double Head, people have gone over to settle lands, is true; but from where? From Georgia. They are citizens of Georgia; people nurtured by this tender parent into a state of manhood, and unwilling to participate longer in the tender cares of the State of Georgia. They have been, very properly, ordered to be driven off by military force, because they have infringed a law of the United States.

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But these things do not touch the present question. I now propose to take away a power which has been, by mistake, incorporated into the Constitution of a free people.

Mr. BIBB said that the State of Georgia had never undertaken to legislate for the Mississippi Territory; but there was a compact existing between the United States and Georgia, and he called upon the United States to adhere to it: They dared not violate it, except they could violate the most solemn compact—the Constitution.

Mr. TROUP observed that, it had been said this power of the Governor was a badge of slavery copied from the British constitution. That in many things they had been copied too far, he agreed; but as to this prerogative, it was no such badge of slavery, and was found not only in the articles of the ordinance, but in the constitutions of various States, qualified in a greater or less degree. Mr. T. quoted the constitutions of New York and Massachusetts, both which States had been considered republican. Massachusetts, to be sure, was a little wavering now, but he hoped she had not quite gone over to the enemy yet. These constitutions gave a qualified prerogative to the Governor of the State.

The Committee now rose—58 to 36.

Mr. TROUP moved that the further consideration of the bill be postponed indefinitely—[equivalent to rejection.]

Mr. POINDEXTER calling for the yeas and nays on the motion, it was decided—yeas 57, nays 52, as follows:

YEAS—Lemuel J. Alston, Willis Alston, jun., Ezekiel Bacon, David Bard, William W. Bibb, William Blackledge, John Blake, junior, Adam Boyd, Robert Brown, Joseph Cathoun, John Campbell, Martin Chittenden, Samuel W. Dana, John Davenport, jun., William Ely, William Findley, Francis Gardner, Charles Goldsborough, Edwin Gray, John Heister, William Hoge, Richard S. Jackson, Robert Jenkins, Walter Jones, James Kelly, William Kirkpatrick, John Lambert, Joseph Lewis, jun., Robert Marion, William McCreery, William Milnor, Nicholas R. Moore, Jonathan O. Mosely, Gurdon S. Mumford, Wilson C. Nicholas, Timothy Pitkin, junior, John Porter, Josiah Quincy, John Randolph, Matthias Richards, Samuel Riker, John Russell, Dennis Smelt, Henry Southard, William Stedman, Lewis B. Sturges, Peter Swart, Samuel Taggart, Benjamin Tallmadge, John Taylor, George M. Troup, Jabez Upham, James I. Van Alen, Daniel C. Verplanck, Robert Whitehill, David R. Williams, and Nathan Wilson.

NAYS—Joseph Barker, Burwell Bassett, William A. Burwell, William Butler, Matthew Clay, John Clopton, John Culpeper, John Dawson, Josiah Deane, Joseph Deaha, Daniel M. Durell, James Elliot, John W. Eppes, James Fisk, Meshack Franklin, Thomas Gholson, jun., Peterson Goodwyn, Isaiah L. Green, John Harris, William Helms, James Holland, David Holmes, Benjamin Howard, Daniel Hsley, Richard M. Johnson, Nathaniel Macon, Daniel Montgomery, junior, John Montgomery, Jeremiah Morrow, John Morrow, Roger Nelson, Thomas Newbold, Thomas Newton, John Pugh, John Rea of Pennsylvania, John Rea of Tennessee, Jacob Richards, Benjamin Say, Ebenezer Seaver, Samuel Shaw, James Sloan, John Smilie, Jededi-

ah K. Smith, John Smith, Samuel Smith, Richard Stanford, Clement Storer, John Thompson, Archibald Van Horn, Jesse Wharton, Isaac Wilbour, and Alexander Wilson.

So the bill was postponed indefinitely.

MONDAY, November 21.

Another member, to wit: JOHN BOYLE, from Kentucky, appeared and took his seat in the House.

Mr. HOWARD presented a petition of sundry inhabitants of the State of Kentucky, stating that the King of Great Britain having, by his proclamation of the sixteenth of October, one thousand eight hundred and seven, claimed the allegiance of all persons who may have been born in his dominions, and were not inhabitants of the United States of America at the period of their Revolution, and disregarding the laws of naturalization in other countries, hath authorized the impressment into his service of his pretended subjects, and treated as traitors such as may have taken up arms against him in the service of their adopted country; the petitioners being, at the present time, precluded from the privilege of following commercial pursuits on the high seas in safety, therefore pray that such measures be adopted by Congress as may effectually resist the unjust assumption of power claimed and exercised by a foreign nation; and pledging themselves to support with their lives and fortunes whatever steps may be taken, or acts passed, by the General Government, for the welfare of the Union.—Referred to Mr. HOWARD, Mr. JOHN MORROW, and Mr. HARRIS, to examine the matter thereof, and report their opinion thereupon to the House.

Mr. LEWIS presented a petition of the Common Council of the town of Alexandria, in the Territory of Columbia, praying that the petitioners may be invested with power to establish and regulate, by law, such inspections of articles of the growth, produce, or manufactures of the United States, offered for sale or exportation within the said town, as they may, from time to time, deem advantageous; also, that certain regulations relative to debtors and judicial process, in the town of Alexandria, may be adopted, for the convenience and benefit of the inhabitants thereof.

The said petition was read and ordered to be referred to the Committee for the District of Columbia.

An engrossed bill to authorize the conveyance of papers and documents by the mail, free of postage, was read the third time, and passed.

Mr. JEREMIAH MORROW, from the Committee on the Public Lands, to whom was referred, on the eighth instant, a memorial of the House of Representatives of the Mississippi Territory, made a report thereon; which was read, and ordered to lie on the table.

On a motion made by Mr. DANA, that the House do come to the following resolution:

Resolved, That it is expedient to provide for regulating the conduct of such merchant vessels as, by

agreement of the respective owners, may sail in concert for mutual assistance and defence, in cases which may be allowed by law; and also for settling, according to the course of proceeding in Courts of Admiralty, the respective rates of contribution to be made between them, on account of any loss or damage which may be thereby incurred:

The resolution was read, and referred to the Committee of the Whole to whom was committed a resolution moved by Mr. CHITTENDEN, on the tenth instant.

Mr. NEWTON, from the Committee of Commerce and Manufactures, presented a bill authorizing the President to employ twelve additional revenue cutters; which was read twice, and committed to a Committee of the Whole House to-morrow.

On motion of Mr. J. G. JACKSON,

Ordered, That the memorial of Return Jonathan Meigs and others, witnesses against Aaron Burr, attending the circuit court for the Virginia district, presented the ninth of November, one thousand eight hundred and seven, be referred to Mr. JACKSON, Mr. HEISTER, and Mr. N. WILSON, to examine and report their opinion thereupon to the House.

MIRANDA'S EXPEDITION.

Mr. LOVE, from the committee to whom was referred, on the sixteenth instant, the petition of thirty-six citizens of the United States now confined at Carthage, in South America, under sentence of slavery, made a report thereon; which was read, and ordered to be referred to a Committee of the Whole House to-morrow.

The report is as follows:

That it appears, from the statement of the petitioners, that, in February, 1806, they sailed from New York on board the *Leander*, a ship owned by Samuel G. Ogden, the command of which was, after getting to sea, assumed by General Miranda.

That, from New York, the said ship sailed to Jacmel, where the said Miranda procured two schooners, on board which the petitioners were placed, which, together with the *Leander*, sailed, under the command of Miranda, about the last of March, in the same year, for the northern parts of South America, and arrived on the coast of Terra Firma in the latter part of April following.

That, upon their arrival on the said coast, the two schooners, on board which the petitioners were embarked, were captured by two Spanish armed vessels; the ship *Leander*, with Miranda on board, having made her escape.

That the petitioners, together with ten others, were convicted by a Spanish tribunal, at Porto Cabello, of the crime of piracy, from the circumstances of suspicion which attached to their situation, and not from any act of that kind committed on the high seas; that the ten others abovementioned were sentenced to death, and the petitioners some to eight, others to ten years' slavery, which they now are suffering; some chained together, others closely confined under heavy irons and a guard, destined to other places and to similar punishment.

The petitioners state that they were entrapped into the service of the said Miranda, on the said expedition, by assurances, made at the time of their engagements,

that they were to be employed in the service of the United States, and under the authority of the Government. For the truth of their statement, and a confirmation of the charges they make against certain persons of having thus deceived and betrayed them into an involuntary co-operation in the design of fitting out an armament against a nation in amity with the United States, they refer to the testimony of several persons, said to be inhabitants of the city of New York, and to have had proposals made to them similar to those by which the petitioners were induced to engage on board the *Leander*.

The petitioners also state that no opportunity was offered them of escaping from the service of the said Miranda and his associates; that they were restrained under the most rigorous discipline, and at Jacmel, the only place where an opportunity of escape might have been probable, they were strictly guarded to prevent it. For the truth of this they refer to certain captains of vessels then at Jacmel belonging to the ports of Philadelphia and Baltimore.

The committee further report that the foregoing statements of the petitioners are unaccompanied by any competent testimony in support of them, and, at the same time, are uncontradicted by any opposing circumstances; they are of opinion that a very strong probability of the petitioners not having been guilty of the crime of wilfully engaging in the unlawful expedition of Miranda attends their application: first, because the petitioners have made a detailed statement of facts relative to the deception practised on them, referring to such species of evidence as to render their contradiction easy, if not founded in truth, and thus lessen their claim on their country, and diminish their hopes of liberation; second, because it is presumed they were proven to the Spanish tribunal before which they were convicted to have been offenders in a secondary degree, those who were proven to have been more heinously guilty having been sentenced to suffer death.

The committee, however, are of opinion that, should the petitioners have been guilty of a crime against the United States by a voluntary or otherwise culpable infraction of its laws, the dictates of humanity, no less than the principles of justice, ought to influence the Legislature of the United States to adopt the proper means of restoring them to their country, in order that they may expiate the offence by a punishment suited to but not transcending the magnitude of their crime.

The committee, therefore, beg leave to submit the following resolution for the consideration of the House:

Resolved, That the President of the United States be requested to adopt the most immediate and efficacious means in his power to obtain from the Viceroy of Grenada, in South America, or other proper authority, the liberation of thirty-six American citizens, condemned on a charge of piracy, and now held in slavery in the vaults of St. Clara, in Carthage, and that the sum of — dollars be appropriated for that purpose.

THE EMBARGO.

On a motion made by Mr. CHITTENDEN that the House do now resolve itself into a Committee of the Whole on a resolution submitted by him on the tenth instant, relative to a repeal of the several acts laying an embargo on all ships and vessels in the ports and harbors of the Uni-

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ted States; and the question being taken thereupon, it passed in the negative—yeas 42, nays 71, as follows:

YEAS—Burwell Bassett, John Campbell, Epaphroditus Champion, Martin Chittenden, John Culpeper, Samuel W. Dana, John Davenport, jun., James Elliot, William Ely, Edwin Gray, John Harris, William Helms, William Hoge, Richard Jackson, Robert Jenkins, Joseph Lewis, jun., Edward St. Joe Livermore, Nathaniel Macon, Robert Marion, Josiah Masters, William Milnor, Daniel Montgomery, jun., John Morrow, Jonathan O. Mosely, Timothy Pitkin, jun., Josiah Quincy, John Russell, James Sloan, Dennis Smelt, John Smith, Samuel Smith, Richard Stanford, William Stedman, Lewis B. Sturges, Samuel Taggart, Benjamin Tallmadge, Abram Trigg, Jabez Upham, Archibald Van Horn, Killian K. Van Rensselaer, Isaac Wilbour, and David R. Williams.

NAYS—Lemuel J. Alston, Willie Alston, jun., Ezekiel Bacon, David Bard, Joseph Barker, William W. Bibb, John Blake, jun., Adam Boyd, John Boyle, Robert Brown, William A. Burwell, William Butler, Joseph Calhoun, Matthew Clay, John Clopton, Richard Cutts, John Dawson, Josiah Deane, Joseph Desha, Daniel M. Durell, John W. Eppes, William Findley, James Fisk, Meshack Franklin, Francis Gardner, Thomas Gholson, jun., Peterson Goodwyn, Isaiah L. Green, John Heister, James Holland, David Holmes, Benjamin Howard, Reuben Humphreys, Daniel Isley, John G. Jackson, Richard M. Johnson, William Kirkpatrick, John Lambert, John Love, William McCreery, John Montgomery, Jeremiah Morrow, Gurden S. Mumford, Roger Nelson, Thomas Newbold, Thomas Newton, Wilson C. Nicholas, John Porter, John Pugh, John Rea of Pennsylvania, John Rhea of Tennessee, Jacob Richards, Matthias Richards, Samuel Riker, Benjamin Say, Ebenezer Seaver, Samuel Shaw, John Smilie, Jedediah K. Smith, Henry Southard, Olement Storer, Peter Swart, John Taylor, John Thompson, George M. Troup, James I. Van Alen, Daniel C. Verplanck, Jesse Wharton, Robert Whitehill, Alexander Wilson, and Nathan Wilson.

And on motion, the House adjourned until tomorrow.

TUESDAY, November 22.

Two other members, to wit: from New York, **PHILIP VAN CORTLANDT**, and from South Carolina, **RICHARD WINN**, appeared and took their seats in the House.

Mr. LEWIS presented a petition of the Washington and Alexandria Turnpike Company, and of sundry other inhabitants of the county of Alexandria, in the Territory of Columbia, praying a revision and amendment of a law, passed at the last session of Congress, entitled "An act for the establishment of a Turnpike Company in the county of Alexandria, in the District of Columbia."—Referred to the Committee for the District of Columbia.

On motion of **Mr. VAN ALLEN**,

Resolved, That the Committee of Commerce and Manufactures be instructed to inquire whether any amendment ought to be made relative to the compensations of the officers of the customs now allowed by law; with leave to report thereon by bill, or otherwise.

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FOREIGN RELATIONS.

Mr. G. W. CAMPBELL, from the committee appointed, on the eleventh instant, on so much of the Message of the President of the United States, at the commencement of the present session, as respects our relations with foreign Powers, made a report in part thereon; which was read, and referred to a Committee of the Whole on Thursday next. The report is as follows:

The committee to whom was referred so much of the Message of the President of the United States, of the 3d instant, as respects our relations with foreign Powers, report in part—

After a period of twenty-five years of peace, hardly interrupted by transient hostilities, and of prosperity unparalleled in the history of nations, the United States are, for the first time since the treaty which terminated the Revolutionary War, placed in a situation equally difficult, critical, and dangerous.

Those principles, recognised by the civilized world under the name of law of nations, which heretofore controlled belligerent Powers, regulated the duties of neutrals and protected their rights, are now avowedly disregarded or forgotten by Great Britain and France. Each of those two nations captures and condemns all American vessels trading with her enemies or her enemy's allies; and every European Power having become a party in the contest, the whole of our commerce with Europe and European colonies, becomes liable to capture by either one or the other. If there be any nominal exception, it is made on a condition of tribute, which only adds insult to the injury.

The only plea urged in justification of those hostilities, is that of retaliation, grounded on a presumed acquiescence of the United States in previous aggressions by the other party. Waiving a discussion of the correctness of the principle of retaliation, a principle doubtful in itself, and altogether inadmissible to the extent to which it has been carried, and when operating on the neutral rather than on the enemy; it is altogether untrue that the United States have ever voluntarily acquiesced in the unlawful aggressions of either nation; omitted or delayed any measures calculated to obtain redress, or in any respect deviated from that impartiality to which they were bound by their neutrality. France has alluded to the violations of the national flag, and of the sovereignty of the United States, in the instances of *Pierce's murder*, of the outrage on the Chesapeake, and of the destruction of the *Impetuous*. The measures taken to obtain redress in those cases are of public notoriety, and it may be added, that, with the exception of the last, those aggressions on the sovereignty of the United States did not affect their neutrality, and gave no right to France either of complaint or interference. Setting aside irregularities of less importance and equally chargeable to both nations, such as the British Order of June, 1803, and the decree of the French General, Ferrand—the principal violations by England of the neutral rights of America, prior to the Berlin decree of November, 1806, and which, if acquiesced in, might have given grounds of complaint to France, are the capture of American vessels laden with Colonial produce, founded on a renewal of that pretended principle generally called "the rule of 1756," the impressment of American seamen, compelled thereby to become the auxiliaries of England against France; and proclamation or nominal blockades, particularly that of the coast from the river Elbe to Brest, notified in May, 1806.

It will not be asserted, that the United States ever tamely acquiesced in either of those pretensions. It will not be denied, that, with respect to the two first, the most strenuous efforts were incessantly made to procure an alteration of the British system.

It is true, that, to the nominal proclamation blockades of England, the United States had opposed only spirited and repeated remonstrances, and that these had not always been successful. But, the measures which a neutral nation may be supposed bound to take against the infractions of its neutrality, must always bear a certain proportion to the extent and nature of the injury received, and to the means of opposition. It cannot certainly be pretended that a hasty resort to war should in every such instance have become the duty of America. Nor, can the irregularities of England, in declaring in a state of blockade a certain extent of coast, part of which was not, and the whole of which could not, even by her powerful navy, be actually invested and blockaded, be plead in justification of that decree, by which France, without an efficient fleet, pretends to announce the blockade of the dominions of a Power which has the incontestable command of the sea, and before no port of which, she can station a single vessel.

The Milan decree of 1807 can still less rest for its defence on the supposed acquiescence of the United States in the British Orders of the preceding month, since those Orders, which have not certainly been acquiesced in, were not even known in America at the date of the decree. And it is proper here to add, that the French have, particularly by the sequestration of certain vessels in their ports, and by burning our ships on the high seas, gone even beyond the tenor of their own extraordinary edicts.

The allegation of an acquiescence in the Berlin decree of November 1806, by which alone the British Government pretends to justify the Orders of Council, is equally unfounded. In the note on that subject, addressed on the 31st of December 1806, by the British Government to the American Ministers, after having stated that "they could not believe that the enemy would ever seriously attempt to enforce such a system," the following declaration is expressly made: "If, however, the enemy should carry these threats into execution, and if neutral nations, contrary to all expectation, should acquiesce in such usurpations, His Majesty might probably be compelled, however reluctantly, to retaliate in his just defence," &c. The two requisites, necessary, in the opinion of Great Britain, to justify retaliation, are stated to be, the execution of the decree, and the acquiescence of neutral nations. Yet, within eight days after, and in the face of that declaration, without waiting for ascertaining either of those facts, the retaliating British Order of January 7th, 1807, was issued, which, contrary to the acknowledged law of nations, subjected to capture, vessels of the United States sailing from the ports of one belligerent to a port of another belligerent.

The United States, in the mean while, and without delay, had taken the necessary steps to ascertain the manner in which the French Government intended to execute their decree.

That decree might be construed merely as a municipal law forbidding the introduction of British merchandise, and the admission of vessels coming from England. Under that aspect, and if confined to that object, the neutral rights of America were not affected by its operation.

A belligerent may, without any infraction of neutral rights, forbid the admission into his ports of any vessel coming from the ports of his enemy; and France had undoubtedly the same right to exclude from her dominions every species of British merchandise, which the United States have exercised in forbidding the importation of certain species. Great Britain might be injured by such regulations; but America had no more right to complain of that part of the decree, than France had to object to the American Non-Importation Act. So far, indeed, as respects the United States, they were placed by the municipal part of the decree in the same situation, in relation to France, in which they are placed in their intercourse with Great Britain, by the permanent laws of that country. The French Decree forbids American vessels to import British merchandise into France. The British Navigation Act forbids American vessels to import French merchandise into England. But that broad clause of the Berlin Decree, which declared the British Islands in a state of blockade, though not followed by regulations to that effect, still threatened an intended operation on the high seas; this, if carried into effect, would be a flagrant violation of the neutral rights of the United States, and as such they would be bound to oppose it. The Minister of the United States at Paris immediately applied for explanation on that subject; and the French Minister of Marine, on the 24th December, 1806—seven days before the date of the above mentioned note of the British Government—stated, in answer, that the Decree made no alteration in the regulations then observed in France with regard to neutral navigation, or to the commercial convention of the United States with France; that the declaration of the British Islands being in a state of blockade did not change the existing French laws concerning maritime captures; and that American vessels could not be taken at sea for the mere reason of their being going to, or returning from, an English port.

The execution of the Decree comported for several months with those explanations: several vessels were arrested for having introduced articles of English manufacture or growth, and among them, some which, being actually from England, and laden with English colonial produce, had entered with forged papers, as if coming from the United States. But no alteration of the first construction given by the French Government took place until the month of September, 1807. The first condemnation on the principle that the Decree subjected neutral vessels to capture on the high seas, was that of the *Horizon*, on the 10th of October following. Prior to that time there could have been no acquiescence in a decree infringing the neutral rights of the United States, because, till that time it was explained, and, what was more important, executed in such manner as not to infringe those rights—because, until then no such infraction had taken place. The Ministers of the United States at London, at the request of the British Minister, communicated to him on the 18th October, 1807, the substance of the explanations received, and of the manner in which the Decree was executed; for they were at that time ignorant of the change which had taken place.

It was on the 18th of September, 1807, that a new construction of the decree took place; an instruction having on that day been transmitted to the Council of Prizes by the Minister of Justice, by which that court was informed, that French armed vessels were authorized, under that decree, to seize without exception, in neutral vessels, either English property or merchandise

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of English growth or manufacture. An immediate explanation having been asked from the French Minister of Foreign Relations, he confirmed, in his answer of the 7th of October, 1807, the determination of his Government to adopt that construction. Its first application took place on the 10th of the same month, in the case of the *Horizon*, of which the Minister of the United States was not informed until the month of November; and on the 12th of that month, he presented a spirited remonstrance against that infraction of the neutral rights of the United States. He had, in the meantime, transmitted to America an instruction to the Council of Prizes of the 18th of September. This was received on the — of December; and a copy of the decision in the case of the *Horizon*, having at the same time reached Government, the President, aware of the consequences which would follow that new state of things, communicated immediately to Congress the alteration of the French Decrees, and recommended the embargo, which was accordingly laid on the 22d of December, 1807; at which time it was well understood, in this country, that the British Orders of Council, of November preceding, had issued, although they were not officially communicated to our Government.

On the 11th of that month those orders did actually issue, declaring that all the ports of France, of her allies, and of any other country at war with England, and all other ports of Europe, from which, although not at war with England, the British flag was excluded, should thenceforth be considered as if the same were actually blockaded; that all trade in articles of the produce or manufactures of the said countries, should be deemed unlawful; and that every vessel trading from or to the said countries, together with all goods and merchandise on board, and also all articles of the produce or manufacture of the said countries, should be liable to capture and condemnation.

These orders cannot be defended on the ground of their being intended as retaliating on account of the Berlin Decree, as construed, and uniformly executed from its date to the 18th September, 1807, its construction and execution having till then infringed no neutral rights. For certainly the monstrous doctrine will not be asserted even by the British Government, that neutral nations are bound to resist, not only the acts of belligerent Powers which violate their rights, but also those municipal regulations, which, however they may injure the enemy, are lawful and do not affect the legitimate rights of the neutral. The only retaliation to be used in such cases, must be such as will operate on the enemy without infringing the rights of the neutral. If solely intended as a retaliation on the Berlin Decrees, as executed prior to the month of September, the British Orders of Council should have been confined to forbidding the introduction into Great Britain of French or enemy's merchandise, and the admission into British ports of neutral vessels coming from a French or other enemy's port. Indeed the ground of retaliation, on account of any culpable acquiescence of neutrals in decrees violating their rights, is abandoned by the very tenor of the orders; their operations being extended to those countries from which the British flag was excluded, such as Austria, although such countries were neither at war with Great Britain, nor had passed any decree in any way affecting or connected with neutral rights.

Nor are the orders justifiable on the pretence of an acquiescence on the part of the United States in the French Decree, as construed and executed subsequent to the 18th September, 1807, when it became an evi-

dent infraction of their rights, and such as they were bound to oppose. For their Minister at Paris immediately made the necessary remonstrances; and the orders were issued not only without having ascertained whether the United States would acquiesce in the injurious alteration of the French Decree, but more than one month before that alteration was known in America. It may even be asserted that the alteration was not known in England when the Orders of Council were issued; the instruction of the 18th September, 1807, which gave the new and injurious construction, not having been promulgated in France, and its first publication having been made in December, 1807, and by the American Government itself.

The British Orders of Council are, therefore, unjustifiable on the principle of retaliation, even giving to that principle all the latitude which has ever been avowedly contended for. They are in open violation of the solemn declaration made by the British Ministers in December, 1806: that retaliation on the part of Great Britain would depend on the execution of an unlawful decree, and on the acquiescence of neutral nations in such infraction of their rights. And they were also issued, notwithstanding the official communication made by the Ministers of the United States, that the French Decree was construed and executed so as not to infringe their neutral rights, and without any previous notice or intimation denying the correctness of that statement.

The Berlin Decree as expounded and executed subsequent to the 18th September, 1807, and the British Orders of Council of the 11th November ensuing, are therefore, as they respect the United States, contemporaneous aggressions of the belligerent Powers, equally unprovoked and equally indefensible on the presumed ground of acquiescence. These, together with the Milan Decree, of December, 1807, which filled the measure, would, on the principle of self-defence, have justified immediate hostilities against both nations on the part of the United States. They thought it more eligible, in the first instance, by withdrawing their vessels from the ocean, to avoid war, at least, for a season, and at the same time, to snatch their immense and defenceless commerce from impending destruction.

Another appeal has, in the meantime, been made, under the authority vested in the President for that purpose, to the justice and true interest of France and England. The proposition made by the United States and the arguments urged by their Ministers are before Congress. By these, the very pretext of the illegal edicts was removed and it is evident, that a revocation, by either nation, on the ground on which it was asked, either must have produced, what both pretended to have in view—a restoration of the freedom of commerce and of the acknowledged principles of the law of nations;—or, in case of refusal by the other belligerent, would have carried into effect, in the most efficient manner, the ostensible object of the edicts, and made the United States a party in the war against him. The effort has been ineffectual. The propositions have been actually rejected by one of the belligerent Powers, and remain unanswered by the other. In that state of things, what course ought the United States to pursue? Your committee can perceive no other alternative, but abject and degrading submission; war with both nations; or a continuance and enforcement of the present suspension of commerce.

The first cannot require any discussion. But the pressure of the embargo, so sensibly felt, and the calamities inseparable from a state of war, naturally create

a wish that some middle course might be discovered, which should avoid the evils of both, and not be inconsistent with national honor and independence. That illusion must be dissipated; and it is necessary that the people of the United States should fully understand the situation in which they are placed.

There is no other alternative, but war with both nations, or a continuance of the present system. For war with one of the belligerents only, would be submission to the edicts and will of the other; and a repeal in whole or in part of the embargo must necessarily be war or submission.

A general repeal without arming, would be submission to both nations.

A general repeal and arming of our merchant vessels, would be war with both, and war of the worst kind; suffering our enemies to plunder us without retaliation upon them.

A partial repeal must, from the situation of Europe, necessarily be actual submission to one of the aggressors, and war with the other.

The last position is the only one on which there can be any doubt; and it will be most satisfactorily demonstrated by selecting among the several modifications which might be suggested, that which may on first view appear the least exceptionable—a proposition to repeal the embargo, so far only as relates to those Powers which have not passed or do not execute any decrees injurious to the neutral rights of the United States.

It is said that the adoption of that proposition would restore our commerce with the native Powers of Asia and Africa, and with Spain, Portugal, Sweden, and Russia. Let this be taken for granted, although the precise line of conduct now pursued by most of those nations, in relation to the United States, is not correctly ascertained. So far as relates to any advantages which would result from that measure, if confined to its ostensible object, it will be sufficient to observe that the exports of articles of domestic produce of the United States, during the year ending the 30th September, 1807, amounted to \$48,700,000, and that the portion exported to the countries above enumerated, falls short of seven millions; an amount too inconsiderable, when compared with the bulk of our exports, to deserve attention, even if a question affecting the independence of the nation was to be decided by considerations of immediate profit.

But the true effect of the proposition would be to open an indirect trade with Great Britain, which, through St. Bartholomew and Havana, Lisbon, Cadiz, or Gottenburg, would receive, at prices reduced by glutted markets and for want of competition, all the provisions, raw materials for her manufactures, and other articles, which she may want. Whether she would be satisfied with that favorable state of things, or whether, considering that boon as a pledge of unqualified submission, she would, according to the tenor of her orders, interrupt our scanty commerce with Russia, and occasionally, under some new pretext, capture rather than purchase the cargoes intended for her own use, is equally uncertain and unimportant. Nor can it be doubted that a measure which would supply exclusively one of the belligerents, would be war with the other. Considered merely as a question of profit, it would be much more eligible at once to raise the embargo in relation to Great Britain, as we would then, at least, have the advantages of a direct market with the consumer. But the proposition can only be defended on the ground that France is the only aggressor, and that, having no just reason to complain of England,

it is our duty to submit to her orders. On that inadmissible supposition, it would not only be more candid, but also a more dignified, as well as more advantageous course, openly to join England, and make war against France. The object would be clearly understood, an ally would be obtained, and the measure of submission might be better palliated.

It appears unnecessary to pursue any farther the examination of propositions, which the difficult situation of the United States could alone have suggested, and which will prove more inadmissible or impracticable as the subject is more thoroughly investigated. The alternative is painful; it is between a continued suspension of commerce, and war with both England and France. But the choice must ultimately be made between the two; and it is important that we should be prepared for either the one or the other.

The aggressions of England and France, collectively, affecting almost the whole of our commerce, and persisted in, notwithstanding repeated remonstrances, explanations, and propositions the most candid and unexceptionable, are, to all intents and purposes, a maritime war waged by both nations against the United States. It cannot be denied that the ultimate and only effectual mode of resisting that warfare, if persisted in, is war. A permanent suspension of commerce, after repeated and unavailing efforts to obtain peace, would not properly be resistance; it would be withdrawing from the contest, and abandoning our indisputable right freely to navigate the ocean. The present unsettled state of the world, the extraordinary situation in which the United States are placed, and the necessity, if war be resorted to, of making it at the same time against both nations, and these the two most powerful of the world, are the principal causes of hesitation. There would be none in resorting to that remedy, however calamitous, if a selection could be made on any principle of justice, or without a sacrifice of national independence.

On a question of such difficulty, involving the most important interests of the Union, and which has not, perhaps, until lately, been sufficiently considered, your committee think the House alone competent to pronounce a decisive opinion; and they have, in this report, confined themselves to an exposition of the subject, and to such introductory resolutions, as will be equally applicable to either alternative. The first of these, being merely declaratory of a determination not to submit to foreign aggressions, may, perhaps, at first view, appear superfluous. It is, however, believed by the committee, that a pledge by the Representatives of the nation, that they will not abandon its essential rights, will not at this critical moment be unacceptable. The misapprehensions which seem to have existed, and the misrepresentations which have been circulated, respecting the state of our foreign relations, render also such declaration expedient. And it may not be useless that every foreign nation should understand, that its aggressions never will be justified or encouraged by any description of American citizens. For the question for every citizen now is, whether he will rally round the Government of his choice, or enlist under foreign banners? Whether he will be for his country, or against his country?

The committee respectfully submit the following resolutions:

1. *Resolved*, That the United States cannot, without a sacrifice of their rights, honor, and independence, submit to the late edicts of Great Britain and France.
2. *Resolved*, That it is expedient to prohibit, by law,

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the admission into the ports of the United States of all public or private, armed or unarmed, ships or vessels belonging to Great Britain or France, or to any other of the belligerent Powers, having in force orders or decrees violating the lawful commerce and neutral rights of the United States; and also the importation of any goods, wares, or merchandise, the growth, produce or manufacture of the dominions of any of the said Powers, or imported from any place in the possession of either.

3. *Resolved*, That measures ought to be immediately taken for placing the country in a more complete state of defence.

Five thousand copies of the report were ordered to be printed for the use of the members of both Houses of Congress.

ADDITIONAL REVENUE CUTTERS.

Mr. NEWTON called for the order of the day on the bill authorizing the President to employ twelve additional revenue cutters.

Mr. QUINCY stated that he had no objection to the immediate discussion of the subject, any further than he thought it would forestall the more important questions which were to be debated upon. He alluded to the resolutions for the repeal of the embargo laws, &c.

The SPEAKER told the gentleman that the merits of the bill were not now before the House.

It was Mr. QUINCY's intention, (he continued,) to make a motion; and, if in order, he would move that the consideration of the bill be postponed.

The SPEAKER said the motion would have been in order had it been the first made; but, as that of the gentleman from Virginia had been previously submitted, it would of course be first put. The question was then taken upon Mr. NEWTON's motion, and carried—yeas 66, nays 29.

The House having resolved itself into a Committee of the Whole,

Mr. NEWTON rose to state that the Committee of Commerce and Manufactures had understood, from the proper authorities, there was a necessity, for the proper execution of the revenue laws, that the force under the direction of the Treasury Department should be considerably increased.

Mr. BLACKLEDGE remarked, that the cutters proposed to be built were necessary, not only the better to enforce our embargo laws, but, to the proper execution of those for the regulation of the revenue. He informed gentlemen that there was but one revenue cutter in the whole State of Georgia. Mr. B. hoped the Committee would agree to the bill then before them.

Mr. DANA inquired whether any written information touching the necessity there might be for twelve revenue cutters had been received by the Committee—any letter from the Secretary of the Treasury? He thought it was necessary, if so, that it should be submitted to the House.

Mr. NEWTON replied that there had been no written communication from the proper Department to the Committee. They had not thought it essential, having also understood that the Secretary of the Treasury was particularly occupied. However, he had taken the shortest method, by

waiting upon the Secretary himself, and had received the information before alluded to. He had understood that the probable expense of each cutter would be about \$10,000, or, \$120,000 for the whole. Each cutter to carry about twenty men.

Mr. QUINCY thought that the correct mode of proceeding would require other than mere verbal information. Respect for themselves should induce gentlemen not to act without official communication upon the subject. They could not, upon any other conditions, agree to so great an augmentation of the force under the direction of the Treasury Department. There had, heretofore, been but ten cutters employed. There were never more than ten when commerce was at its height and the revenue flourishing. But now, the House was called upon to vote twelve additional cutters, when we are without revenue, without commerce, and there is no information of an official nature before the House, upon which it might act.

Mr. NEWTON could not see that it was of any consequence to the House, whether there had been a written communication to it upon the subject, so that the information came through the proper organ, from the proper authority. It was necessary, in times of difficulty like the present, to act with spirit and promptitude. The laws should be executed with the greatest strictness; and it was always wise to take time by the forelock.

Mr. ELLIOT had always been opposed to this mode of legislation. The gentleman from Virginia (Mr. NEWTON) had stated it to be of no consequence whether the House had written information upon the object of the bill, so that the communication had been made through the proper organ. Did the gentleman mean to call himself the proper organ of communication? If the gentleman did, he was willing to consider him as such. Let him then enter into a little detail, and show to the House the necessity there exists for the erection of twelve additional revenue cutters. It might be recollected that, upon a former occasion, when the building of a number of gunboats was proposed as a system of national defence, there had been a communication in writing made to them. The President did not take upon himself the responsibility of the measure. Before they were called upon to vote, they had found upon the table the necessary information from the Secretary of the Navy. Here had, indeed, been a communication through the proper organ, but it came in writing. And, as it had been obtained in that case, he hoped it would also be obtained in the present one. He wished to know where the necessity appeared for the increase of cutters proposed by the bill, for it surely could not arise from any increase in the revenue of the United States. Mr. E. was not at all satisfied that they were wanted; and, until further information was had, must vote against the bill.

Mr. NEWTON did not intend to reply to the gentleman last up, on his cavilling respecting the proper organ of communication. He, however, did consider himself, in the present case, as the proper organ. If the House had received any

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information from the Treasury Department itself, it would have been found, he believed, to contain nothing further than he himself had detailed. Mr. N. then moved that the Committee rise and report the bill.

Mr. BLACKLEDGE made some observations in support of the bill, but they were not distinctly heard.

Mr. DESHA was of opinion that the consideration of the bill ought for a short time to be postponed, until the House could see whether the embargo laws would be repealed. Should those laws be rescinded, the cutters proposed to be built would be found to be unnecessary. He confessed that, without any official information, and until the great questions before the House should be decided, he felt a reluctance to vote upon the present bill. He, therefore, should move that the Committee rise and report progress.

Mr. UPHAM also hoped for a postponement of the subject. For his own part, he could not understand whether these cutters were wanted for the purpose of more effectually enforcing the embargo laws, or to prevent infractions of the revenue laws. As far as respects information, he thought himself entitled to know for what he was voting away money.

Mr. MOSELY said it seemed extraordinary to vote for the building of additional revenue cutters, when, in fact, there existed no revenue. Certainly the name of them should be changed, and, instead of *revenue*, they should be called *embargo* cutters. It appeared to him that there would soon be more pressing calls for public money. The question should, in his opinion, be postponed.

Mr. BLACKLEDGE said that the expense of building the cutters would be defrayed by the detection of goods attempted to be smuggled. There had, already, been many condemnations. They were taking place every day. And it was to support the laws that these cutters had been called for.

On the motion of Mr. NEWTON, that the Committee rise and report the bill, it was carried—yeas 47, nays 46.

And, on a motion that the House should consider the report of the Committee of the Whole,

Mr. PITKIN moved that it be postponed until Monday next. The reasons for the adoption of the bill, as given by the gentleman from North Carolina, were the protection that would thus be afforded in the collection of the revenue, and the more strict enforcement of the embargo laws. But, shall we be at the expense of \$120,000 without knowing, when the cutters are built, if they will then be wanted? They might, probably, be necessary if the House intended to continue the embargo laws and adopt the non-intercourse restrictions. He, however, wished first to know the result of these questions.

Mr. LIVERMORE was in favor of a postponement of the subject. Nothing could be lost by a short delay. To use the expression of the gentleman from Virginia, it was certainly prudent to

take time by the forelock, and it was his wish to do so in regard to the information upon the subject, which was to be desired. It certainly would be better to wait, to see whether the measure was necessary. The gentleman had stated that each cutter will cost about \$10,000; but, may he not be in error? This would not be the first time that a gentleman had been mistaken in his calculations. The cutters would, in his opinion, cost much more than the sum specified. They may probably cost \$15,000 a-piece. Every gentleman had a right to call for information from the proper source. He asked where the great necessity could be shown for these vessels. For what purpose are Secretaries appointed if they cannot be called upon to yield the information to this House which many thought necessary? Such information had been so called for, and he wished to know from an official source what sum the cutters proposed to be built would cost. Should it turn out that these cutters would not be wanted, or that a much greater sum than had been contemplated was expended in building them, can we account to the nation and our constituents for it? Shall we tell them we did not know—but, that the Chairman of the Committee of Commerce and Manufactures told us so; telling us, at the same time, that he had it from the Secretary of the Treasury? But, has the President of the United States told us that these vessels were necessary? He has not. Mr. L. repeated that every gentleman upon that floor had a right to call for information. He should not vote for this bill unless the House had resolved to continue the embargo laws and pass a non-intercourse resolution. These great questions, he hoped, had not been prejudged, and decided upon beforehand. Certainly, if the embargo be repealed, it will, at least, be doubtful whether these cutters will be requisite; and there has not yet been information enough to convince the House that they ought to vote away the money.

Mr. NEWTON declared that he had no wish to precipitate any measure, and would be the last in urging the too hasty consideration of a question. The gentleman last up, has told the House that these revenue cutters are not wanting—that, in fact, there is no revenue. Others have talked about embargo cutters. It is true there is a resolution upon the table for the repeal of the embargo laws, but, these laws are not yet repealed. Let gentlemen recollect that they are still in existence, and if we do enact laws, it is our duty to see that they are enforced. He appealed to gentlemen whether information had not been made public of the intention of many British merchants to smuggle goods into our country, the importation of which our laws prohibited; and to the good sense of the House for the propriety of supporting the measures of Government and the sovereignty of the country. He would state to the House that there was, in Georgia, not a single revenue cutter.

Mr. LIVERMORE said that he did not deny the necessity there might be for employing the twelve additional cutters. He only said that he was not

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convinced of the necessity. For his part, he had heard of no smuggling but from Canada.

Mr. JACKSON, of Virginia, thought the consideration of the bill ought not to be postponed. The laws which we have passed have been most shamefully violated. So long as we have laws, we ought to see that they are rigidly enforced. Gentlemen tell us we ought not to act with precipitance. Sir, we have travelled a snail's pace in comparison with those miscreants who have violated, and are planning violations of your embargo laws. It appeared as if gentleman had agreed to create delays by long speeches about nothing. But he trusted the majority would not be driven from the ground which they had taken, and from the opinions he had heard expressed, he was convinced that a respectable majority of that House had determined against a repeal of the embargo laws. As to the talk about information, he had supposed there was information enough among the gentlemen of that House to ascertain the probable expense of building a revenue cutter.

Mr. DANA apprehended the question to be, whether we should deviate from the usual mode of proceeding? whether or not we shall dispense with official information to which we are undoubtedly entitled? It is the duty of the Executive to give us such information in an official form, upon all objects falling within the business of the department under his control. There has been heretofore but ten revenue cutters employed, and now we are called upon to double the amount. But the Secretary of the Treasury should tell us in an official manner, that the addition is necessary, and let the responsibility rest with the Treasury Department. He wished not to be understood as intending the slightest disrespect to the Chairman of the Committee of Commerce and Manufactures, or in the least as doubting the information of that gentleman. Yet he thought it always the better method, as the House had an unquestionable right to have official information, to adopt the usual course. The duty peculiarly belongs to the Secretary of the Treasury; and we should always have it from himself, unless upon such trivial subjects as did not merit serious consideration. Let us inquire if the expense of building these cutters is too trivial to merit this consideration. The gentleman from Virginia had supposed that there was information enough in the House to ascertain the price of twelve revenue cutters. But as they might vary in size, and the price was regulated by tonnage, it would be rather difficult. He really thought it would puzzle the most able seaman in the United States to tell the expense of building a vessel, the size of which he was unacquainted with. But the cost had been rated at \$120,000, and that was certainly worthy of consideration. If the cutters should not be wanted, it would be throwing as much money away as would defray the expenses of that House during the session, and that to gentlemen would assuredly be worthy of consideration. He was always willing to provide for the proper protection of the revenue,

but did not think we were always safe in passing laws without having the necessary information; he believed it the better course to have it. And as the present case was not very urgent, would vote to obtain the regular official information.

Mr. ALSTON observed that this was the old story; it was impossible to take a single step without motions for delay. Let gentlemen reflect on certain laws passed at the last session of Congress, and on the object of the bill now before them, and they would find that the power was left discretionary with the President to employ the cutters or to let it alone. If he does not find them to be necessary, he is not bound to have the cutters built. On this subject there can be no benefit derived from waiting for further information. Gentlemen have talked about the repeal of the embargo laws, the passage of a non-intercourse bill, &c. Mr. A. declared this was the first time in all his life that he had ever heard such an argument urged. It was the first time he had understood that we should wait in passing laws to protect our revenue, until a motion for the repeal of certain other laws had been acted upon.

Mr. UPHAM perfectly agreed with the gentleman, that whatever laws were in force, ought to be strictly executed. But he stated his conviction that a majority of the people of the United States had expected that the embargo laws would be repealed at the beginning of the present session of Congress. That had been his own honest opinion. He was doubtful whether these cutters were wanted at all or not; but if they were, and it was determined at all events to enforce the embargo laws, why not come up to the main question at once? The regular way would be to decide that great question first.

Mr. NEWTON rose to request the House to attend to the course which this discussion had taken. Gentlemen had called for information, but at the same time had manifested a disposition, if they had that information, not to cease their opposition to the continuance of the embargo laws. They had told us repeatedly that our seamen were in want, yet when a bill is brought forward to provide for those seamen they are foremost in opposing it.

Mr. DANA thought that if our seamen could have no other provision made for their support, this would scarcely answer the name. Ten revenue cutters to provide for sixty thousand seamen! Or taking half the number usually employed in the commerce of the United States, say thirty thousand, and ten revenue cutters are to provide for them! Really, sir, and how many men must one of these cutters carry? Our seamen were less respectable than he thought them, if they could be provided for in this way. For supposing each of these vessels to carry twenty men, or even one to every ton, it would not do. They could not then talk of dealing out half allowances, or the fiftieth hundredth part of an allowance, nay, a thousandth part. As it respected the revenue of the United States, when information was laid before the House, he could

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then judge for himself. If this force be necessary for securing the revenue of the United States, it would be absurd to deny the responsible officer the means of doing his duty. But if it was intended for an inhibition of revenue, instead of protection, he should not vote for it until the main question was decided. He wished first to know the stand which would then be taken.

Mr. QUINCY said that the argument drawn from a want of information, was not the strongest which might be urged against the consideration of the bill, for there had been none sufficient to convince the House that the twelve cutters mentioned in the bill would be enough for the purpose of enforcing the embargo and non-intercourse laws. Perhaps it might be thought necessary at this time to have official information, that we might act intelligibly. Gentleman say that our laws are violated, and that they must be carried into more complete effect; but if the laws are entirely done away, surely the House will not vote the twelve additional cutters. He hoped, therefore, that the House would not thus indiscreetly decide upon so important a question.

Mr. LLOYD asked what possible difference there could be between a decision now or on Monday? If it is necessary to act immediately, why not send out our armed vessels? They could surely be got ready before vessels which were yet to be built. And if the embargo was to be continued, he trusted these cutters were not the only means contemplated to enforce it, for it was desirable that it be made to operate equally on the honest and dishonest. If the embargo laws were repealed, he hoped the nation would have recourse to something more efficient than revenue cutters. It was Mr. L.'s wish to see the stand which might be taken before he could vote.

Mr. PITKIN remarked that he would not have made the motion had he thought it would have brought on a discussion. But a delay of the present bill was not a delay of the main question. He had not been one of those who had contributed to that delay. It would, however, be recollected, that the gentleman from North Carolina (Mr. ALSTON) had voted with those who had promoted that delay. Mr. P. was anxious that the main question should be acted upon before the collateral one was taken up. When that one had been decided, this one would of course come on.

The yeas and nays were here called for.

Mr. D. R. WILLIAMS believed that the object of the gentleman from Connecticut was not to delay the consideration of the bill before the House. He hoped that gentleman was incapable of it. Would not, then, his wishes be met, by again referring the bill to the Committee of Commerce and Manufactures? For there were no good reasons why the consideration of the bill should be postponed until Monday. Postpone it until Monday, and what do you gain by it? You are exactly where you were when you set out. By recommitting the bill to the committee which reported it, information could by it be obtained in an official form. If the gentleman would so vary his motion, he would vote for it with pleasure.

There were many reasons in support of this mode of proceeding, in preference to its postponement. He then moved a recommitment.

Mr. DANA said the motion perfectly met his wish. He believed it accorded with the object of every remark which he had made upon the subject.

Mr. PITKIN had no objection to a recommitment.

Mr. D. R. WILLIAMS hoped the House would agree to a recommitment, as it would be observed, by the bill before them, not one revenue cutter could be obtained, there not being any specific appropriation for that purpose. And by the laws providing for the collection of the revenue, no appropriation had been made which could meet the expense. [Mr. W. here quoted the part of the laws which relate to this subject.] He then remarked that the House never had considered the moneys alluded to in these laws as an appropriation for a purpose like the present. Should the House recommit the bill, the committee, no doubt, would take good care to amend it in that respect.

Mr. NEWTON replied that this question occurred to him when he drew the bill. But he had found upon inquiry, that any expense incurred in the way proposed, was immediately charged to these laws. He here quoted the laws, and contended, that as soon as the bill was passed, the President, under them, was authorized to build the cutters. What was the object of the recommitment? If his construction of the law was right, there was no necessity for delay. In times like these, it is requisite we should be prepared for action. He added, that owing to our great extent of coast these cutters were absolutely necessary to prevent violations of the revenue laws.

The question on recommitment was then taken, and carried—ayes 61, noes 55.

WEDNESDAY, November 23.

Mr. JEREMIAH MORROW presented petitions from sundry inhabitants of the State of Ohio, respectively praying that the forfeitures of interest which may have been incurred on the instalments due for the purchase of lands of the United States by the petitioners, may be remitted; and that the time for completing the payment of the purchase money for the said lands may be extended to such length of time as Congress, in their wisdom, may deem proper—Referred to the Committee on the Public Lands.

On motion of Mr. POINDEXTER, that so much of the report of the Committee on the Public Lands, to whom was referred a memorial of the House of Representatives of the Mississippi Territory, made and ordered to lie on the table on the twenty-first instant, as is contained in the last resolution submitted by the committee, be recommitment to the same committee; and the question being taken thereupon, it passed in the negative.

On motion of Mr. JEREMIAH MORROW, the said report was referred to a Committee of the Whole on Monday next.

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THURSDAY, November 24.

Another member, to wit: BARENT GARDENIER, from New York appeared, and took his seat in the House.

Mr. LEWIS, from the Committee for the District of Columbia, presented a bill authorizing the proprietors of squares and lots in the City of Washington, to have the same subdivided and admitted to record; which was read twice, and committed to a Committee of the whole House on Monday next.

Mr. CLOPTON, from the Committee of Revision and Unfinished Business, to whom it was referred to examine such laws of the United States as have expired, or are near expiring, and require to be revived, or further continued, made a report, in part, thereupon; which was read, and ordered to lie on the table.

FRIDAY, November 25.

Mr. GARDENIER presented several petitions from the inhabitants of Ontario county, New York, praying for the repeal of the embargo laws.—Referred to the committee on Mr. CHITTENDEN'S resolution.

PRESIDENT'S PROCLAMATION.

Mr. ELLIOT observed, that there was more than one precedent on the Journals of the House, of cases in which copies of Proclamations of the President of the United States had been called for. At the last session the House had called for a copy of the Proclamation interdicting British ships from our waters. Therefore, in order to add another link to the chain of documents respecting the execution of the embargo laws, he wished to call for the Proclamation alluded to by his colleague, who had offered a resolution on the subject of the embargo.

Mr. E. then offered the following resolution, which was agreed to without opposition:

Resolved, That the President of the United States be requested to cause to be laid before the House a copy of a Proclamation issued in April last, in consequence of the opposition to the embargo laws near Lake Champlain.

Mr. ELLIOT and Mr. DESHA were appointed a Committee to present the resolution to the President of the United States.

THE EMBARGO.

Mr. MACON said he had some time ago moved three resolutions, two of which had been agreed to, and the third ordered to lie on the table, on the suggestion of some gentlemen, that it would interfere with a resolution already referred. He had waited thus long that a decision might be had on the resolution alluded to (Mr. CHITTENDEN'S.) Several unsuccessful attempts having been made to get that up, he now moved for the consideration of his resolution, in the following words:

Resolved, That the same committee be instructed to inquire into the expediency of amending the act laying an embargo, and the several acts supplemental and additional thereto."

The resolution was taken up, and agreed to without opposition.

CLOSED DOORS.

Mr. RANDOLPH said he was very sorry to be compelled by a sense of duty again to close the doors of the House, but he had a motion to make, which could not, agreeably to the rules and orders of the House, be made with the galleries open.

The doors were accordingly closed, and so remained for two hours, when they were opened.

The House then went into Committee of the Whole, on the report of the Committee of Claims favorable to the petition of the inhabitants of Knox county, Kentucky; which was concurred in, reported to the House, by whom it was also agreed to, and the House then adjourned till Monday.

MONDAY, November 28.

Another member, to wit: MATTHEW LYON, from Kentucky, appeared and took his seat in the House.

Mr. HOLMES, from the Committee of Claims, reported a bill for the relief of certain persons therein mentioned, (certain citizens of Knox county, Kentucky) which was twice read and referred to a Committee of the Whole.

DISABLED SOLDIERS.

Mr. NELSON said he would make no apology for offering to the House the following resolution. It was on a subject which required no apology, and with which the House was sufficiently acquainted to render any preface unnecessary.

Resolved, That a committee be appointed to inquire into the expediency of making provision by law for the relief of the infirm, disabled, and superannuated officers and soldiers of the late Revolutionary Army and of the present Army of the United States; and that the committee have leave to report by bill or otherwise.

The resolution was agreed to without opposition, and Mr. NELSON, Mr. SAY, Mr. BLOWNT, Mr. RICHARD JACKSON, and Mr. JOHN SMITH, were appointed the committee.

FOREIGN RELATIONS.

On motion of Mr. CAMPBELL, the House resolved itself into a Committee of the Whole, on the report of the committee on the subject of our foreign relations.

The first resolution, in the following words, having been read:

Resolved, That the United States cannot, without a sacrifice of their rights, honor and independence, submit to the late edicts of Great Britain and France:

Mr. CAMPBELL opened the debate. He said that ill health had hitherto prevented and might hereafter prevent him from giving that attention to the subject which the all-important crisis would seem to require; it was, however, his duty to bring the subject before the House. The committee having in their report presented to the House the view in which they had considered the subject referred to them, and the reasons generally which induced them to present these resolutions to the House, he said it was not his inten-

tion at this time to enter into a discussion of their merits. Those reasons had been deemed sufficient by the committee to justify them in presenting these resolutions to the House; and as the objections to this, if any there were, could not be foreseen, he would not attempt to anticipate them. According to the view which he himself had taken of the first resolution, it could require no discussion, it was too clear to require demonstration, and too self-evident to need proof of its propriety. It might indeed seem to require an apology from the committee for presenting a proposition which every American must long since have determined for himself. When the question had been first presented to his consideration, it had appeared to him that it was totally superfluous, and to be doing little more than announcing to the world that the United States were still independent; but on further consideration, it had been deemed by the select committee of some importance that in the present critical situation of the United States, they should fix on some point at which all would meet. After a perusal of the documents laid before the House at the opening of the session, Mr. C. said it had been supposed that no one would hesitate in declaring his indignation at the flagrant violations and encroachments on our rights by the belligerent Powers, while it had been supposed that some difference of opinion might exist as to the mode of resistance. After it was once determined that they would not submit, that they would repel aggression, it had been supposed that they might with greater probability of unanimity discuss the course proper to be pursued. With a view to this the committee had presented this resolution to the House. It was expected that all would unite in it and prove to the world that the Representatives of every portion of the American people were determined to maintain their rights, for the belligerent Powers really seemed to suppose that the American people had forgotten them, and had therefore assumed the right of prescribing the course of conduct which we should pursue. To submit to regulations of foreign Powers, which limited the conduct of the American people and prescribed the rules by which they were to be governed, which pointed out the very ports to which they should or should not go, which fixed the tribute or tax which they should pay, would be not only to abandon their dignity and honor, but to surrender, shamefully surrender our independence. Mr. C. said he would not take up the time of the Committee in showing that the Orders of Council of Great Britain and the Decrees of France, were, on the part of those nations, an assumption of power to give laws to this country, in direct violation of our neutral rights, and an encroachment on our sovereignty. This would require no argument. The real question is, said he, shall we govern ourselves or be controlled by the will of others, shall we become tributary or not, shall we submit or be independent? And to the Committee he cheerfully left the decision of this question.

Mr. MUMFORD next addressed the Committee

of the Whole. He observed that although he had the honor of being one of the Committee of Foreign Relations who framed the report under consideration, he dissented from that report in some respects. We had now arrived at a momentous crisis in the affairs of our country, and he hoped the House would deliberate with that firmness and moderation which became the Representatives of the free and independent people they had the honor to represent on this all interesting concern. However they might differ on smaller points of minor importance, yet when the best interest of the country was at stake he hoped they would unite in some mode to secure our rights and promote the interests of the United States. The proposition which he had the honor to move a few days ago, was consonant in some degree to the instructions offered by our Ministers to Great Britain and France, offering to remove the embargo in relation to either, that should rescind their obnoxious decrees. Neither of them having receded, Mr. M. said he would continue the embargo in relation to them both. Nay, further, he would inflict the severest penalties on any one who should receive a license or voluntarily pay tribute to either of them. He considered them both alike. He wished to see the country placed in a complete posture of defence; but he could not see any good reason why we should not trade with those nations who were willing to receive us on friendly terms, and to trade with us on the principles of reciprocity and mutual interests. This would not compromise the honor of the nation. Even admitting that it might possibly lead to war, which he doubted, he was convinced that the citizens of this country would rise *en masse* in support of that commerce which neither France nor England had any right to interdict. He did presume, with all the zeal of some gentlemen for irritating measures, it was not seriously contemplated to declare war against all mankind; he was for having at least a few friends in case of need. What was our situation now? The President of the United States had told them, after speaking of France and England, that "our relations with the other Powers of Europe had undergone no material change since the last session." This being the case, our commerce was open with them all except France and Great Britain and their dependencies.

Mr. M. said he was well aware that he should be told, if we permitted this commerce to those countries who were disposed to receive us on friendly terms, Great Britain and France would indirectly receive their supplies. He acknowledged this, in a certain degree, but his primary object was to relieve his own country. Where was the patriotic breast that did not beat in unison with the patriotic and valorous sons of Spain? Shall we refuse them a loaf of bread merely because we are afraid Great Britain and France might possibly cut a slice off as it passed along? Let us take a view of their whole conduct towards the United States, since their Revolution, which had been a series of good offices. They had immediately released our vessels which had been

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sequestered in the ports of Spain by the iron hand of the *soi-disant* Emperor of the West. Let us now turn to the New World. What has been the conduct of that Government erected by the friends of the Patriots in the Havana? More than fifty vessels had gone out, under the permission of the President, for the purpose of collecting debts due to them in that island. They have compelled their citizens to pay these debts, and the vessels have returned loaded to the United States, and contributed essentially to the revenue of the United States. Is this not truly characteristic of Castilian honor and generosity?

Mr. M. said, he considered the Revolution in Mexico as the most important era which had taken place since our glorious Revolution, which, in his opinion, would ultimately lead to securing our Southwestern boundary on a permanent footing; and but for the recent Revolution, New Orleans might even now have been in possession of France. When the question of slavery was agitated among the inhabitants of that place, it was not unusual for them to say of the United States, we care nothing about you—we shall soon have other governors. It was no doubt within the recollection of many members of this Committee, that a man had been lately taken up at Nacogdoches. He had not at the time taken much notice of the report—had considered it but a common newspaper report, or, as it might be called, a display of the arts of able editors—but there had a fact lately come to his knowledge which he conceived to be his bounden duty to give to the Committee. It had been communicated to him in such a confidential manner that he could not mention names; but love of country was with him paramount to every other consideration, and he would state the fact for the information of the Committee. A gentleman, said Mr. M.—an Italian by birth, of a noble family, and who was recommended in our Revolutionary war to General Washington, a man of genius—after having resided some time in the United States, returned to Europe, and was taken into favor by Bonaparte. At what time it is not known, but such a person was landed in some port of the Atlantic shores, and travelled from thence through your Western country. Some time in the month of June, information reached Louisiana that a French officer of distinction had a conference with Governor Grand Pré at Baton Rouge, which occasioned serious conjectures. No more was heard of him till the 21st July, when he passed over to the Spanish lines, wide off from the American post of Natchitoches. He there opened a trunk, and put on his regimentals, and proceeded to the Spanish port of Nacogdoches, where he was arrested by orders from the Spanish officers. It was presumed that the information of the Revolution of Spain had not reached him when travelling to the Westward. Thus, sir, while we have been threatened on the North, we have been treading on a precipice in the Southwest.

I will now proceed, said Mr. M., to give some details in respect to those countries which my motion contemplates. In the official report of the Secretary of the Treasury, we find the following

Statement of Domestic and Foreign Exports:

Whither exported.	Domestic	Foreign.	Total.
Sweden and her West India colony -	\$476,656	\$949,613	\$1,422,388
Spain and colonies -	3,998,575	14,226,145	18,224,720
Portugal and colonies -	1,399,616	297,900	1,687,516
Africa and Morocco -	377,282	1,061,616	2,439,898
China -	84,022	113,253	197,280
South seas and N. W. coast of America -	14,162	98,199	122,361

The trade to Hayti may be considered, by examining the annual report from 1801 to 1802, to be about half the amount of the exports to the French islands, stated to be \$6,710,889—half of which is \$3,255,444. The greatest proportion of which consists in the productions of our own industry, as the Secretary at that time did not discriminate between foreign and domestic produce. We may, from the nature of the trade, pay about 10 per cent. on foreign productions.—Domestic, \$3,000,000; foreign, \$331,544; total, \$3,315,444.

This, said Mr. M., will open a market for the produce of Ohio, Kentucky, Tennessee, and New Orleans—the Southern, Middle, and Eastern States—and give life and activity to commerce, so much desired by all classes of our citizens!

Mr. M. concluded by saying, that this was his view of the subject for the present. He said we were a young nation; and although he should not shrink from the contest, if necessary, yet it became us to act with precautionary steps. If he differed with gentlemen on this subject, it was an honest difference of opinion, and he had no other motive than a love of country.

Mr. QUINCY.—Mr. Chairman, I am not, in general, a friend to abstract legislation. Ostentatious declaration of general principles is so often the resort of weakness and of ignorance, it is so frequently the subterfuge of men who are willing to amuse, or who mean to delude the people, that it is with great reluctance I yield to such a course my sanction.

If, however, a formal announcement of a determination to perform one of the most common and undeniable of national duties, be deemed by a majority of this House essential to their character, or to the attainment of public confidence, I am willing to admit that the one now offered is as unexceptionable as any it would be likely to propose.

In this view, however, I lay wholly out of sight the report of the committee by which it is accompanied and introduced. The course advocated in that report is, in my opinion, loathsome; the spirit it breathes disgraceful; the temper it is likely to inspire neither calculated to regain the rights we have lost, nor to preserve those which remain to us. It is an established maxim, that in adopting a resolution offered by a committee in this House, no member is pledged to support the reasoning, or made sponsor for the facts, which they have seen fit to insert in it. I exercise, therefore, a common right, when I subscribe to the resolution, not on the principles of

the committee, but on those which obviously result from its terms, and are the plain meaning of its expressions.

I agree to this resolution, because, in my apprehension, it offers a solemn pledge to this nation—a pledge not to be mistaken, and not to be evaded—that the present system of public measures shall be totally abandoned. Adopt it, and there is an end of the policy of deserting our rights, under pretence of maintaining them. Adopt it, and we can no longer yield, at the beck of haughty belligerents, the right of navigating the ocean, that choice inheritance bequeathed to us by our fathers. Adopt it, and there is a termination of that base and abject submission, by which this country has for these eleven months been disgraced, and brought to the brink of ruin.

That the natural import and necessary implication of the terms of this resolution are such as I have suggested, will be apparent from a very transient consideration. What do its terms necessarily include? They contain an assertion and a pledge. The assertion is, that the edicts of Great Britain and France are contrary to our rights, honor, and independence. The pledge is, that we will not submit to them.

Concerning the assertion contained in this resolution I would say nothing, were it not that I fear those who have so long been in the habit of looking at the orders and decrees of foreign Powers as the measure of the rights of our own citizens, and been accustomed, in direct subserviency to them, of prohibiting commerce altogether, might apprehend that there was some lurking danger in such an assertion. They may be assured there can be nothing more harmless. Neither Great Britain nor France ever pretended that those edicts were consistent with American rights; on the contrary, both these nations ground those edicts on the principle of imperious necessity, which admits the injustice done at the very instant of executing the act of oppression. No gentleman need have any difficulty in screwing his courage up to this assertion. Neither of the belligerents will contradict it. Mr. Turreau and Mr. Erskine will both of them countersign the declaration to-morrow.

With respect to the pledge contained in this resolution, understood according to its true import, it is a glorious one. It opens new prospects. It promises a change in the disposition of this House. It is a solemn assurance to the nation that it will no longer submit to these edicts. It remains for us, therefore, to consider what submission is, and what the pledge not to submit implies.

One man submits to the order, decree, or edict of another, when he does that thing which such order, decree, or edict commands; or when he omits to do that thing which such order, decree, or edict prohibits. This, then, is submission. It is to take the will of another as the measure of our rights. It is to yield to his power—to go where he directs; or to refrain from going where he forbids us.

If this be submission, then the pledge not to submit implies the reverse of all this. It is a

solemn declaration that we will not do that thing, which such order, decree, or edict commands, or that we will do what it prohibits. This, then, is freedom. This is honor. This is independence. It consists in taking the nature of things, and not the will of another, as the measure of our rights. What God and Nature has offered us we will enjoy, in despite of the commands, regardless of the menaces of iniquitous power.

Let us apply these correct and undeniable principles to the edicts of Great Britain and France, and the consequent abandonment of the ocean by the American Government. The decrees of France prohibit us from trading with Great Britain. The orders of Great Britain prohibit us from trading with France. And what do we? Why, in direct subserviency to the edicts of each, we prohibit our citizens from trading with either. We do more; as if unqualified submission was not humiliating enough, we descend to an act of supererogation in servility; we abandon trade altogether; we not only refrain from that particular trade which their respective edicts prescribe, but, lest the ingenuity of our merchants should enable them to evade their operations, to make submission doubly sure, the American Government virtually re-enact the edicts of the belligerents and abandon all the trade which, notwithstanding the practical effects of their edicts, remain to us. The same conclusion will result, if we consider our embargo in relation to the objects of this belligerent policy. France, by her edicts, would compress Great Britain by destroying her commerce and cutting off her supplies. All the Continent of Europe, in the hand of Bonaparte, is made subservient to this policy. The embargo law of the United States, in its operation, is an union with this Continental coalition against British commerce, at the very moment most auspicious to its success. Can anything be more in direct subserviency to the views of the French Emperor? If we consider the orders of Great Britain, the result will be the same. I proceed at present on the supposition of a perfect impartiality in our Administration towards both belligerents, so far as relates to the embargo law. Great Britain had two objects in issuing her orders. First, to excite discontent in the people of the Continent, by depriving them of their accustomed colonial supplies. Second, to secure to herself that commerce of which she deprived neutrals. Our embargo co-operates with the British views in both respects. By our dereliction of the ocean, the Continent is much more deprived of the advantages of commerce than it would be possible for the British navy to effect, and by removing our competition, all the commerce of the Continent which can be forced is wholly left to be reaped by Great Britain. The language of each sovereign is in direct conformity to these ideas. Napoleon tells the American Minister, virtually, that we are very good Americans; that, although he will not allow the property he has in his hands to escape him, nor desist from burning and capturing our vessels on every occasion, yet that he

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is, thus far, satisfied with our co operation. And what is the language of George the Third, when our Minister presents to his consideration the embargo laws? Is it *Le Roi s'aviser*? The King will reflect upon them. No; it is the pure language of royal approbation, *Le Roi le veut*. The King wills it. Were you colonies he could expect no more. His subjects as inevitably get that commerce which you abandon as the water will certainly run into the only channel which remains after all the others are obstructed. In whatever point of view we consider these embargo laws in relation to those edicts and decrees, we shall find them co-operating with each belligerent in its policy. In this way, I grant, our conduct may be impartial; but what has become of our American rights to navigate the ocean? They are abandoned, in strict conformity to the decrees of both belligerents. This resolution declares that we shall no longer submit to such degrading humiliations. Little as I relish, I will take it, as the harbinger of a new day—the pledge of a new system of measures.

Perhaps here, in strictness, I ought to close my observations. But the report of the committee, contrary to what I deem the principle of the resolution, unquestionably recommended the continuance of the embargo laws. And such is the state of the nation, and particularly that portion of it which, in part I represent, under their oppression, that I cannot refrain from submitting some considerations on that subject.

When I enter on the subject of the embargo, I shrink with wonder at the very threshold. I know not with what words to express my astonishment. At the time I departed from Massachusetts, if there was an impression which I thought universal, it was, that at the commencement of this session an end would be put to this measure. The opinion was not so much that it would be terminated as that it was then at an end. Sir, the prevailing sentiment, according to my apprehension, was stronger than this—even that the pressure was so great that it could not possibly be endured; that it would soon be absolutely insupportable. And this opinion, as I then had reason to believe, was not confined to any one class, or description, or party; that even those who were friends of the existing Administration, and unwilling to abandon it, were yet satisfied that a sufficient trial had been given to this measure. With these impressions I arrive in this city. I hear the incantations of the great enchanter. I feel his spell. I see the Legislative machinery begin to move. The scene opens; and I am commanded to forget all my recollections, to disbelieve the evidence of my senses, to contradict what I have seen and heard and felt. I hear that all this discontent was mere party clamor—electioneering artifice; that the people of New England are able and willing to endure this embargo for an indefinite, unlimited period: some say for six months, some a year, some two years. The gentleman from North Carolina (Mr. Macon) told us that he preferred three years of embargo to a war. And the gentleman from

Virginia (Mr. CLOFTON) said, expressly, that he hoped we should never allow our vessels to go upon the ocean again until the orders and decrees of the belligerents were rescinded. In plain English, until France and Great Britain should, in their great condescension, permit. Good Heavens! Mr. Chairman, are men mad? Is this House touched with that insanity which is the never-failing precursor of the intention of Heaven to destroy? The people of New England, after eleven months deprivation of the ocean, to be commanded still longer to abandon it, for an undefined period to hold their unalienable rights, at the tenure of the will of Britain or of Bonaparte? A people, commercial in all aspects, in all their relations, in all their recollections of the past, in all their prospects of the future—a people, whose first love was the ocean, the choice of their childhood, the approbation of their manly years; the most precious inheritance of their fathers, in the midst of their success, in the moment of the most exquisite perception of commercial prosperity, to be commanded to abandon it, not for a limited time, but for a time unlimited—not until they can be prepared to defend themselves there, (for that is not pretended,) but until their rivals recede from it—not until their necessities require, but until foreign nations permit! I am lost in astonishment, Mr. Chairman. I have not words to express the matchless absurdity of this attempt. I have no tongue to express the swift and headlong destruction which a blind perseverance in such a system must bring upon this nation.

But men from New England, representatives on this floor, equally with myself the Constitutional guardians of her interests, differ from me in these opinions. My honorable colleague (Mr. Bacon) took occasion, in secret session, to deny that there did exist all that discontent and distress which I had attempted, in an humble way, to describe. He told us he had travelled in Massachusetts; that the people were not thus dissatisfied; that the embargo had not produced any such tragical effects. Really, sir, my honorable colleague has travelled—all the way from Stockbridge to Hudson; from Berkshire to Boston; from inn to inn; from county court to county court; and doubtless he collected all that important information, which an acute intelligence never fails to retain on such occasions. He found tea, sugar, salt, West India rum and molasses dearer, beef, pork, butter, and cheese cheaper. Reflection enabled him to arrive at this difficult result: that in this way the evil and the good of the embargo equalize one another. But has my honorable colleague travelled on the seaboard? Has he witnessed the state of our cities? Has he seen our ships rotting at our wharves; our wharves deserted, our stores tenantless, our streets bereft of active business; industry forsaking her beloved haunts, and hope fled away from places where she had from earliest time been accustomed to make and to fulfil her most precious promises? Has he conversed with the merchant, and heard the tale of his embarrassments—his capital arrested in his hands, forbidden by your laws to resort

to a market, with property four times sufficient to discharge all his engagements, necessitated to hang on the precarious mercy of moneyed institutions for that indulgence which preserves him from stopping payment—the first step towards bankruptcy? Has he conversed with the mechanic? Has he seen him either destitute of employment or obliged to seek it in labors odious to him, because he was not educated to them?—that mechanic who, the day before this embargo passed, the very day that you took this bit, and rolled it like a sweet morsel under your tongue, had more business than he had hands, or time, or thought to employ on it, now soliciting, at reduced prices, that employment which the rich, owing to the uncertainty in which your laws have involved their capital, cannot afford. I could heighten this picture—I could show you laboring poor in the alms-house, and willing industry dependent upon charity. But I confine myself to particulars which have fallen under my own observation, and of which ten thousand suffering individuals on the seaboard of New England are living witnesses that there is nothing fictitious.

Mr. Chairman, other gentlemen must take their responsibilities—I shall take mine. This embargo must be repealed. You cannot enforce it for any important period of time longer. When I speak of your inability to enforce this law, let not gentlemen misunderstand me. I mean not to intimate insurrection or open defiance of them. Although it is impossible to foresee in what acts that "oppression" will finally terminate, which, we are told, "makes wise men mad." I speak of an inability resulting from very different causes.

The gentleman from North Carolina (Mr. Macon) exclaimed the other day, in a strain of patriotic ardor, "What! shall not our laws be executed? Shall their authority be defied? I am 'for enforcing them at every hazard.'" I honor that gentleman's zeal; and I mean no deviation from that true respect I entertain for him, when I tell him that, in this instance, "his zeal is not according to knowledge."

I ask this House, is there no control to its authority; is there no limit to the power of this National Legislature? I hope I shall offend no man when I intimate that two limits exist: Nature and the Constitution. Should this House undertake to declare that this atmosphere should no longer surround us; that water should cease to flow; that gravity should not hereafter operate; that the needle should not vibrate to the pole: I do suppose, Mr. Chairman—sir, I mean no disrespect to the authority of this House, I know the high notions some gentlemen entertain on this subject—I do suppose—sir, I hope I shall not offend—I think I may venture to affirm, that such a law to the contrary notwithstanding, the air would continue to circulate, the Mississippi, the Hudson, and the Potomac, would hurl their floods to the ocean, heavy bodies continue to descend, and the mysterious magnet hold on its course to its celestial cyrenour.

Just as utterly absurd and contrary to nature

is it, to attempt to prohibit the people of New England, for any considerable length of time, from the ocean. Commerce is not only associated with all the feelings, the habits, the interests, and relations of that people, but the nature of our soil and of our coasts, the state of our population and its mode of distribution over our territory, renders it indispensable. We have five hundred miles of seacoast, all furnished with harbors, bays, creeks, rivers, inlets, basins, with every variety of invitation to the sea; with every species of facility to violate such laws as these; our people are not scattered over an immense surface, at a solemn distance from each other, in lordly retirement, in the midst of extended plantations and intervening wastes. They are collected on the margin of the ocean, by the sides of rivers, at the heads of bays, looking into the water or on the surface of it for the incitement and the reward of their industry. Among a people thus situated, thus educated, thus numerous, laws prohibiting them from the exercise of their natural rights will have a binding effect not one moment longer than the public sentiment supports them.

Gentlemen talk of twelve revenue cutters additional to enforce the embargo laws. Multiply the number by twelve, multiply it by an hundred, join all your ships of war, all your gunboats, and all your militia, in despite of them all, such laws as these are of no avail when they become odious to public sentiment. Continue these laws any considerable time longer, and it is very doubtful if you will have officers to execute, juries to convict, or purchasers to bid for your confiscations. Cases have begun to occur. Ask your revenue officers, and they will tell you that already, at public sales in your cities, under these laws, the owner has bought his property at less than four per cent. upon its real value. Public opinion begins to look with such a jealous and hateful eye upon these laws, that even self-interest will not co-operate to enforce their penalties.

But where is our love of order? Where our respect for the laws? Let legislators beware lest, by the very nature of their laws, they weaken that sentiment of respect for them, so important to be inspired, and so difficult to be reinstated when it has once been driven from the mind. Regulate not the multitude to their ruin. Disgust not men of virtue by the tendency of your laws, lest, when they cannot yield them the sanction of their approbation, the enterprising and the necessitous find a principal check upon their fear of violating them removed. It is not enough for men in place to exclaim, "the worthless part of society!" Words cannot alter the nature of things. You cannot identify the violator of such laws as these, in our part of the country, for any great length of time, with the common smuggler, nor bring the former down to the level of the latter. The reason is obvious. You bring the duties the citizen owes to society into competition not only with the strongest interests, but, which is more, with the most sacred private obligations. When you present to the choice of a citizen bankruptcy, a total loss of the accumulated wealth of

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his whole life, or a violation of a positive law, restrictive of the exercise of the most common rights, it presents to him a most critical alternative. I will not say how sublime casuists may decide, but it is easy to foretell that nature will plead too strong in the bosom to make obedience long possible. I state no imaginary case. Thousands in New England see in the continuance of this embargo, and in obedience to it, irremediable ruin to themselves and families. But where is our patriotism? Sir, you call upon patriotism for sacrifices to which it is unequal; and it requires its operation in a way in which that passion cannot long subsist. Patriotism is a great comfort to men in the interior, to the farmer and the planter, who are denied a market by your laws, whose local situation is such that they can neither sell their produce, nor scarcely give it away, and who are made to believe that these privations will ultimately redound to the benefit of the country. But on the seaboard, where men feel not only their annual profit, but their whole capital perishing, where they know the utter inefficacy of your laws to coerce foreign nations, and their utter futility as a means of saving our own property—to such laws, in such a situation, patriotism is, to say the least, a very inactive assistant. You cannot lay a man upon the rack and crack his muscles by a slow torment, and call patriotism to soothe the sufferer.

But there is another obstacle to a long and effectual continuance of this law—the doubt which hangs over its constitutionality. I know I shall be told that the sanction of the Judiciary has been added to this act of the Legislature. Sir, I honor that tribunal. I revere the individual whose opinion declared in this instance the constitutionality of the law. But it is one thing to venerate our courts of justice; it is one thing to deem this law obligatory upon the citizen, while it has all these sanctions; it is another, on this floor, in the high court of the people's privileges, to advocate its repeal on the ground that it is an invasion of their rights. The embargo laws have unquestionable sanction—they are laws of this land. Yet, who shall deny to a representative of the people the right, in their own favorite tribunal, of bringing your laws to the test of the principles of the Constitution?

Is there any principle more wise, or more generally received among statesmen, than that a law, in proportion to its pressure upon the people, should have its basis in unquestionable authority as well as necessity? A Legislature may sport with the rights of an individual. It may violate the Constitution, to the ruin of whole classes of men. But once let it begin, by its laws, to crush the hopes of the great mass of the citizens; let it bring every eye in the land to the scrutiny of its laws and its authority, to be permanent those laws must possess no flaw in their foundation.

I ask, in what page of the Constitution you find the power of laying an embargo? Directly given, it is nowhere. You have it, then, by construction or precedent. By construction, of the power to regulate. I lay out of the question the

common place argument, that regulation cannot mean annihilation, and that what is annihilated cannot be regulated. I ask this question, Can a power be ever obtained by construction, which had never been exercised at the time of the authority given, the like of which had not only never been seen, but the idea of which had never entered into human imagination. I will not say in this country but in the world? Yet such is the power which, by construction, you assume to exercise. Never before did society witness a total prohibition, like this, in a commercial nation. Did the people of the United States invest this House with a power of which, at the time of investment, that people had not and could not have had any idea? for, even in times of faction, it had never existed. But we have precedent. Precedent is directly against you. For the only precedent, that in 1794, was in conformity to the embargo power, as it has been exercised in other countries. It was limited. Its duration was known. The power passed from the Representatives of this House only for sixty days. In that day, the Legislature would not trust even Washington, amid all his well-earned influence, with any other than a limited power. But, away, sir, with such deductions as these; I appeal to the history of the times when this national compact was formed. This Constitution grew out of our necessities, and it was, in every stage of its formation, obstructed by the jealousies and diverse interests of the different States. The gentlemen of the South had a certain species of property, with the control of which they would not trust us in the North; and wisely, for we neither appreciate it as they do, nor could regulate it safely for them. In the East our sentiment concerning their interest in commerce, and their power to understand its true interests, was, in a great degree, similar. The writings of that period exhibit this jealousy, and the fears excited by it, formed in that portion of the United States a formidable objection to its adoption. In this state of things, would the people of New England consent to convey to a Legislature, constituted as this in time must be, a power not only to regulate commerce, but to annihilate it, for a time unlimited, or altogether? Suppose, in 1788, in the convention of Massachusetts, while debating upon the adoption of this Constitution, some hoary sage had arisen, and with an eye looking deep into futurity, with a prophet's ken, had thus addressed the Assembly: "Fellow-citizens of Massachusetts: To what ruin are you hastening? Twenty years shall not elapse, before, under a strict and dubious construction of the instrument now proposed for your adoption, your commerce shall be annihilated. The whole of your vast trade prohibited. Not a boat shall cross your harbors, not a coaster shall be permitted to go out of your ports, unless under permission of the distant head of your nation, and after a grievous visitation of a custom-house officer."

Sir, does any man believe that, with such a prospect into futurity, the people of that State would have for one moment listened to its adop-

tion? Rather, would they not have rejected it with indignation? Yet this now is not prophecy, it is history. But this law is not perpetual, it is said. Show the limit to it—show by what terms it can be made more perpetual.

The universal opinion entertained in New England, among commercial men, of the total imbecility of this law, as a measure of coercion of either belligerent, is another cause pregnant with discontent in that country. It may do well enough to amuse ourselves with calculations of this kind on this floor, but intelligent merchants, masters of vessels, seamen, who are acquainted with the West Indies, and with the European dominions of both Powers, speak with sovereign contempt of the idea of starving either of these Powers into submission to our plans of policy. The entire failure of this scheme, after a trial of eleven months, would, I should suppose, have satisfied the most obstinate, of its hopelessness; yet it is revived again at this session. We are told, from high authority, of the failure of the wheat harvest in Great Britain, and this has been urged as a further reason for a continuance of this measure. Have gentlemen, who press this argument, informed themselves how exceedingly small a proportion our export of wheat bears to the whole consumption of the British dominions? Our whole export, to all the world, of wheat in its natural and manufactured state, does not amount to seven millions of bushels. The whole consumption of the British dominions exceeds one hundred and fifty millions. Let gentlemen consider what a small object this amount is, in a national point of view, even could the attainment of the whole supply be assumed, as the condition of her yielding to the terms we should prescribe. Are not the borders of the Black Sea, the coast of Africa, and South America, all wheat countries, open to her commerce?

But, the embargo saves our resources. It may justly be questioned, whether, in this point of view, the embargo is so effectual as, at first, men are led to imagine? It may be doubted if the seed-wheat for this harvest is not worth more than the whole crop. I say nothing of the embarrassments of our commerce, of the loss of our seamen, of the sunken value of real estate. But our dead, irredeemable loss by the embargo, during the present year, cannot be stated at less than ten per cent., on account of interest and profit on the whole export of our country; that is, on one hundred and eight millions, ten millions eight hundred thousand dollars.

Nor can our loss upon a million tons of unemployed shipping be stated at less than twenty dollars the ton—twenty millions of dollars. Thirty millions of dollars is a serious outfit for any voyage of salvation, and the profit ought to be very unquestionable before a wise man would be persuaded to renew or prolong it. Besides, is it true that the articles the embargo retains, are, in the common acceptance of the term, resources? I suppose that, by this word, so ostentatiously used on all occasions, it is meant to convey the idea that the produce thus retained in the country will

be a resource for use or defence in case of war, or any other misfortune happening to it. But, is this true? Our exports are surplus products, what we raise beyond what we consume. Because we cannot use them, they are surplus. Of course, in this country, they have little or no value in use, but only in exchange. Take away the power of exchange, and how can they be called resources? Every year produces sufficient for its own consumption, and a surplus. Suppose an embargo of ten years, will gentlemen seriously contend that the accumulating surplus of fish, cotton, tobacco, and flour, would be a resource for any national exigencies? We cannot consume it, because the annual product is equal to our annual consumption. Our embargo forbids us to sell it. How, then, is it a resource? Are we stronger or richer for it? The reverse: we are poorer and weaker. Weaker by all the loss of motive and activity, by all the diminution of the industry of the country, which such a deprivation of the power to exchange produces. And what can be poorer than he who is obliged to keep what he cannot use, and to labor for that which profiteth not?

But the inequality of the pressure of this measure of embargo upon the people of the Eastern States, is another source of great discontent with it. Every gentleman who has spoken upon the subject has seemed to take it for granted that this was a burden which pressed equally. But is this the case? I shall confine myself to a single fact, although the point admits of other elucidations. Compare the State of Virginia with that of Massachusetts, in the single particular of the amount of capital embarrassed by this law. Virginia with a population, according to the last census, of nine hundred thousand souls, has four million seven hundred thousand dollars in exports, forty thousand eight hundred tons of registered shipping at thirty dollars the ton, amounting to one million seven hundred dollars in value, constituting an aggregate of six millions of dollars, obstructed by this embargo. Massachusetts, on the other hand, has in exports twenty million one hundred thousand dollars, and three hundred and six thousand tons of registered shipping, equal nearly to ten million of dollars in value, constituting an aggregate of capital, in Massachusetts, equal to thirty millions of dollars, obstructed by this law. By the last census, the population of Massachusetts is about six hundred thousand souls; so that, in Virginia, nine hundred thousand souls have to bear a pressure of embarrassed capital equal to six millions of dollars, and in Massachusetts, six hundred thousand souls, a pressure of thirty millions. To equalize the pressure of Virginia with Massachusetts the capital of the former ought to be forty-five millions instead of six millions. I wish not to bring into view any unpleasant comparisons, but, when gentlemen wonder at our complaints, they ought rightly to appreciate their causes. The pressure resulting from the embarrassments of this immense capital is the more sensibly felt, inasmuch as it is not divided in great masses among rich individuals, but in moderate portions among the middling classes of our citi-

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zens, who have, many of them, the earnings of a whole life invested in single articles destined for a foreign market from which your embargo alone prohibits them.

It is in vain to say that, if the embargo was raised, there would be no market. The merchants understand that subject better than you, and the eagerness with which preparations to load were carried on previous to the commencement of this session, speaks, in a language not to be mistaken, their opinion of the foreign markets. But, it has been asked, in debate, "will not Massachusetts, the cradle of liberty, submit to such privations?" An embargo liberty was never cradled in Massachusetts. Our liberty was not so much a mountain as a sea nymph. She was free as air. She could swim, or she could run. The ocean was her cradle. Our fathers met her as she came, like the goddess of beauty, from the waves. They caught her as she was sporting on the beach. They courted her while she was spreading her nets upon the rocks. But an embargo liberty—a hand-cuffed liberty—a liberty in fetters, a liberty traversing between the four sides of a prison and beating her head against the walls, is none of our offspring. We abjure the monster. Its parentage is all inland.

The gentleman from North Carolina (Mr. Macon) exclaimed the other day, "Where is the spirit of '76?" Ay, sir, where is it? Would to Heaven that, at our invocation, it would condescend to alight on this floor. But let gentlemen remember that the spirit of '76 was not a spirit of empty declaration, or of abstract propositions. It did not content itself with non-importation acts, or non-intercourse laws. It was a spirit of active preparation, of dignified energy. It studied both to know our rights and to devise the effectual means of maintaining them. In all the annals of '76, you will find no such degrading doctrine as that maintained in this report. It never presented to the people of the United States the alternative of war, or a suspension of our rights, and recommending the latter rather than to incur the risk of the former. What was the language of that period, in one of the addresses of Congress, to Great Britain? "You attempt to reduce us, by the sword, to base and abject submission. On the sword, therefore, we rely for protection." In that day there were no alternatives presented to dishearten; no abandonment of our rights under the pretence of maintaining them; no gaining the battle by running away. In the whole history of that period there are no such terms as "embargo," "dignified retirement," "seeing who can do each other the most harm." At that time we had a Navy—that same so odious to the influences of the present day. Yes, sir, in 1776, though but in our infancy, we had a Navy scouring our coasts, and defending our commerce, which was never for one moment wholly suspended. In 1776, we had an army also, and a glorious army it was. Not composed of men halting from the stews, or swept from the jails, but of the best blood, the real yeomanry of the country, noble cavaliers, men without fear and without reproach. We had

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such an army in 1776, and WASHINGTON at its head. We have an army in 1808, and a head to it.

I will not humiliate those who lead the fortunes of the nation at the present day, by any comparison with the great men of that period; but, I recommend the advocates of the present system of public measures, to study well the true spirit of 1776, before they venture to call it in aid of their purposes. It may bring in its train some recollections not suited to give ease or hope to their bosoms. I beg gentlemen who are so frequent in their recurrence to that period to remember that, among the causes which led to a separation from Great Britain, the following are enumerated: unnecessary restrictions upon trade; cutting off commercial intercourse between the Colonies; embarrassing our fisheries; wantonly depriving our citizens of necessities; invasion of private property by Governmental edicts; the authority of the Commander-in-chief, and under him of the Brigadier General, being rendered supreme in the civil government; the Commander-in-chief of the army made Governor of a Colony; citizens transferred from their native country for trial. Let gentlemen beware how they appeal to the spirit of '76, lest it come with the aspect, not of a friend, but of a tormentor; lest they find a warning when they look for support; and, instead of encouragement they are presented with an awful lesson.

But, repealing the embargo will be submission to tribute. The popular ear is fretted with this word *tribute*, and an odium is attempted to be thrown upon those who are indignant at this abandonment of their rights, by representing them as the advocates of tribute. Sir, who advocates it? No man, in this country, I believe. This outcry about tribute is the veriest bugbear that was ever raised in order to persuade them to quit rights, which God and nature had given them. In the first place, it is scarce possible that, if left to himself, the interest of the merchant could ever permit him to pay the British re-exportation duty, denominated tribute. France, under penalty of confiscation, prohibits our vessels from receiving a visit from an English ship, or touching at an English port. In this state of things, England pretends to permit us to export to France certain articles, paying her a duty. The very statement of the case shows the futility of the attempt. Who will pay a duty to England for permission to go to France to be confiscated? But, suppose there is a mistake in this, and that it may be the interest of the merchant to pay such a duty, for the purpose of going to certain destruction, have not you full powers over this matter? Cannot you, by pains and penalties, prohibit the merchant from the payment of such a duty? No man will obstruct you. There is not, as I believe, but one opinion upon this subject. I hope, therefore, that gentlemen will cease this outcry about tribute.

However, suppose that the payment of this duty is inevitable, which it certainly is not, let me ask, is embargo independence? Deceive not yourselves. It is palpable submission. Gentle-

men exclaim, "Great Britain 'smites us on one cheek!" And what does the Administration? It "turns the other also." Gentlemen say, "Great Britain is a robber, she 'takes our cloak." And what says the Administration? "Let her take our coat also." France and Great Britain require you to relinquish a part of your commerce, and you yield it entirely. Sir, this conduct may be the way to dignity and honor in another world, but it will never secure safety and independence in this.

At every corner of this great city, we meet some gentlemen of the majority wringing their hands, and exclaiming "What shall we do? Nothing but embargo will save us! Remove it, and what shall we do?" Sir, it is not for me, a humble and uninfluential individual, at an awful distance from the predominant influences, to suggest plans of government. But, to my eye, the path of our duty is as distinct as the milky way—all studded with living sapphires—glowing with cumulating light. It is the path of active preparation—of dignified energy. It is the path of 1776. It consists not in abandoning our rights, but in supporting them as they exist, and where they exist—on the ocean as well as on the land. It consists in taking the nature of things as the measure of the rights of your citizens, not the orders and decrees of imperious foreigners. Give what protection you can. Take no counsel of fear. Your strength will increase with the trial, and prove greater than you are now aware.

But, I shall be told this may lead to war. I ask, Are we now at peace? Certainly not, unless retiring from insult be peace—unless shrinking under the lash be peace. The surest way to prevent war is, not to fear it. The idea that nothing on earth is so dreadful as war, is inculcated too studiously among us. Disgrace is worse. Abandonment of essential rights is worse.

Sir, I could not refrain from seizing the first opportunity of spreading before this House the sufferings and exigencies of New England under this embargo. Some gentlemen may deem it not strictly before us; in my opinion it is, necessarily. For, if the idea of the committee be correct, and embargo is resistance, then this resolution sanctions its continuance. If, on the contrary, as I contend, embargo is submission, then this resolution is a pledge of its repeal.

Mr. DANA said, he considered it unfortunate if the doubt existed in the minds of members of this House which seemed to be implied by the resolution under consideration. Was it really a question whether the Representatives of the people of the United States would bow their free necks to a foreign yoke? Was it to be decided by renewing the Declaration of their Independence? Once declared, Mr. D. said, it was to be considered as a given point that our independence should be maintained. And it was not always a sufficient reason for agreeing to a proposition that it was truth. For himself, he had not supposed that much doubt existed on this point. Even the committee themselves seemed to have considered this declaration as unnecessary, for they say it might to some seem superfluous. He thought the real

policy to be pursued by this country should be such as never to make this a question; and when it became a question, a declaration in words added not to the determination to resent aggressions on our independence. However, as the resolution had been submitted to the House, it became a question how it should be decided, and another question, what was the import of it? In one respect he approved the resolution, because it was concise; and yet there might be a difference of opinion as to the terms of it. The questions now submitted to the Councils of the Nation were questions relative to our maritime rights. He knew not that any question existed as to our territorial rights. The language of the resolution was very broad, and he wished that it might be varied, so as to be more specific and appropriate. With this view, that no doubt might exist of the import of the resolution, he moved to insert between the words *to* and *the*, the words, "abandon the navigation of the ocean in consequence of." This amendment presented a question on which he wished a decided expression of the opinion of the House.

Mr. SLOAN said, he perfectly acquiesced in the amendment moved by the gentleman from Connecticut, if one word more was added, and that was the word "longer," between the words *not* and *submit*. He, for one, thought that our rights were already abandoned, and that they had been abandoned too long.

Mr. DANA said, that, whatever had been his opinion of the past measures of the Administration, he would not propose an amendment which would imply that the Councils of this Nation had submitted. Gentlemen who had favored those measures probably did not consider them as submission. He therefore could not consent to cast that reproach on them. The gentleman from New Jersey, he hoped, would not consider it a want of attention to him; but, for these reasons, he could not accept his amendment.

Mr. BACON observed that he had hoped, from the observations of his colleague, (Mr. QUINCY,) that there would have been no objection to the adoption of this resolution, as reported. What could be less exceptionable than the resolution here offered, that the United States would not sacrifice their rights, honor, and independence, to the edicts of Great Britain and France? There was, indeed, considerable address displayed in the construction of this amendment. The declaration contained in the resolution was, that the United States would not in any manner submit to the edicts. The gentleman wished to say that the United States would not submit to abandon the ocean—thus narrowing down the mode of resistance. The conclusion to be drawn from which, was, that they would not submit to the embargo, which resisted those decrees. Instead of saying that they would not submit to the decrees, the gentleman from Connecticut wished them to say that they would not submit to abandon the ocean. Gentlemen said that the embargo was an abandonment of the ocean. The gentleman, therefore, wished to entrap the House into a declaration that they would not submit to the embargo.

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Mr. TAYLOR said, it had been the desire of the select committee to present to the House a proposition which should leave out of view not only party feelings, which were supposed sometimes to actuate the House and the nation, but anything relating to the manner in which this resistance was to be made by the nation against the orders and decrees, alluding but to one object—the infraction of our neutrality by foreign nations; that the question should not be trammelled with war or no war, with embargo or no embargo; but that it should appear to the world that there was a spirit in this nation determined to oppose the orders and decrees of the belligerents. It was not necessary that he should have stated this as his determination, for he had given an instance of it, and so had the House, in passing the embargo law. A proposition was now brought forward on which he must vote—what? That he would not abandon the ocean in consequence of the orders and decrees. He said that a temporary abandonment was not a total abandonment; and if by the former the House should think that they could coerce an observance of their rights, the measure would probably be resorted to. This however was a question for the decision of the House. Why then trammel this resolution with another proposition which was not connected with it? An apology might be thought necessary for proposing a truism to the consideration of the House; but it would be recollected that during the late session of Congress a colleague of his had come forward and demanded whether there was or was not a man in the nation who would submit to the belligerent edicts? From one quarter an appropriate answer had been made; from another quarter there had been no reply. And what had been the conduct of the latter? Had there not been a proposition made (by Mr. LIVERMORE) at the late session, to make war against one (France) and enter into connexion with another (Great Britain)? This had been introduced; and would it not have been the most servile submission? This sentiment was not disavowed by the gentleman (Mr. QUINCY) who had given them his opinion on this resolution, and travelled out of the path of his argument to vent his spleen against other measures which were not recommended to the House by the committee, who had left it wholly with the House to say what measures they would adopt. Why should the House be made to decide on a proposition like this; when they had already adopted a measure (the embargo) which showed their willingness to make any sacrifices for maintaining their right to the ocean? The complaints made by the gentleman from Massachusetts proved that the people had borne a great deal. Mr. T. said he had given a sufficient proof by his vote in favor of the embargo not to make it necessary for him now to say that he would not abandon the ocean, unless for such a time, as, by affecting the interests of the belligerents, should compel them to abandon the nefarious project of laying under contribution our lawful commerce. Notwithstanding this disposition, Mr. T. said, he could not vote for the amendment offered by the gentleman from Con-

necticut, as its adoption would evade the question which he wished to be taken on the principles of the resolution.

Mr. J. G. JACKSON hoped that the Committee would not consent to permit an evasion of a decision on the great question now proposed to them, and thus enable gentlemen to creep out by the aid of the proposition of the gentleman from Connecticut. He wished the question to be solemnly decided, because he believed that there were individuals in a certain portion of this body, who were not willing to say that they would resist these aggressions; and he was induced to believe it by a late assertion that the United States had no cause of complaint against Great Britain. If the gentleman from Connecticut would bring forward a distinct proposition to the amount of his amendment, Mr. J. said he would vote with him. Retiring from the ocean for a time was not an abandonment of it; but an acquiescence in the arbitrary edicts of the belligerents would be an abandonment. What was the amount of the resolution as reported by the select committee? Let it be examined and it was this; that the United States would carry on trade notwithstanding their edicts. He wished not to afford gentlemen an opportunity of getting off the odium which would attach to them if they voted against the plain proposition for resistance; and he hoped that the committee would not sanction the amendment, notwithstanding that he was ready to vote for a distinct proposition to the same effect as the amendment.

Mr. LIVERMORE said that the principal question proposed to the House by the amendment was, whether it was consistent with a determination to resist, to abandon the ocean in consequence of the edicts of Great Britain and France? Would any gentleman say that it was? Would any gentleman say that it comported with honor and independence to abandon the ocean? He conceived not. The gentleman from Massachusetts (Mr. BACON) seemed to conceive that if the amendment were adopted, it would be contended that the embargo was an abandonment of commerce. From its intruding upon the gentleman's mind thus, Mr. L. said there must be some truth in the idea. In considering this amendment, Mr. L. said he wished to consider it in its full extent. He did not in general wish that in legislation any abstract proposition should be laid down. It did not appear to him to be the proper mode of doing business; though it was probable that gentlemen might, from a cursory view, think proper to give this resolution their sanction. He could not see how any gentleman could dissent from the amendment.

This declaration of non-submission must relate altogether to something to be done or suffered on the ocean: and what then? Why he should suppose that he submitted by giving up navigation in consequence of the edicts of foreign Powers. It really appeared to him, that in withdrawing from the ocean, we did submit; that receding from the ocean was obeying the edicts. France said that we should not trade with Great Britain.

Great Britain said that inasmuch as this was the case, we should not go to the Continent without paying her a certain duty. He granted that both were injurious. What then? The question was, should the United States submit to them? He was not one of those to whom the gentleman who spoke last had alluded, as being afraid of the odium of voting against the first resolution, though he should readily vote for it. But he would much rather vote for it with the amendment of the gentleman from Connecticut. He did not know why honorable gentleman should throw out these insinuations. The gentleman had said that those who opposed the proposition said that they would submit. He had never heard any one say so; on the contrary, he contended that it would be humiliating to submit. But they might differ as to the manner of resisting; and he should contend that withdrawing from the ocean was submitting to the decrees of France and Great Britain. He said that he would not submit to the edicts of Great Britain more than of France; at the same time that he contended that withdrawing from the ocean would be submission to both.

Mr. Lyon said he felt as strong an abhorrence as any gentleman to submit to the edicts of Great Britain and France, therefore he was inclined to vote for the resolution as it would stand when amended as proposed by the gentleman from Connecticut; he would prefer the resolution in that shape much to what it was in the shape it was presented by the committee. The amendment gave a tone to the resolution, which could not be misunderstood; whereas the resolution as offered, while it speaks against submission, is a mere repetition of the professions against submission, which preceded the embargo, a measure which, in his opinion, consisted of the very essence of submission. By that measure we have submitted to be shut off from the ocean. In the rage caused by this political hydrophobia we have submitted—submitted even to the destruction of our uninterdicted trade, even our innocent coasting trade.

I did hope, said Mr. L., that by this time the representatives of the nation would have recovered from this political hydrophobia. I did hope that, when gentlemen had had a year's experience with their wise, their strong measure, which I have always esteemed a foolish and weak measure as to its external operations—when they themselves were convinced that it had failed in every point of answering the purposes they contemplated, I had hoped they would have magnanimity enough to give it up. I did hope they would by this time have felt a disposition to be merciful to their own country; that they would suspend the operation of this destroyer against their fellow citizens. I had hoped they would have some regard for the intimations, the something like assurances they gave last year, that a year's experience would satisfy them; but my hopes are all vanished. From everything I can learn, from what has passed in the House this session, it seems the nation are, by the wise authors of this wise measure, to be subjected to its calamities—

God only knows how long. And for what reason is it now to be continued? Is it to starve the British nation, and to save our seamen? With all the energy with which this wise measure has been armed by your countless embargo laws, I have not heard of a single poor West India negro being starved by it. I have seen, it is true, a newspaper, which states, under the sanction of high authority, that our seamen have been saved by it; but I have it from other quarters, that many more than half of those we last year called American seamen, have, together with many of our fishermen, gone into foreign service. The sailors have not all caught the hydrophobia; they retain their love for the watery element, and are gone to enjoy it.

Among the diversity of evils and calamities brought on by the embargo system, so emphatically called a wise measure by its very wise projectors and supporters, there is none has vexed me so much as the injury done to the cause of republicanism—that cause in which I have long labored, and will cease to labor in only when I cease to breathe—that cause has suffered much. I told the Eastern Democrats last year, both here and in private conversation, that the Federalists, grown wise by adversity, would take every advantage of their folly, and get themselves into power. I foresaw then what has happened in the Eastern States. I assured them that Massachusetts, New Hampshire, Rhode Island, and Vermont, would, in consequence of their wise measures, discard their democracy, and approve of that federal folly which would have left the nation in a state of progressive growth, in a state of activity, prepared for defence or offence, prepared to support its rights by other means than inactive declamation. I told them that their people would prefer the state of things in which every man is allowed to embargo himself, or to exercise his energies, and employ his capital or his credit to his own emolument, and the benefit of the nation. My predictions have come to pass. Massachusetts has returned to that Federalism which she had shaken off. New Hampshire has told her embargo delegation that she has no further occasion for their services. Rhode Island has done the same. I hear a great boasting that Vermont is saved. I am well acquainted with that State, its situation and its constitution, and I can declare to you that it is not saved from a radical change to Federalism; that State being able to aid the embargo laws a little while longer, is owing to a defect in their constitution—it is owing to their having perhaps one hundred rotten boroughs or Old Sarums represented in their Legislature. The majority of the people of that State have elevated the Federal Governor, whom they had lately discarded. They have elected a Federal upper house, but owing to unimproved townships, in which there are not more than half a dozen families, being able to send an equal representation with those townships which contain five hundred families or upwards, the republicans of that State have been able to boast of the short-lived triumph they now enjoy. The

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time has been when the inequality I speak of was so great, that less than forty members in that House represented one-half the people of the State, while the other half sent more than one hundred and twenty members. The time has now arrived, sir, when my last year's predictions have come to pass; it is apparent as the daylight. Yet the republican gentlemen of that State are disposed to attribute the change to anything else rather than the true cause. In the embargo system, they seem determined with closed eyes and hardened hearts, to proceed on until their opponents shall wrest from them the last vestige of power.

I regret sincerely to see in the President's Message at this time an intimation to the Legislature to prepare for disposing of the surplus which is to arise from our revenue, after it has discharged certain debts which now encumber it. This intimation looks too much like diverting the attention of the nation from the real situation of its finances.

It is true that there are about fourteen millions in the Treasury. How much more is there to come in, and where is it to come from? That fourteen millions must be disposed of by this time twelve months, and we cannot expect money enough to come into the Treasury within that time to carry us more than about three or four months longer. If you should now take off the embargo, the duties to be derived from the return cargoes are to be bonded, and the money will not reach the Treasury time enough to save you from borrowing next year. Should you now lay a land tax, it would be the same thing. I confess I am not financier enough to find out any way to avoid borrowing next session of Congress. When the people see you have recourse to the borrowing system—that system which we republicans so loudly exclaimed against under the former Administration, and that to support a measure, or a course of measures, that has no other effect than that of impoverishing them, they will turn their backs upon you; they will prefer Federalism, or any other *ism*, rather than be cajoled in this way. Passing southward from the New England States, how stands New York now? They have acted wiser; they have discarded their embargo men, without taking up Federalists altogether, but the danger is that Federalism will prevail even in that wiser State. Jersey will undoubtedly follow. And I will venture another prophecy: that this House will contain, after another election, a majority of Federalists from the States south of Pennsylvania, unless this system of coercing the people to be idle, to be inactive, to be poor, to be miserable, is given up. Not having had time to read all the documents, and being unprepared to enter largely into debate, I shall waive any further observations, with a view to expressing my opinions more fully on the subject at another time.

Some further desultory debate took place on Mr. DANA's amendment, in which Messrs. RHEA, MACON, G. W. CAMPBELL, and FISK opposed it, and Messrs. ELLIOT and DANA supported it.

On the motion of agreeing to the amendment of Mr. DANA, it was lost—*yeas* 31.

Mr. LIVERMORE said he had an amendment to propose, which he hoped would meet the opinion of every gentleman, since the chief argument against the amendment of the gentleman from Connecticut was, that it narrowed the ground of resistance. He proposed to add to the end of the resolution the following words: "and that an abandonment of the navigation of the ocean, is a relinquishment of our rights, and a submission to the edicts of Great Britain and France."

Mr. COOK objected to the insertion in this resolution of any irrelevant matter, with a view to evade its object; although were the amendment introduced as a separate proposition, he might vote for it.

Mr. SMILIE said he really could not help giving credit to the gentleman from Connecticut, for the ingenuity of his amendment; but the gentleman from Massachusetts had certainly improved upon it. Accept that amendment (said he) and you condemn indirectly the very measures which this Government has taken for resistance.

The amendment moved by Mr. LIVERMORE was negatived, twenty members only rising in favor of it.

The Committee then rose, (half past 3 o'clock,) reported progress, and obtained leave to sit again.

THE EMBARGO.

Mr. GARDENIER presented a petition of the inhabitants of Southold, Suffolk county, New York, against the embargo. He moved to dispense with the reading, and refer it to a committee.

Mr. D. R. WILLIAMS said he could not dispense with the reading.

The Clerk proceeded in the reading of the petition; but before it was concluded, a motion was made to adjourn, and carried.

TUESDAY, November 29.

On motion of Mr. JEREMIAH MORROW,

Resolved, That the Committee on the Public Lands be instructed to inquire into the expediency of reviving and continuing in force, for a further time, the authority of the board of commissioners for investigating claims to land in the Kaskaskia district; and that they report by bill, or otherwise.

Mr. HOLMES, from the Committee of Claims, presented a bill authorizing the payment of certain pensions by the Secretary of War at the seat of Government; which was read twice and committed to a Committee of the Whole to-morrow.

The letter presented yesterday, by Mr. GARDENIER, from sundry freeholders and inhabitants of the town of Southold, in the State of New York, was read, and ordered to be referred to the Committee of the whole House to whom was committed a resolution proposed by Mr. CHITTENDEN on the tenth instant.

FOREIGN RELATIONS.

The House resolved itself into a Committee of the Whole on the report of the committee on the subject of our foreign relations. The first resolution still under consideration.

Mr. W. ALSTON said, if gentlemen had confined themselves to the resolution immediately before them, it would not be necessary further to discuss it, as no gentleman had objected to its adoption; but as the subject of our foreign relations generally, as reported by the select committee, was fairly within the rules and orders of the House, and proper for investigation, he should offer a few remarks in support of that report, and in doing so, he assured the House that he should not very long ask their attention.

The gentleman from Massachusetts, (Mr. QUINCY,) who favored us yesterday with a long harangue upon this question, made so many extraordinary assertions, so contradictory in themselves, that I think there is no man under Heaven that could well understand him, and much more difficult would it be to reconcile his very contradictory arguments to each other: for, however plausible he might be in some of his observations, before he concluded he was certain to destroy any impression they were calculated to make upon the minds of his hearers. Mr. A. said he would begin his observations in reply at the very point where the gentleman had ended; the gentleman had stated that the course the Government ought to pursue was as clear as the milky way; that no man could or ought to mistake it; but as he was an humble minority man, it was not his business to lay any plan before the House. Resistance! defend your rights upon the sea! was his language. Strange language this. If the path was so clear, how happened it that the whole wisdom of the Government and the nation should find such difficulty in pursuing of it? for, he believed, turn whichever way they would, innumerable difficulties presented themselves to all, except a few in the State of Massachusetts, and he hoped that they were very few, who wanted to join one party and go to war with the other; who were willing to submit to the orders of Great Britain, and plunge this nation into a war with France at the hazard of our liberty as an independent nation. If this was the gentleman's resistance, and from his observations and remarks he thought no man could well draw any other inference, he hoped they should not adopt his course. He, however, rather concluded, from everything the gentleman had said, that resistance to the laws of his own Government, fairly enacted, and declared by the Judiciary of his country to be Constitutional, would suit his palate a little better than any other resistance, unless, indeed, a coalition with Great Britain to resist France might suit him better. The gentleman had exclaimed loudly against paying tribute, and urged, at the same time, that no tribute would be paid, for, if our vessels were permitted to go to England, that the edicts of France would prevent them going elsewhere. This was not Mr. Alston's opinion, for were our vessels permitted to leave our ports, and

by paying a duty in England, could find a better market upon the Continent, the merchants, tribute or no tribute, would pursue that course which their interest directed. The gentleman talked of resistance, and resistance on sea. Did any one believe that he seriously meant meeting the powerful navy of Great Britain on the sea; of that Britain who had been emphatically styled the mistress of the ocean, and who was fighting for the liberties of the world and of mankind? No, sir, said Mr. A., nothing of the kind is meant; submission to her orders would be the inevitable consequence of the gentleman's resistance, and finally a loss of everything dear to the American character; a loss of our liberty and independence as a free people.

The gentleman from Massachusetts talks about the spirit of 1776, and cautions my colleague, too, who mentioned that spirit a few days since, not to invoke it. Wherefore does the gentleman do this? Is it because he does not wish the American people of the present day to know that the spirit of our ancestors was opposition to British aggression?

The gentleman says the embargo must be repealed; that there is a voice in this nation louder than the voice of Congress; that the air will continue to circulate and the waters to descend, any law to the contrary notwithstanding. Good God, Mr. Chairman! has the American nation come to this, that the laws of our country are to be violated, that trade and commerce shall be carried on whether sanctioned by the Government or not? The gentleman says the whole nation calls aloud for its repeal; that there is but one sentiment on the occasion; that every part of this great community feel its effects, I readily admit; but that they wish its immediate repeal at the expense of our liberty as an independent nation, I positively deny. I must confess my astonishment, when I heard the gentleman reiterate those sentiments—when I cast my eyes into the newspapers of the day, and saw that town meetings had been held in the neighborhood of the town in which the gentleman comes from—(Boston) where I find the subject was discussed and a large majority against the repeal of the embargo laws; yet, sir, it may not be true, and the sentiment may be universal. It appears, from the same papers, that Mr. Gray, of Salem, one of the most intelligent and distinguished Federal merchants upon the continent, was present at a meeting in his town, and clearly pointed out to the satisfaction of a large majority present, that if the embargo laws were repealed whilst the present restrictions remained in force against our commerce, that any trade would be so hazardous and uncertain, that no honest merchant could or would attempt it. Notwithstanding all these facts, staring us in the face, what the gentleman asserts may be true, and these things not have taken place. If the subject of repealing the embargo was now before us, I would readily go into an investigation of the subject, and offer some remarks why it should not now be repealed. It will undoubtedly be discussed before the session

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ends, and I am certain I shall be found as willing as any member on this floor to take it off as soon as the interest, safety, and honor of this nation will permit it.

From the great commercial talents of the gentleman, I had expected that he would have taken a commercial view of the subject, and have shown us that intercourse might be opened to advantage somewhere. Had it been shown, I am certain that I should be among the last to hold on upon restrictions injurious to the community. Had it been in the power of the gentleman, no doubt he would have done it. I therefore take it for granted, that under existing circumstances, no benefit would result to the honest and upright trader. Provided the gentleman could obtain his object, nothing but hazard, difficulty, and danger, would be presented, independent of national degradation and dishonor.

There has been laid upon our tables, this morning, a document containing petitions which were presented two years ago. I have not had time to look into them, but, as well as my memory serves me, they contain language and sentiments very different from the language of those of the present day, and from the self-same quarter of the United States, too. They pray a further attempt at negotiation, and suggest a special embassy; and, in case of its failure, they pledge their lives and fortunes in support of the measures that the Government may adopt in vindication of their just rights. I call upon gentlemen—particularly the gentleman from Massachusetts—to examine the grievances they complain of. It was nothing more or less than a violation of a commerce carried on by the merchants of this country from an enemy's colony to the mother country. This, sir, was the complaint in which the pledge was given to shed their blood in case of failure. Well, sir, the very steps were taken, and negotiation completely exhausted upon the subject; and (as is contained in the report of the select committee) nothing but insult, added to injury, is the result. Yet, we are told that these very people will not submit to the laws of their country. I cannot bring my mind to believe this to be the character of the good citizens of the State of Massachusetts, notwithstanding the gentleman's strong assertions to the contrary. If the gentleman is determined upon resistance, and that upon the sea, where is he to find an enemy? France, we are told, has not a rag of sail upon the ocean. Does the gentleman mean to invade the Emperor Napoleon's territory, or does he mean to attack Great Britain, the mistress of the ocean, who, we are emphatically told, is fighting the battles of the world for the liberties of mankind? An idea of that sort of resistance is too idle to merit serious consideration.

Mr. BACON.—In all the various discussions which have arisen in the House on the great subject of our foreign relations, and on the general course of measures which were adopted in reference to them, in the course of the last session, I do not at present recollect having occupied the time of the House in listening to any observations of mine on

those general subjects. I have heretofore forborne from trespassing upon their patience on two considerations—because I had been persuaded that the discussion was already in much abler hands than my own, and because I was strongly impressed with a conviction, that, in the perilous and momentous crisis to which the affairs of this country had been for the year past verging, both the House and the nation required from their Representatives on this floor less argument and more action—less declamation and more decision. I am now fully sensible that both these considerations continue to exist in their full force, and that the interests of the people will not always be best subserved by him who occupies their time with the most elaborate speeches, or amuses them with the best chosen rhetorical figures.

Impressed with the full force of these reflections, I should still have continued to listen to others, in silence, had I not conceived myself pretty loudly called upon by the observations of my colleague yesterday, and did I not think it a duty at this early period to rescue the report of the select committee (one of whom I had the honor to be) from those imputations which have been improperly heaped upon it by him; as also to meet some of those remarks which he seemed to direct particularly to myself.

That gentleman opened his address by expressing his entire and unqualified concurrence in the broad position which is set up in that general resolution reported by the select committee, which is now before us. And what was his reason? Because, said he, that resolution, if adopted, must be considered as a specific pledge, on the part of this House, for an entire departure from that general system of restrictive policy which has been pursued during the past year. If the gentleman, indeed, viewed the resolution in this light, why would he not suffer it to glide through with that silent and general acquiescence which on all hands seemed to be promised to it? Why step aside, with so much zeal, to attack that system, which, upon his supposition, no one was about any more to defend? Why make it the great laboring point of his very labored and systematic argument, to discredit that odious embargo system which he affected to think every one was now about to give up? Was it because his hostility to it was so deep that he could not bear to see it die, unless he had a hand in contributing to its exit, and was determined to show his constituents, that, in the language of sportsmen, he also was in "at the death?" The only reason which I recollect to have been given by him for his unusual course, was, that the future adherence to this embargo system was specifically recommended by the report of the committee. Whatever may be the future judgment of this House on the policy of continuing this measure for a longer period, or assuming a different position, I assert that no such recommendation is contained in that report; and it is inconceivable to me on what part of it the gentleman will support his assertion. So far from this, that the decision of that great question, and the expediency of electing either that or another alternative,

is expressly left open to the House by the committee themselves. [Mr. B. here read the following paragraph, from the report, in justification of his construction of it:]

"On a question of such difficulty, involving the most important interests of the Union, and which has not perhaps until lately been sufficiently considered, your committee think the House alone competent to pronounce a decisive opinion; and they have, in this report, confined themselves to an exposition of the subject, and to such introductory resolutions as will be equally applicable to either alternative."

The gentleman, therefore, is evidently utterly unsupported in imputing to the report what it expressly disavows; and cannot certainly justify the course which he took by any apology of this sort. But, even if the question of the embargo was one which could properly arise out of any part of the system recommended by the committee, it certainly was in no degree connected with the general declaratory resolution now under consideration. And the gentleman's observations, if applicable to any stage of the discussion, were obviously premature, and "a leaping before he came to the stile." The same remark would apply to the observations which we heard from the friend (political friend, I mean) of my colleague, from Kentucky, but which it is impossible I should think of answering on this floor. That the last-mentioned gentleman should have suffered himself to wander into so irregular a course, is not at all surprising—he is not a standing professor of method. But my honorable colleague is a man, who, in the course of his every-day discussions in this House, entrenches himself in all the niceties of a special pleader. He is a man of fine distinctions, of divisions and subdivisions, and who will generally war upon a single word which he finds out of the ranks, and wage hostility upon a straggling adverb. Much more, then, should I have expected that he would not have allowed himself to stray into an argument so wholly irrelevant to the subject immediately before the Committee, and into observations so entirely premature. The gentleman (to use the language of the day) raised the embargo upon his anti-embargo speech before the time. Whether it was because it has been so long on hand, that, like some other articles, it might have spoiled by longer keeping, I will not undertake to say. But, although the course which the gentleman took, in his view of the subject before us, might not itself be correct, yet I feel myself now in some measure justified, if not strongly called upon, to follow him in some of those remarks upon our past measures and present state, which he has presented to the Committee.

The first remark of his which demands notice at present, is, that the principles which he found avowed in the report of the select committee were loathsome in his view, and disgraceful to the nation. As the gentleman has seen fit on this point to deal only in general allegations, it is impossible for me to vindicate from his reproaches any of those particular positions which are so much the object of his abhorrence. Is it that concluding paragraph which is so offensive to the gentleman?

"And it may not be useless that every foreign nation should understand that its aggressions never will be justified or encouraged by any description of American citizens. For, the question for every citizen now is, whether he will rally round the Government of his choice, or enlist under foreign banners? Whether he will be for his country, or against his country?"

I hope it was not this sentiment which bore with it so loathsome a relish; but it is not for me to select those parts of it which he is offended with, and which he has denounced only by general allegations. The gentleman had before, in commenting on the general resolution reported by the committee, remarked that he was opposed usually to abstract legislation, and general declaratory resolutions, viewing it as he did to be usually the resort of weakness or of ignorance; and yet he can himself thus deal in general and sweeping denunciations of that report. It is not for me to make the application of his former maxim. But, says the gentleman, of what use can be the declaration which is set up in this resolution, that the rights, honor, and independence, of our country were violated by the edicts of Great Britain and France—for who questions it? I am glad, sir, to hear at last, from so high authority, that there can be no question raised on this point. Accustomed as I have been for a long time past to be told, through the medium of too many of those prostituted gazettes which live upon the perverted passions of the day, and disgrace the nation which supports them, that this Government and not Great Britain were the real aggressors in the present controversy; that she, instead of being the injuring, was in truth the injured party, and had therefore the best right to complain. I rejoice to see these calumnies at last put down by so commanding an authority, and hope that, from this time, the public are to be imposed upon by them no longer. To those unquestionable invasions of our national rights, the gentleman further agrees, in general terms, that this nation ought not to submit. But what, says he, do your past measures amount to but submission? I well know that this language has been the catch-word of newspaper argument during the Summer past, and am not altogether surprised at hearing the sophism renewed at this time—and how does the gentleman proceed to prove it? Submission, says he, is the agreeing to a thing ordered by another in the manner that he prescribes, or refraining to do a thing that he prohibits you from doing. England says that we shall not trade with France and her allies, and they, in their turn, say that we shall not trade with England. We prohibit altogether the trade with both. His conclusion is, that we submit to the course prescribed by both. But, sir, is the refraining from our trade with both those Powers pursuing that course of conduct which the interest of either of them demands, or the policy and spirit of their edicts against us evidently holds forth? It is as much the interest and the wish of Great Britain that we should continue our trade with her, as that we should forbear it with France and her allies. What have we said by the embargo?—that we

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will forbear the latter and continue the former? No. But that, unless you take off your interdictions against that trade which you wish to deprive us of, you shall not have the benefits of that other trade which it is your interest and your wish to have us pursue. The policy of the French edicts, and their effect upon our interests and rights being precisely similar, the measure which we mete to them is also the same. Again, says the gentleman, the embargo is not only submission to both, but it is aiding directly the policy of both against each other—for, says he, the object of France is to compress the commerce of Great Britain. The withdrawing of our trade aids that policy. The policy of Great Britain is to cut up neutral trade to France, and thereby excite discontent and revolt among her subjects, and the withdrawing of our trade aids that policy. By the gentleman's own argument, then, it is proved that the embargo has operated as a measure of compression, of inconvenience, or, in other words, of coercion against both Powers; upon Great Britain, by compressing and narrowing her trade, and upon France, by withholding her customary supplies; and the very same argument by which he attempts to prove that it is in accordance with the policy of the one, proves also that it is in hostility with that of the other; that it is, so far as it goes, resistance; and this is all that was ever contended for by its advocates. I take the gentleman now solely upon his own argument, without drawing to my aid other considerations which strengthen and explain this conclusion. But the gentleman will allow nothing to be considered as resistance, which is not bottomed on powder and ball; every other measure, as one of coercion, must be submission. In the natural world, every order of animals is endowed with its own peculiar weapons of annoying its antagonist, and waging war in its defence; and most of them are different from each other. Would it be strange if there was a similar variety in the organization of nations. Because Great Britain wages hostility only by ships of war and great guns, does it follow that this country cannot and must not attempt to do it in any other mode, at least for a temporary period? or, because Napoleon attacks his enemies with muskets and bayonets, must the United States be allowed to use only those weapons? Even in open and actual war, fortresses are not always taken by open and direct assault; it is frequently found most practicable to reduce them by the slower operations of a siege, and the withholding of supplies. This may at times be the policy of a nation, and before other means are resorted to, may be a prudent and a wise policy. Those means failing, they must, to be sure, in the last resort, rely upon that which is emphatically called the last appeal of nations, and rest their vindication upon the sword; and upon that I trust we shall, if necessary, not be backward to rest ours.

Proceeding as he has heretofore done to represent to this House the interests and the sentiments, not only of all his own constituents, but those of the whole body of Massachusetts, the

gentleman declares, that, in that State, the opinion that the embargo must at all events be removed, is not only general, but universal with every man of every party. Sir, I protest against the right or authority of my colleague to bring before this House the unanimous sentiments of Massachusetts, or to undertake in himself, alone, to represent their united interests. That the people of that State have suffered, and are now suffering much, from the present pressure of our national concerns, is not denied; that they all ardently desire that our commerce should be opened so soon as is compatible with the great interests of the nation, cannot be doubted; in this wish the interest and the most sincere desires of all here, as well as there, must unite. They have ardently hoped that such a repeal might take place consistent with the policy on which these laws were originally founded at the opening of Congress; and they, as well as the Government itself, had the best reason to suppose, at a particular period, that this might have been done. But that the undivided voice of the people of Massachusetts has ever been expressed unequivocally, that the embargo ought, at all events, and without any regard to the existing or future state of things, to be forthwith removed, is a position of which that gentleman has no evidence. On this subject, the opinions of a large portion of the citizens of Massachusetts, like those of their brethren elsewhere, have been formed upon no decisive system of measures; they repose with as much confidence as they ought to do, in the wisdom and information of the Government, for the adoption of that course which, under all circumstances, shall be thought the most prudent and eligible, and in that course, whatever it shall be, they will, I trust, acquiesce as good citizens, and carry it into effect with an undivided will. But, coming here, says the gentleman, under the impression of this universal sentiment, that the embargo must be removed, and meeting with men who, after hearing the incantations of the great enchanter, intimate that it may be best longer to continue it, I feel utterly astonished, seem to have got into the regions of magic, and ask whether this House is mad! Sir, it would not be the first instance wherein the madman himself has fancied that his own insanity was imputable to others. There is an eminent instance in sacred writ, wherein madness was unjustly charged upon one who spoke to his accuser only the words of truth and soberness. But if the gentleman means to intimate, that by the incantations of any man or men, the members of this House are operated upon by any undue influence, independent of their own judgment and views of propriety; in behalf of myself and those with whom I am generally happy in acting, I repel the charge, and pronounce it altogether unmerited. We know of no such enchantment, and we act under none. The insinuation, if so intended, is altogether unwarranted.

We are asked by the gentleman, in the common language of the day, whether any man thinks that the people of New England are to be indefi-

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nity prohibited from the use of the ocean, and commerce perpetually abandoned? The very words of the report which he so much reprobates furnishes the best answer to this suggestion. It is there stated, that—

“The aggressions of England and France collectively, affecting almost the whole of our commerce, and persisted in, notwithstanding repeated remonstrances, explanations, and propositions, the most candid and unexceptionable, are, to all intents and purposes, a maritime war waged by both nations against the United States. It cannot be denied that the ultimate and only effectual mode of resisting that warfare if persisted in, is war. A permanent suspension of commerce, after repeated and unavailing efforts to obtain peace, would not properly be resistance; it would be withdrawing from the contest, and abandoning our indisputable right freely to navigate the ocean. The present unsettled state of the world, the extraordinary situation in which the United States are placed, and the necessity, if war be resorted to, of making it at the same time against both nations, and these the two most powerful of the world, are the principal causes of hesitation. There would be none in resorting to that remedy, however calamitous, if a selection could be made on any principle of justice, or without a sacrifice of national independence.”

The idea of this perpetual abandonment of the ocean, so often held up as the catch-word of party, is expressly negated by the report, and exists no where but in the imagination of those who sound it. If we can ultimately make our way upon the ocean by no other means, we must fight it there; the only question is, when is the proper period to adopt it.

In his remarks upon some observations which fell from me in the course of our secret session, my colleague asks triumphantly, what are the means which I possess of knowing the actual situation of the various classes of people in Massachusetts, under the operation of the embargo? I have travelled more than once, during the Summer past, from the seaboard to the western frontiers of that State. Has the gentleman himself done as much? But have I been in the cities, seen the general desertion of their streets, and the ships rotting at the wharves? Yes, sir, I have been more than once in more than one of our principal cities, but have not seen that total desertion of the streets which is spoken of. I have seen, indeed, a great contrast to the picture exhibited in those times of profound peace and unparalleled prosperity which immediately preceded the present stagnation of business. But I have still seen much occupation and pretty general employment of some sort or other, for most classes of the citizens, but have seen or heard of no one starving in those streets. But have I conversed with merchants? Yes, sir, I have even conversed with merchants; have been to this oracle of all wisdom, as the gentleman seems to look upon them. I have conversed freely with more than one merchant, who had himself as many of his ships rotting at his wharves, as had most merchants of our country, and have found many of them, though suffering their full proportion of the

general pressure of the times, satisfied that nothing better could have been done; convinced, that by the adoption of any other alternative, they could not have expected immediate relief, and willing to forego their immediate interest for the general good of our country; with a full confidence that Government had done the best that was in its power for their relief. It is far from my intention to be understood that the state of our national affairs has not been sensibly felt, and the industry of our citizens much paralyzed, in that part of our country, by the operation of these measures. It certainly has. But my object has been, both now and the other day, only to express my opinion, that the tragic picture of general ruin and universal suffering drawn by my colleague, a ruin so wide that every eye could see it, and a suffering so deep, that every man must feel it beyond endurance, was altogether overcharged and exaggerated, and this, so far as my information extends, I feel no hesitation in asserting.

It is pronounced in an emphatic and commanding style, by the gentleman, that these laws must be repealed, and for this imperative reason, that the public mind is against us, that we cannot expect to be able to enforce them much longer by any means, and that there exists a control over this body in the nature of things and in the Constitution. Sir, I agree there is a control, in the Constitution, over all our acts; but I had hoped, after this question had once been submitted, as it has been, to the decision of that tribunal whose judgments that gentleman and his friends had been heretofore so much in the habit of respecting, and when, after a solemn argument, an opinion sanctioning their constitutionality had been given upon great deliberation and advisement, by a judge of great legal weight and personal respectability, and whose opinion, from his known political character, could not be suspected of any party views; after all this, I had hoped that we should have heard no more suggestions about the unconstitutionality of this law; particularly from a quarter where we had been accustomed to hear the doctrine that the judicial power was supreme, controlling not only the exercise of individual rights, but also the power of every other branch of the Government. But we are told that a judicial decision is one thing, a popular decision may be another. Indeed, sir, has it come to this, that having appealed from the opinions of your legislative department, in all its branches, to that oracle of the Constitution, the Judiciary, and finding even that against them, we are now to be threatened by an appeal to the people, over the heads of the whole Government? It is now some years since the country was put into fermentation by the irregular conduct of a foreign incendiary, in affecting to appeal from the decision of your Executive branch alone, and I did not expect to have seen this course of conduct so soon revived in a more exceptionable manner by my honorable colleague. But when he speaks of a control over our proceedings existing in nature, what can he mean? He says, not by open insurrection. Sir, I trust that considerations of a control existing

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over the acts of this Government in any source except the limitations of our Constitution, will not be suffered to influence our judgments in the exercise of our representative functions; they ought not to do it, and I trust they will not. But the public sentiment, we are told, is setting too strongly against us, and it is in vain to think of executing our laws in defiance of public opinion. It would be in vain, sir, to conceal that the public prejudice in the Eastern section of the Union has been too successfully operated upon by designing men, and a spirit of opposition to, and evasion of, these laws, most shamefully excited. And how has this nefarious object been effected? By the grossest misrepresentations and most palpable perversions of the objects, the causes, and the policy of this abused measure. By calumnies and misstatements emanating too often apparently from the seat of this Government. I have now in my hands a sample of one of them, which, among a thousand others of the same sort, has accidentally fallen under my notice.—[Mr. B. here read the following extract of a letter in the *Boston Repertory*, of the 22d instant, purporting to be written from Washington and dated November 15, 1808:]

"It is said (and there can be no doubt of the fact) that Mr. Armstrong has written a letter in which he has this observation: 'We have greatly overrated our means of coercion, the embargo is not felt here, and in England it is forgotten. I wish it was raised.' Notwithstanding this, these stupid politicians are determined to keep it on until they altogether destroy your commerce; and I believe it would give them not the least uneasiness to see a lighted torch put to your shipping at the wharves; indeed, I have heard some of them say as much."

Sir, I hope misrepresentations of this sort do not issue directly from this House, and yet the sentiment which has just been read is too much in accordance with the representations which, in the course of the last Spring, were given in handbills, circulated in a certain part of Massachusetts, purporting to be an address made to a public meeting of his constituents by an honorable member of this House, who had just come from the seat of our deliberations. We were there told of confidential and undisguised disclosures made to that gentleman by members of this House from the Southern section of the Union, that, in their opinion, our national commerce was rather an injury than a benefit, and that its advantages were not worth its protection. I do not know whether the gentleman to whom the propagation of such information was thus publicly imputed, is willing to be responsible for that which was attributed to him in the publication last alluded to; nor have I heard that he has contradicted it, and the declaration has been left to work its effect upon public prejudice. Sir, it is by calumnies of this sort that the feelings and jealousies of our citizens have been played upon, and this hostility against your laws excited. And, after all, these operations have been brought into action, gentlemen come and tell us that the public opinion in Massachusetts is setting against us, and that so repug-

nant are our laws to the feelings and habits of our people, that they cannot be executed. Sir, the people of that State and of all New England, are a people vigilant of their true interests; jealous, and very properly jealous, of their personal and commercial rights, and resolved to vindicate them against wanton aggression from any quarter. Goaded as they have been by artifices like these, and operated upon by misrepresentation of the views of their Southern brethren, and of the object and policy of our laws, is it strange that they have been wrought up to feverish habits, and that the execution of those laws is evaded, and in some few instances resisted? I trust that the means of true information which we have lately diffused among them, will, in a good measure, correct those misconceptions, and allay those prejudices which have been thus artfully and wickedly excited.

We are next told by the gentleman, that you cannot identify the violator of these laws with the common, unprincipled smuggler, that those who break them will not be considered as "the most worthless part of society," and therefore disreputable among their fellow-citizens. And why, sir, can you not? Because, says he, the temptation to violate is so strong that human nature cannot be expected to resist it; that the patriotism of your merchants, though it may induce them to shed their blood for the good of their country, cannot be expected to lead them to sacrifices which this system calls for. It is, sir, a rule in morals and ethics, that virtue is not virtue until it is put to the test by the ordeal of temptation; so in politics, that sort of patriotism which cannot withstand a pecuniary temptation for the good of our country, is not to be counted upon. But can it be that the gentleman has given us a correct character of the sort of patriotism of his mercantile friends; that they will consent to almost any sacrifices for their country's cause, even to the spilling of their blood, but touch their property and you touch them to the quick, and they shrink? Sir, I trust he has not done justice to the character of our merchants, and I cannot suffer his views of them to prejudice them in my esteem. They will, I trust, if our country calls, offer up not only their bodies and their blood in her cause, but will even consent to part with a little of their property, if necessary. I know that many of them would part with their all rather than they would brook dishonor.

No man, it is said, now believes that the professed objects of laying the embargo have been or can be at all answered by its continuance. The question of its continuance not being now before the House, I shall notice only some observations of my colleague as to its past effects. He says, that, as a saving of resources, the loss sustained by the country has already been greater than the saving. And how does he draw his comparison? By resorting to an estimate of our revenues—of the amount of our freightage, and the value of our shipping, taken in a year of profound peace, and at a period of prosperity unexampled, not only in the history of this nation, but of the world. He

then compares the aggregate of these with an estimate of the present probable amount of revenue accruing, and the value of our freightage and shipping. But, is this comparison a fair one? Will it be pretended, that under any measure which could have been adopted, to meet the unprecedented state of things in which, by the violence of other nations, we have been placed during the past year, that state of prosperity which we had before enjoyed would not have experienced a great and a sensible change—that the amount of our revenues would not have suffered a serious diminution, and the freightage and vessels of our merchants have sunk to a very disproportionate value, compared with former times? Sir, it cannot be pretended but that such, under whatever measures had been pursued, must have been the result. The contrast presented to us by the gentleman is therefore utterly fallacious. But it may, with propriety, be considered, that all that portion of our resources, which, by being kept at home, has not fallen into the hands of our enemies, may be said to be saved to ourselves, even though their value in our hands should be greatly diminished, or even annihilated. It has not been suffered to increase their resources, and multiply their means of annoyance against us. This consideration is certainly not without its weight.

The gentleman dwells much upon the unequal pressure of this measure, and its unfair operation upon the different sections of the country. The inequality is, in my view, by no means so great as he supposes. It affects most classes of our country who have anything to affect, and those who have not, are frequently as loud against it as any other part. But the same argument would probably apply with nearly equal force against any other measure which, in any event, might be necessary to assert our rights and vindicate our commercial interests. In the event of war, (which the gentleman allows must sometimes be resorted to,) the seaboard and frontier settlements, being most exposed, must be subject to the greatest depredations, and experience the severest pressure. The great towns may be bombarded, their property ravaged, and their habitations levelled with the ground. Would our cities therefore say that we never must have war, even to save the country? These partial and unequal sacrifices for the general good always have been, and always must be, submitted to. It arises from the nature of things—is inevitable from the situation of the country—and does not grow out of this or any other particular course of measures; and especially ought any little inequalities to be submitted to, when the great object of the measure is to assert that particular interest in which the inhabitants of our cities are supposed by the gentleman to have a paramount interest.

We are warned by the gentleman not to appeal to the spirit of 1776, in aid of the general course of measures which have been taken in vindication of our rights. He tells us that the spirit of that day was one entirely different from that which governs the policy of these times; that it was a spirit of action, and not of passive submission—

not of restrictions upon our commercial enterprise, but of active exertion.

Mr. QUINCY here said that he had not used the words now imputed to him; he said the word *embargo* was not to be found in the proceedings of that day.

Mr. BACON.—I will show the gentleman how much he will gain by his play upon words. [He then proceeded to read from the Journals of the old Congress the following paragraphs from the non-importation and non-exportation association of the Colonies, entered into by Congress, and recommended to the Colonies.]

Mr. QUINCY asked what was the date of those proceedings?

Mr. BACON answered, October 20, 1774.

Mr. QUINCY said, his expression was, that no such measure was taken in 1776.

Mr. BACON.—The gentleman is welcome to his hair-breadth escapes and his repeated explanations. I will soon bring him down to 1775—a period not very unlike 1776 in its principles and objects; nor is a non-exportation measure altogether different from an embargo.

[The following are the paragraphs referred to:]

“To obtain redress of these grievances, which threatened destruction to the lives, liberty, and property of His Majesty's subjects in North America, we are of opinion that a non-importation, non-consumption, and non-exportation agreement, faithfully adhered to, will prove the most speedy, effectual, and peaceable measure. And therefore we do, for ourselves, and the inhabitants of the several colonies, whom we represent, firmly agree and associate, under the sacred ties of virtue, honor, and love of our country, as follows:

“1. That, from and after the 1st day of December next, we will not import into British America, from Great Britain or Ireland, any goods, wares, or merchandise, whatsoever; or, from any other place, any such goods, wares, or merchandise, as shall have been exported from Great Britain or Ireland. Nor will we, after that day, import any East India tea from any part of the world; nor any molasses, sirups, paneles, coffee, or pimento, from the British plantations or from Dominica; nor wines from Madeira or the Western Islands, nor foreign indigo.”

“4. The earnest desire we have not to injure our fellow-subjects in Great Britain, Ireland, and the West Indies, induces us to suspend a non-exportation until the tenth day of September, 1775; at which time, if the said acts and parts of acts of the British Parliament, hereinafter mentioned, are not repealed, we will not directly or indirectly export any merchandise or commodity whatsoever to Great Britain, Ireland, or the West Indies, except rice to Europe.”

This was in 1774. Again, on the 1st August, 1775, I find this further resolution:

“Resolved, That, under the prohibition, in the said association contained, to export to or import from the islands of Great Britain and Ireland, this Congress intends to comprise all exportation to or importation from the islands of Jersey, Guernsey, Sark, Alderney, and Man, and every European island settlement within the British dominions; and that, under the denomination of the West Indies, this Congress means to comprehend all the West India islands, British and foreign, to whatever State, Power, or Prince, belonging, or by

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whomsoever governed; and also the Summer islands, Bahama islands, Berbicia and Surjnam on the Main, and every island and settlement within the latitude of the southern line of Georgia and the equator."

Thus far, sir, did the patriots of '76 commence their resistance to foreign subjugation by an embargo, and I was indeed surprised to hear my colleague endeavoring in this point of view to contrast the policy of that period and the present one, and now shielding himself from his error under a mere play upon the words by which, at different periods, the same measure happened to be called. I repeat it, then, that the spirit of the Revolution is not inaptly invoked at this crisis, nor are the measures of 1808 dishonored by a comparison with those of '76. The objects of that day and of this are substantially the same, and I trust that the same ulterior measures, and the same spirit will be found, if necessary, to carry us through the struggle.

But the gentleman protests against the suggestion of our having to pay tribute under the British orders, being brought into the debate to influence our prejudices, or alarm our apprehensions; he calls it the mere stalling-horse of party, and begs that it may be put out of the debate. He will excuse us if we cannot consent to lay aside in complaisance to him a consideration which this House and this nation never can and never ought to overlook. He does not deny that such is the requirement of the British Government; that our exports before they can go from this country to the Continent of Europe shall first enter at a British custom-house, and pay a duty to be fixed by that Government; but, says he, there is no danger that our merchants will ever pay it, because, by the French decrees, the very circumstance of their coming from England and paying the duty, subjects them to confiscation as soon as they shall arrive at a continental port. But the gentleman well knows that such of our merchants as have been allured by an improper thirst for gain, have long been in the habit of going with their cargoes from England to the Continent, notwithstanding the decrees; contriving by false and forged papers, purporting to be made out from American custom-houses, to conceal the fact of their having actually sailed from England. This is a thing now of public notoriety. There is, I am told, more than one instance of the official evidence of it in this city, and it is proved by British publications of the highest authority to have for some time been a course of business extensively pursued; and it is even said that there are in London offices where all the necessary papers for a vessel sailing from all the principal ports in the United States are to be purchased by the ream. What, then, has the commander of an American vessel, anxious to make a profitable voyage to the Continent of Europe, and unable to get there directly on account of the British orders, to do, but what it is proved too many of them have been in the habit of doing for a long time: visit Great Britain, pay the duty required upon his cargo by the acts of Parliament, purchase his forged papers giving

him the appearance of coming directly from an American port, and thus complete his fraudulent voyage. But, says the gentleman, we can by our laws prohibit this procedure, and effectually punish and prevent those who would otherwise be base enough to attempt it; is this to be believed, sir? He had but a little before told us that the temptations of profit to evade our embargo laws were so great, that our merchants could not be expected to resist them; that it was too much to require of human nature, and we could not therefore execute these laws on our own soil. I ask whether the temptations of a profitable voyage to the Continent—and vastly profitable they are when they can be got through with—will not render it quite as difficult for those upon whom they operate to resist them, and whether we can expect to repress this spirit of cupidity in our citizens three thousand miles off, more easily than when they are upon our own shores? Certainly not. This disgraceful tribute, therefore, will be paid, and the consideration of it is a just and serious subject for our attention.

In answer to the inquiry which the gentleman very properly anticipated would be pressed upon him in relation to the course which in his judgment ought originally to have been pursued, instead of the one which he so much reprobates, he very modestly tells us, that it is not for him, a solitary individual, to offer his projects for the Government, though our course, he adds, is as clear as the milky way, if we would but see it. Sir, the honorable gentleman is not generally so over modest that he dare not even hint his projects to the House; nor indeed ought he to be. His talents and information will entitle him to assume a very different attitude, and he is generally not very backward in assuming it. If he or his friends have in truth some grand specific which would at once cure all the diseases of the nation, surely it is but a duty of patriotism in them to bring it forward, and let the nation see it. When they are in the habit of reprobating every other measure that can be proposed or adopted, we have a clear right to demand of them their project; we have a right to ferret them out of their lurking holes, and in the name of the nation, to demand a disclosure; but there is no danger of their disclosing that which they have not to disclose. They know full well, that in the peculiar state of this country and of the world, it is out of human power to point out any course which shall at once assert our rights, and not press upon the popular pulse and the general interest. It is safest, therefore, to deal in general assertions. The gentleman is willing generally not to submit; he would resist—but how? Why possibly it may be war. The gentleman condemns general abstract forms of legislation, as the general resort of weakness and folly. I do not think so of his general unspecified professions in relation to this subject; on the other hand they are in my view the expedient of art, of address, and of cunning, for the purpose of avoiding responsibility and commitment, and so must be received by the nation.

In conclusion I will only add, that I am rejoiced that we are likely at last to unite in one position; that the edicts which have been levelled at us are an unquestionable violation of the rights, honor, and independence of our country, and that they are not to be submitted to. I trust that the nation will follow us in this determination, and that like them, after having exhausted every other means of conciliation, and tried every other alternative, if they shall continue still to be driven from one stage of oppression to another, until having retreated to the very wall, they can consistently submit to aggression no longer; that they will then, like their fathers of 1776, without waiting to estimate the exact amount of their means, resolve at all events to vindicate their unquestionable rights, and trust to the sword for their defence.

Mr. BACON concluded by saying, that as the question of the future continuance of the embargo had been expressly left open by the committee, so he did not wish to be understood as expressing any opinion on that point. His motive in rising had been principally to vindicate the report of the select committee from the attacks of his colleague, to repel his animadversions upon its past policy and operation, and to notice some of the particular allusions to himself.

Mr. SLOAN said he should not, in asking the attention of the Committee to the remarks to which he was about to make, attempt to follow the observations of the gentleman from Massachusetts who had preceded him; and he hoped that his honest confession that he neither arrogated to himself the eloquence or information of that gentleman, would be an excuse for his blundering along in that manner of which he was capable. He first observed, that he had waited with great anxiety and much impatience to hear the commencement of a debate, which, from the importance of the subject and the suffering situation of his beloved country, he had expected would have been commenced in the first week of this important session. He had been rejoiced, therefore, to hear the resolution early brought forward by his worthy friend from Vermont, but was sorry that, at that time, observations had been made calculated to rouse into action all the angry passions which are so injurious to free discussion. This being his opinion, and having always entertained the opinion that more advantage was to be gained by discussing coolly, than in retorting with virulence and pursuing with precision, the arguments of others, he should make but little or no allusion to the observations of gentlemen who had preceded him. Mr. S. said he should—

1st. Briefly notice an observation of his friend from Massachusetts, (Mr. QUINCY.)

2dly. He should state his objections to the embargo laws as they now stood.

3dly. He should give his opinion of the effect of these laws on foreign nations.

4thly. He would consider their operation on ourselves; and

5thly, and lastly, conclude with a few miscellaneous observations.

First, my friend from Massachusetts observed, that when one cheek had been slapped by Great Britain we have turned the other. Hearing this observation, I was induced to look minutely into the Message of the President of the United States to see whether this be true or not; and, having done so, I beg leave to dissent from his opinion. The President says:—

“Under a continuance of the belligerent measures, which, in defiance of laws which consecrate the rights of neutrals, overspread the ocean with danger, it will rest with the wisdom of Congress to decide on the course best adapted to such a state of things; and bringing with them, as they do, from every part of the Union, the sentiment of our constituents, my confidence is strengthened that, in forming this decision, they will, with an unerring regard to the essential rights and interests of the nation, weigh and compare the painful alternatives out of which a choice is to be made.”

Now, sir, permit me to say, that this sentence does not warrant the construction put upon it; for I understand the President as having made no decision, but as having left the subject wholly to the Representatives.

It has been argued, that there is no alternative at this time but embargo or war. Did I believe this to be the fact, I should be of an opinion very different from that which I now entertain. But I do not believe that war will necessarily follow a removal of the embargo. I find, by reference to the fourth volume of the laws of the United States, that matters were carried to such a height between this country and France ten years ago, that the vessels were permitted to arm for their protection. What was the consequence of this? Did war ensue? In my apprehension it did not. I say, in my apprehension, because I recollect, at the last session, the House was divided in opinion as to the meaning of the word “war;” for some said we were at war last session, and others said we were not. In my opinion, therefore, as war did not follow the arming our merchant vessels, neither will it follow the removal of the embargo.

I will now state my Constitutional objection to the law. In the Constitution I find a power given to the Congress of the United States “to regulate commerce.” This is the only section from which the power of laying an embargo is derived. Now I address myself to the plain understanding of every member in the House, and ask whether the power to regulate be a power to annihilate? Expressing myself in my unlearned way, suppose I employ a man a number of days to regulate my orchard, do I authorize him to cut it down? Certainly not. There is a power given to Commissioners of this city to regulate the markets; have they, therefore, a right to prohibit them? I contend not; they are appointed to keep them in order, and improve them. I would not be understood as saying that Congress have not a power to lay an embargo for a short time; but I do contend that they have not power to pass a law without limitation. I voted for the first embargo law

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and for two supplements. Many members can bear me witness, that I opposed the third, and could I have voted upon the whole at that time, I would rather have voted against them than have voted for that supplementary law, which I considered oppressive and ruinous to the citizens of the United States. I considered it as acting unequally, and therefore unjustly; as much so as if Congress were to pass a law prohibiting the citizens of the United States from the interior of Pennsylvania or New York from taking their produce from their field or garden to carry it to market; and if any member in this House can satisfy me that there is any substantial difference between this, and prohibiting persons who had laid out their all in purchasing coasting vessels from carrying produce from one port to another, then I may be convinced that the third supplement was proper. I was willing to apply Constitutional power to prevent our citizens from exporting to a foreign market; but I would not prevent them from carrying produce to any place they conceived most convenient and ready, when the embargo should be raised, to make the most of it.

I will now give my opinion of the effect which this law has had upon foreign nations. I will not dwell upon the causes which produced it, nor the motives which induce others now to wish a continuance of it, for I believe the Representatives of the people never to have any other object in view than the public good. I conceive, however, that this measure has been pleasing to the British Government, for the reason that that Government has always been jealous of our commercial prosperity. The glorious luminary of Heaven is not more obvious to my view than that measure is giving them all that they wish. Methinks I hear them felicitating themselves on the arrival of the blessed time when they should not only occupy every sea, but become the carriers of the whole world. The embargo I consider as calculated to favor their purpose. Spain is nobly contending for her rights, and this I say, because I think every nation under Heaven is entitled to a choice of its Government; and the embargo prohibits our furnishing them with supplies. It also prohibits the export to St. Domingo, and other places against which we have no cause of complaint, and which the Emperor Napoleon is endeavoring to subjugate. Therefore I consider it perfectly congenial at this time to the will of the Emperor of the French, while England is at the same time enjoying that trade to St. Domingo and elsewhere, which would be extremely beneficial to us.

Now as to its effects upon ourselves, I consider it as acting partially and unequally upon different parts of the country, and that it must, in a short time, if continued, reduce to distress a large portion of the industrious part of the community. I mean those who have purchased land which they cannot pay for, those whose dependence and usual occupation is fishing, those who are solely employed in the coasting trade, and the seamen employed in conveying produce; as much they

will be distressed as if Congress were to pass a law that the farmer or planter should farm or plant no more. In making these observations, I conceive that I am fully justified by sentiments which I have gathered from a large portion of citizens, particularly in the city of Philadelphia, which ranks as one of the first in the Union. I live near them, and think it my duty to inform the House that, for months before I left home, I was wearied with the cries of those suffering from the embargo, and hoping that something might be done for them. One woman says, "my husband has been out of employ so long, the family is starving; the embargo has ruined us; we cannot live over the winter." These cries, Mr. S. said, met his ears, and he always hoped to be sensible to the sufferings of the weak, and to be able to plead their cause.

Mr. S. adverted to the late elections in Pennsylvania, which he said were no proof of the approbation by the people of the embargo. He said that whatever he might be considered elsewhere, he was in the city of Philadelphia considered a Democratic Republican, and that the Republicans there said to him, if not to others, "we will support our principles; but we hope something will be done for us, for we cannot support the embargo." Mr. S. deprecated the making this a question of party. Did he come here to legislate for Democratic Republicans only? No; and it would hurt his feelings as much to hear the cries of the wife of a poor suffering Federalist as of the wife of a Democratic Republican.

Mr. S. concluded with miscellaneous remarks of some length. He exhorted the Representatives not to take a partial view; each of them ought to look widely around him in the performance of his legislative duty; to resemble Him, according to the poet,

"Who sees with equal eye, as God of all,
"A hero perish or a sparrow fall."

He alluded again to the distress in Philadelphia and elsewhere; spoke of the enormous and usurious interest he had of late known to be paid on money; stated the evil consequences of permitting the dishonest violators of the laws to make fortunes at the expense of honest citizens, and its tendency to promote evasion of revenue laws hereafter. He hinted at the danger of opposition to the laws from citizens with arms in their hands, and finally observed that he wished the embargo laws wholly repealed; though he might be induced to vote for any measure which should be thought proper to supply their place.

Mr. SMITH said he just rose to express his feelings at the fatherly regard the gentleman (Mr. SLOAN) had manifested for the people of Pennsylvania. He had expected, however, that he would have furnished the House with an account of the state of the people in his own district. It was a little strange that the city of Philadelphia, which had two Representatives on the floor, should have chosen the gentleman from New Jersey as the organ for communicating their complaints to the House. From them there had been no complaint. Indeed, there had been no petition

or remonstrance from the State of Pennsylvania respecting the embargo. Perhaps the reason the gentleman from New Jersey was applied to was, the great weight which it was known he had in the House. But with respect to Pennsylvania the Government might be easy. He pledged himself that that State would support Government in all Constitutional and necessary measures, notwithstanding what had been said by the gentleman from New Jersey.

Mr. SLOAN said he would just observe that this was the first time that he had ever heard that a member from any particular State could not give his opinion as to any other State in the Union.

Mr. RHEA, of Tennessee, said that the report of the committee to whom had been referred that part of the Message of the President, which respected our foreign relations, was now out before the sovereign people of the United States; and while their Representatives were deliberating concerning it they also were considering and making their opinions of it.

It is desirable, said he, that this first resolution may have the support of every gentleman in this House, and that there may be a concurrence on the reasons which will decide the vote of this Committee on this resolution.

This resolution is a proposition deduced from the facts stated in the report; the report is a concise and correct statement of the case between the United States and Great Britain, and between the United States and France, respectively. It virtually is an appeal on behalf of the United States, and a declaration or manifest to all the world. It is not a declaration of independence; but a declaration is implied in the proposition, that is to say, the rights, honor, and independence of the United States are violated by the late edicts of Great Britain and France, and the United States cannot submit to the said edicts. To declare the United States of America free, sovereign, and independent, does not remain to be done. On the fourth day of July, in the year one thousand seven hundred and seventy-six, the United States of America were declared free, sovereign, and independent—that declaration was made with the noise of drums, the sound of trumpets, the thunder of artillery, and the shouts of thousands of brave men in arms. The sound of that declaration was loud and strong; it passed over and vibrated on the shores of the Atlantic, bounding the nations of Europe. The nations heard the sound, and all, except one, (Great Britain,) hailed with welcome the origin and rise of this new nation in the West, and said “let it be perpetual.” Great Britain itself, after a bloody seven years’ war, was compelled to acknowledge, in due form, by solemn treaty, that the United States of America were free, sovereign, and independent, as they had declared themselves to be, and that declaration is engraved on the tablet of eternity, and will never be erased.

The United States, sovereign and independent, have certain attributes and properties, and rights, without which sovereignty cannot exist. Among these may be numbered a supreme power

of legislation, of ordaining and executing their own Government—a right to pursue their own happiness—to cultivate their own fields—to manufacture articles, such as may be deemed proper, and to navigate the ocean, in the exercise of commerce, agreeably to public law and public reason. “In the beginning, the ocean was composed of elementary particles, free and voluble, being part of the great donation to the human family, and rolling on the shores of islands and continents, it presents itself for use. The ocean is the right and common property, and the great road of all nations who may choose to use it.”

The late edicts of Great Britain and France stated in the report, are the cause of the resolution now under consideration. An object of the resolution is to, pledge every citizen, and every State and Territory of the United States, mutually and reciprocally to each other, in the support and maintenance of the rights, honor, and independence of these United States—for, (in the language of the report,) the question for every citizen now is, whether he will rally round the Government of his choice, or enlist under foreign banners; whether he will be for his country or against his country? An effect of the resolution, if agreed to, will be confidence of the citizens mutually in each other, and they will be, as they are, and ought to be, “a band of brothers.” There is reason to believe that various reports, the offspring of discord, and injurious to the United States, have occasionally, by accident or design, reached foreign Powers; the resolution, if adopted, will have powerful effect in evidencing the unreasonableness and inconsistency of all such reports.

Mr. R. said by the word edicts, used in this resolution, he understood all the Proclamations, Orders of Council, acts of Parliament, and decisions of Courts of Admiralty of Great Britain, and all the decrees and decisions of the tribunals of France, which violate the rights, the honor, and the independence of the United States. If it shall be asked, how are the rights of the United States violated by the edicts? It is answered—the report of the committee states how. Let the thousands of the seafaring citizens of the United States who are impressed, and separated from their friends, families, and country, have been forced on board of British armed vessels, and therein compelled to fight against nations with whom their country is not at war, speak and answer. Property to the amount of many millions of dollars belonging to citizens of the United States engaged in lawful commerce, consistent with the principles of public reason, has been captured on the ocean, and condemned by Courts of Admiralty, in pursuance of the same edicts; let that property answer. If it be asked, how is the honor of the United States violated by the edicts? It may be answered, that the United States, intent to preserve peace, and to continue in possession of those blessings which constitute national happiness, heretofore have not appealed to the sword, but endeavored by friendly negotiation to obtain redress for injuries and vio-

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lences committed on them, in consequence of the same edicts; and from the same peaceable conduct, cause may be assumed to suppose that the United States will not do what is in their power to do to obtain satisfaction for injuries received, and to prevent in future the operation of the edicts.

If it be asked, how is the sovereignty of the United States violated by the edicts? It is answered, by the Constitution of the United States the Congress have power to establish an uniform rule of naturalization; that several persons, emigrants from the British dominions, have, since the Treaty of Peace with Great Britain, arrived in the United States, and in pursuance of laws of naturalization enacted by Congress have become citizens of the United States; notwithstanding which, by a late proclamation of the King of the United Kingdoms of Great Britain and Ireland, all such emigrants are required to return to the dominions of the said King; which requisition, so far as it can, goes to make void and of no effect the naturalization and citizenship of the same persons, and to contravene and repeal the laws in virtue whereof they became citizens, and to supersede and overthrow the Constitution, and Government, and sovereignty of the United States.

If the edicts of Great Britain and France are submitted to, what rights of the United States will be sacrificed? The neutral rights of the United States will be destroyed, and the right of navigating on the ocean, consistent with the rules of public reason, will be annihilated, and their commerce will be subservient to the rules, regulations, and laws of foreign Powers.

The United States, by the ever to be remembered Declaration of Independence, took high ground among the nations of the earth. The great men who, on behalf of this nation, signed their names to that declaration—their successors and followers, and citizens of every rank, who carried on the mighty work of Revolution, and in any manner assisted therein, persevered against all opposition, and finally succeeded in the establishment of this nation on the high ground which had been taken and manifested to all the world, in the same Declaration of Independence. A submission to the edicts will be descending from the high stand taken by the Declaration of Independence, and a sacrifice of the honor of the United States. Mr. R. said, let the members of this House read the Declaration of Independence—let them read the last paragraph of that declaration—let every citizen of the United States read it—and then let every one lay his hand on his breast and ask himself, am I prepared to depart and descend from the state and situation which the great and good men who effected the Revolution placed me on? If there be any one who will openly say and avow, that he is willing and prepared to descend from that state of national honor, let him say so—let him speak out, that he may be known.

¶ If the edicts are submitted to, how or in what manner will the independence of the United

States be sacrificed? Wherever supreme legislative power is, there dwells sovereignty. Whatever nation has power to impose laws on another, is sovereign to that other. If the edicts are submitted to by the United States, the United States will be bound by the Proclamations, Orders of Council, acts of Parliament, decrees and decisions of Courts of Admiralty of foreign Powers, in making, enacting, and ordaining, whereof they, the United States, had no voice. Where this state of national existence begins, national sovereignty ends, and a species of colonial or territorial, or tributary existence commences.

This proposition, said Mr. R., is a resolution properly, that is a determination; and, when agreed to, will be an expression of the will of this nation—a firm, immovable, irrevocable determination not to submit to the late edicts of Great Britain and France.

Mr. R. said he had no design to offer any amendment to the first resolution reported by the committee, but for argument or illustration would suppose a motion made to amend it, by striking out the syllable "not," in the word "cannot," in the first line of the resolution, so that it might then read—"Resolved, That the United States can, without a sacrifice of their rights, honor, and independence, submit to the late edicts of Great Britain and France." And suppose that amendment was agreed to, and this resolution so amended, should, together with the report, go out to the sovereign people of this nation for their inspection and approbation; what would they think? What would they say? What would they do? What would they not do? What would they not inflict on us, their Representatives, for agreeing on their behalf to such a dishonorable resolution? They would, and justly too, hurl vengeance on our devoted heads for sacrificing their rights, their honor, and their independence. Let us beware; the never-sleeping eye of the mighty spirit of this injured nation is watching and observing us, is marking and noting down all our conduct. This first resolution, Mr. R. said, is a complete text—every word of it is expressive—it is expressive of all the injuries, outrages, and oppressions, that these United States have, for many years past, endured from unjust and overbearing force and power. To add to or subtract from this resolution would destroy it; and every proposed amendment must have that object in whole or in part in view.

Mr. R. said he had not been able to please himself in doing justice to the merits of the resolution; that he had stated only some of its great outlines, and must submit a further elucidation of it to any gentleman better prepared who may think proper to do it. He said he considered the resolution under consideration all important—at this particular time more peculiarly so—and that it would have his support.

Mr. R. said he did not wish to make a text of any observation of any gentleman; but as the word *tribute* had been mentioned, and some gentleman had said that that word ought to be discarded and dismissed from the debate, it was not

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his inclination to dismiss or discard that word. He thought the term appropriate—that the word tribute was nearly synonymous with the word tax or toll—that if a man is authorized by law to fix a turnpike on a highway or great road, and to collect from travellers a certain sum of money, that is called tax or toll. If a man is possessed of force and power sufficient to enable him arbitrarily or despotically to establish a turnpike gate on a highway, and to compel every passenger to pay to him a sum of money, say one dollar, for liberty to travel on the road to pass through the gate, that dollar in that case may properly be called tribute.

Mr. R. said, he contended that the ocean was a highway of nations, and if any one nation, for instance Great Britain, was possessed of maritime power and force sufficient to compel any other nation engaged in commerce to land its produce and pay tax or duty for it, to have liberty to convey it on the ocean to any third nation, that tax or duty may be properly denominated tribute; because the nation paying it is by superior force and power compelled to pay it to that nation who, by force, has arbitrarily and despotically, and contrary to public reason, erected an imaginary turnpike on the ocean to the complete destruction of all neutral commerce, and to effect and establish a perfect system of universal commercial monopoly. Mr. R. said he admitted that the maritime power of Great Britain was superior, that it extended over the ocean from the rising to the setting sun, and from the frozen ocean in the South to the frozen ocean in the North; but that notwithstanding this, he never would agree that the United States shall submit to the edicts of Great Britain. He said he also admitted that the power of France on the Continent of Europe was superior; notwithstanding that, he would never agree that the United States shall submit to the edicts of France. He said it was his opinion, and he firmly believed, that the sovereignty and independence of the United States were placed on a firm and immovable foundation, and could not be overturned, and that they would be rising in virtue, honor, in greatness, in power, and in national happiness and felicity, when some of the nations who now oppress them would be sinking into corruption, mouldering into ruin, and blotted out, except in remembrance. Nations, in respect to existence, he said, are as trees in the forest; the loftiest, proudest oak, that has stood firm against the storms of ages, originating from an acorn, vegetating to greatness, and lifting its high head to the heavens, at length attains its utmost—decay begins, corruption progresses, it tumbles down from its height, and lays prostrate on parent earth, there it dissolves and returns to its pristine indiscriminate condition.

When Mr. R. had concluded,

Mr. Cook moved that the Committee rise and report progress—negated, 55 to 50.

Mr. RANDOLPH begged leave to renew the motion that the Committee now rise, report progress, and ask leave to sit again. He did this from a

knowledge that some gentlemen had already left the House from indisposition, and others would soon follow their example, unless the Committee would indulge them by rising.

The motion was carried, ayes 71, and the House immediately adjourned.

WEDNESDAY, November 30.

On motion of Mr. HOLMES,

Ordered, That the Message of the President of the United States, of the sixth of February, one thousand eight hundred and seven, and a report of the Secretary of State of the fourteenth of December last, relative to a claim of the legal representatives of the late Caron de Beaumarchais, with the documents accompanying the same, be referred to the Committee of Claims.

Mr. D. R. WILLIAMS, after a few prefatory observations, offered the following resolutions, the first of which was referred to the Committee of Commerce and Manufactures, but not acted on, last session:

Resolved, That the Committee of Commerce and Manufactures be instructed to inquire into the expediency of prohibiting the entry of any vessel into the United States from any port or place, to which a vessel of the United States is not admitted by permanent regulations of the Government owning such port or place, or by treaty.

Resolved, That the Committee of Commerce and Manufactures be instructed to inquire into the expediency of prohibiting the masters, commanders, and owners of vessels of the United States from receiving British licenses, and of enforcing the return of all vessels of the United States now without the same."

These resolutions were agreed to without opposition.

The following Message, was received from the PRESIDENT OF THE UNITED STATES:

To the House of Representatives of the United States:

According to the request of the House of Representatives, expressed in their resolution of the twenty-fifth instant, I now lay before them a copy of my Proclamation of the nineteenth of April last.

Nov. 30, 1808.

TH. JEFFERSON.

By the President of the United States.

A PROCLAMATION.

Whereas information has been received that sundry persons are combined or combining and confederating together on Lake Champlain, and in the country thereto adjacent, for the purpose of forming insurrections against the authority of the laws of the United States, for opposing the same and obstructing their execution, and that such combinations are too powerful to be suppressed by the ordinary course of judicial proceedings, or by the power vested in the Marshals by the laws of the United States:

Now, therefore, to the end that the authority of the laws may be maintained, and that those concerned directly or indirectly in any insurrection or combination against the same may be duly warned, I have issued this my Proclamation, hereby commanding such insurgents, and all concerned in such combinations, instantly and without delay to disperse and retire peaceably to their respective abodes. And I do hereby further require and command all officers having authority, civil

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or military, and all other persons, civil and military, who shall be found within the vicinage of such insurrections or combinations, to be aiding and assisting, by all the means in their power, by force of arms or otherwise, to quell and subdue such insurrections or combinations, to seize upon all those therein concerned, who shall not instantly and without delay disperse and retire to their respective abodes, and to deliver them over to the civil authority of the place, to be proceeded against according to law.

In testimony whereof, I have caused the seal of the United States to be affixed to these presents, and signed the same with my hand.

Given at the City of Washington, the 19th day of April, 1808, and in the sovereignty and independence of the United States the thirty-second.

By the President: T. JEFFERSON.

JAMES MADISON, *Secretary of State.*

The said Message and Proclamation were read, and ordered to lie on the table.

FOREIGN RELATIONS.

The House again resolved itself into a Committee of the Whole on the report of the Committee of Foreign Relations; the first resolution reported by the committee still under consideration, as follows:

Resolved, That the United States cannot, without a sacrifice of their rights, honor, and independence, submit to the late edicts of Great Britain and France."

Mr. JOHNSON said, that in discussing this subject he should consider the whole subject of foreign relations before the Committee. The first resolution he considered of primary importance, as containing a solemn declaration that the edicts of the two mighty belligerents of Europe were violations of our honor, our independence, and our sovereignty. An unanimous expression of this sentiment, said he, would give us confidence in each other; it will be a sacred pledge of all parties to resist these degrading encroachments; difference of opinion would then be manifested but as the means of saving this nation from the impending calamity. The whole nation would understand this declaration, that he who is not for us is against us—no neutrals. There can be no middle ground. The line should be drawn, that the friends and enemies of this country should be known; that the persecuted foreigner who left his native home to escape the iron yoke of despotism, may be distinguished from foreign agents and emissaries settled among us for the purposes of disaffection; and that American newspapers differing only as to the means of national security may be known from the seditious hirelings of foreign gold, whose daily avocation is the abuse of our Government, and the justification of foreign aggression.

To prove the great design of the French Emperor, we refer to the execution of the Berlin decree—unfriendly vexations of our trade in the Mediterranean and the English channel; the destruction of our merchant vessels upon the high seas by fire; the Milan and Bayonne decrees, under which our vessels have been detained and their cargoes confiscated.

To prove the deliberate hostility of the British

Cabinet towards the United States, we refer to a catalogue of outrages of still deeper dye, and as to the quantum, of tenfold magnitude—a hostility coeval with the birth of this nation. Without magnanimity in prosperity, unadmonished by adversity, her conduct has been the same. Talk not of her conflict for existence. In the years 1791, '92, '93, '94, when she had to battle the combined Powers of Europe against France, haughty and imperious, our country fell a sacrifice to the cupidity of her cruisers, and our seamen were dragged into slavery upon British ships of war. And since the scene has been changed, and Napoleon leads the same Continental Confederacy against England, her conduct has been the same—our seamen still impressed, and our commerce put under tribute.

I am more than astonished to see this House therefore inundated by every mail with publications from the East, declaring that we have no cause of complaint against Great Britain; that we should rescind the proclamation of interdict against British armed vessels; that we should repeal the non-importation law; that the embargo should be taken off as to Great Britain; that we should go to war with France; that punctilio prevents a settlement of our differences with Great Britain; inviting the people to violate and disregard the embargo, to put the laws and the Constitution at defiance, and rise in rebellion.

These considerations induced me to examine this matter, and to prove to every honest American, what we all believe in this place, that the object of one Power is to destroy our neutrality and involve us in the convulsing wars of Europe; and the object of the other, a monopoly of our commerce, and the destruction of our freedom and independence. Let evidence as conclusive as holy writ put the enemies of this insulted country to shame. We are informed by our Minister in London, (Mr. Monroe,) in a communication dated August, 1807, that a war party of powerful combination and influence existed in Great Britain, who wanted to extend their ravages to this country; that we could not make calculations upon the justice of Great Britain; that in her many assumptions of power and principle she would yield but from the absolute necessity. Who is this war party? The British navy, to whom we have opened our ports, and extended all the hospitalities of a generous nation; while in the enjoyment of which that very navy waged war against our unoffending citizens. The ship owners, the East and West India merchants, and what cause have they for war? The enterprising citizens of the United States have been their rivals and superiors in a lawful and profitable commerce; and, lastly, political characters of high consideration. These compose this war party. In January, 1804, in an official communication of Mr. Madison, Mr. Monroe is charged with the suppression of impressment as his primary object; 2d, the definition of blockade; 3d, the reduction of the list of contraband; 4th, the enlargement of our trade with hostile colonies. The negotiation opens

and what is done? With industry and exertion our Minister was unable to bring the British Cabinet to any amicable arrangement. Lords Hawkesbury, Harrowby, Mulgrave, and Mr. Fox, succeeded each other, and every attempt to negotiate was in vain. Each of them brings expressions of good will and good disposition towards the United States, and a wish for amicable arrangement. But these professions and dispositions evaporate in invitations to the country and the city—in promises and procrastinations. To-day we are amused with a conversation at the foreign office, which animates with a lively hope—to-morrow hope is swallowed up in despair—and the third day announces some new injury. Affairs on the Continent now call the attention of the British Ministry, and with every disposition of good will there must be a pause. In this amicable pause business required that our Minister should go to Old Spain; but upon his return to England, what astonishment seized his mind at the sad spectacle the changing scenes presented. Under the old rule of '56, and other interpolations upon public law, our merchant vessels are swept from the bosom of the ocean without notice, by British cruisers, and carried into British ports for condemnation. But why this change? A coalition had been formed in the North against France. British gold effected it. Russia and Austria had combined against France, and here the hopes of England rested.

But we all know her hopes were blasted. This is the reason why the blow was aimed, and your commerce sacrificed. The remonstrances of our Minister could not keep pace with new aggressions. This temporizing policy of England, and the destruction of our commerce, buried party spirit in America for the moment, and produced an indignant protest against her conduct from the great commercial cities in the Union, in which their lives and their property were pledged to support the Government in measures of just retaliation. And on this occasion the merchants of Boston requested the President to send a special Envoy to England, to give a greater solemnity to our claims of indemnity and future security. The cause of the merchants became a common cause, and the non-importation law was enacted, and Mr. Pinkney sent as a special Minister, agreeably to request. Let the commercial interest cease to complain. It is for them principally that we now suffer. These deeply-inflicted wounds upon the commerce of America, engulphed for a moment the consideration of the primary object of Mr. Monroe's mission—the impressment of seamen—and it would seem, that when our Minister pressed one great subject of complaint, some greater outrage was committed to draw our attention from the former injury. Thus the unavailing exertions of our Minister for upwards of two years at the Court of St. James, eventuated in an extraordinary mission, and the non-importation law; a measure of retaliation, and which rendered us less dependent upon a foreign Government for such articles as can be manufactured at home. To bring further evidence of British

hostility, let us attend a little to the Administration of Mr. Fox. He came into office about the 1st of February. On the 31st of May, information was received in London of the extra mission of Mr. Pinkney. Mr. Monroe, therefore, had an opportunity of about four months with Mr. Fox to settle our differences, without any interruption, not even the ideal one which has been suggested, as giving a temporary stay to the negotiation, viz: the waiting the arrival of Mr. Pinkney. The United States had a right to expect something like justice from this able Minister, because he entertained a sincere desire to conciliate the friendship of this nation by acts of justice. But in this just expectation we were disappointed. The hostility of other members of the Cabinet with whom he was associated, was the real cause of difficulty, joined perhaps with his sudden indisposition and death. Mr. Fox acknowledged our right to the colonial trade; he promised to stop the capture and condemnation of our merchant vessels; but when pressed to answer our complaints in writing, he promised, but broke that promise, and ultimately refused to give any orders with respect to the capture and condemnation of our vessels. Thus the golden apple was presented to our grasp, and then snatched forever from our sight.

Now let the Committee attend to the chapter of negotiation, which produced the rejected treaty. First, the subject of blockade is proposed, and a definition demanded. We denied the doctrine of paper breastworks, spurious and illegitimate blockades, to be executed in every sea by the British Navy, of which our neutral rights were the victims. Such as the blockade of the coast of Europe from the Elbe to Brest, of the Elbe, the Weiser and Ems. The whole coast of Old Spain, of the Dardanelles, and Smyrna, and of Curraçoa. Upon this subject, Great Britain would yield nothing.

2. No duty can be laid upon American exports, but Great Britain imposes a duty of four per cent. upon her exports to the United States, under the name of a convoy duty; by which duty the citizens of the United States pay to Great Britain an annual amount of \$1,300,000; but upon this unfriendly discrimination she will yield nothing.

3. Upon the search of merchant vessels she would yield nothing.

4. Upon the colonial trade she imposed new restrictions. She would yield nothing; a trade which produced the United States revenue to the amount of \$1,300,000 per annum; and furnished exports from the United States of \$50,000,000 annually.

5. Upon the West India trade she would yield nothing, and upon the East India trade she imposed new restrictions.

6. Upon the impressment of seamen, the subject was too delicate; she was fighting for her existence; she would yield nothing.

7. Upon the mutual navigation of the St. Lawrence, so important to the Northern States, they would yield nothing; but would demand a monopoly of the fur trade, and influence over the

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Indians within our own limits. Thus ended the chapter of negotiation.

I turn with indignation from this to a new species of injury, involving the events connected with and preceding the President's proclamation interdicting the armed vessels of Great Britain from our waters. I allude to the conduct of the officers of the British navy, and the evident connivance of the British Government. I will only mention three prominent cases.

1st. The *Cambrian*, and other British cruisers, commanded by Captain Bradley, who entered the port of New York, and in defiance of the Government arrested a merchant vessel, and impressed into the ships of war a number of seamen and passengers, refused to surrender them upon demand, and resisted the officers, served with regular process of law, for the purpose of arresting the offenders.

2d. The case of the *Leander*, Captain Whitby, with other British armed vessels, hovering about New York, vexing the trade of that port, arresting a coasting vessel of the United States by firing a cannon, which entered the vessel and killed John Pierce. The murder of Pierce, a fact so notorious, could not be proved in a sham trial in England, though the most unexceptionable characters are sent as witnesses from the United States; and not even an explanation is made to satisfy this country for the murder of a citizen. Call upon the citizens of New York, who saw the body of their slaughtered countryman; ask the mourning relatives of the murdered Pierce, whether he was slain or not! But from this tragic scene we must turn to one of a deeper hue.

The attack upon the *Chesapeake*. This vessel had just left the shores of Virginia, leaving the British ship of war, the *Leopard*, enjoying the hospitalities of our laws. The *Chesapeake* was bound to the Mediterranean in defence of our rights. One hundred and seventy American tars were on board, who had undertaken this honorable enterprise. Unsuspecting of harm, while their rough cheeks were bedewed with tears in parting from their friends and country, their powder-horns empty, rods mislaid, wads too large, guns not primed—all was confusion. In this unhappy moment the messenger of death comes. The unfortunate Barron refuses to permit his men to be mustered by any but an American officer. His Government had given the command. This is the provocation. The vessel is attacked, and, without resistance, eight are wounded, three are killed, and four taken and carried into British service, one of whom has been hung as a malefactor in Nova Scotia. It has been said, that the Goddess of Liberty was born of the ocean. At this solemn crisis, when the blood of these American seamen mingled with the waves, then this sea nymph arose indignant from the angry billows, and, like a redeeming spirit, kindled in every bosom indignation and resentment. A nation of patriots have expressed their resentment, and the sound has reached the utmost bounds of the habitable world. Let a reasoning world judge whether the President's proclamation was too strong

for this state of things, and whether it should be rescinded without atonement.

Do the wrongs of this nation end with this outrage? No. Clouds thicken upon us; our wrongs are still increased; during the sensibility of this nation, and without atonement for the attack upon the *Chesapeake*, on the 16th October, 1807, a proclamation issues from the British Cabinet respecting sea-faring persons, enlarging the principles of former encroachments upon the practice of impressment. This proclamation makes it the indispensable duty of her naval officers to enter the unarmed merchant vessels of the United States, and impress as many of the crew as a petty and interested naval officer may without trial point out as British subjects. The pretension is not confined to the search after deserters, but extended to masters, carpenters, and naturalized citizens of the United States—thus extending their municipal laws to our merchant vessels and this country, and denying us the right of making laws upon the subject of naturalization. The partners of British and Scotch merchants can cover their property and their merchandise from other nations under the neutral flag of the United States to Leghorn, Amsterdam, Hamburg, &c. But the patriotic Irishman or Englishman who has sought this protecting asylum of liberty, are not secured by our flag from the ruthless fangs of a British press gang. And at this very moment our native citizens and adopted brethren, to a considerable number, are doomed to the most intolerable thralldom in the British navy by this degrading practice. There the freedom of our citizens depends upon the mercy of naval officers of Great Britain; and, upon this subject, every proposition for arrangement is trampled down by these unjust pretensions. Information was just received of the execution of the Berlin Decree, when the papers from every quarter announced the existence of the British Orders in Council, making a sweeping dash at our rightful commerce. Something must be done. The events which have been retraced, all pressed upon us. The treatment of our Minister, and his unavailing exertions; the result of the negotiation which gave birth to the rejected treaty; the memorials of the merchants; the outrageous conduct of the British naval officers upon our seaboard; the connivance at their conduct by the British Government; the proclamation of October 16, 1807; the execution of the Berlin Decree, and the Orders in Council. These considerations required the arm of Government, and at this inauspicious period, when the clouds which had so long threatened and darkened our political horizon gathered to a thick and horrible tempest, which now seemed about to burst upon our devoted nation, the embargo snatched our property from the storm, and deprived the thunderbolt of its real calamities. The effects of this measure at home and abroad, notwithstanding its inconveniences, will best attest the wisdom of the measure, which will be increased in its efficacy by a total non importation law. As a measure of coercion upon other nations, I not only have the strongest hopes, but

also a rational confidence in it, founded upon the most conclusive evidence. The misrepresentations in this country, the violations of the embargo, and the hope of changing the parties in the United States, or of producing a separation of the States; these miscalculations have destroyed entirely the efficacy of this measure, and been a main cause why Great Britain has not relaxed in her injustice towards America. And if we can rigidly enforce this system, my confidence is undiminished, my faith strong, that the United States will have reasonable terms offered to them. Yet the violators of your laws have been the great cause why the present state of things has been protracted. They are as infamous as the cowboys in the Revolution, who imbodyed themselves to feed our enemies with the only cow of a weeping widow, or a poor soldier who was fighting for his country. The commerce of the United States with the West Indies, the Continent of Europe, and Great Britain, will present to this Committee the evidence upon which this faith is bottomed. The United States have furnished the West Indies with the essentials of existence, and also have afforded a market for the colonial produce of those islands. In fact, they cannot live without provisions from the United States in the present state of the world. These islands have been reduced to wretchedness and want already, notwithstanding the violations of the embargo, and flour, we learn, has been as high as 20, 30, 40, 50, and \$60 per barrel. The vast importance of these possessions alone, to the mother country, might have been sufficient to have produced a settlement of our differences, if other considerations had not prevented. Attend to the trade with England and the Continent previous to the Orders in Council. The annual exports of British manufactures to the United States amount to twelve million pounds sterling. In exchange for these manufactured articles, Great Britain receives to the amount of four million pounds sterling in tobacco, cotton, wheat, and the substantial of life. The eight millions which remain due must be paid in money or bills. To raise this money, the American merchants carry to the Continent of Europe produce of the United States to the amount of this eight millions, which is sold, and the amount remitted to the merchants in London to pay the debts of our merchants. This trade is now destroyed by the Orders in Council, and not the embargo—for this very measure has saved our vessels from capture, our merchandise from condemnation, and our seamen from impressment.

Admit for one moment that our embargo was raised to-morrow, and the merchants were permitted to carry on their commerce, keeping out of view the disgrace of submitting to British and French edicts, and what would be the result? If the merchants directed their course to any other ports than those of the British dominions and countries in alliance and friendship with her, then your property must only float upon the ocean as materials for British plunder. If they were to direct their course to the ports of the British do-

minions, they would be subject to capture by the French privateers. But admit that our vessels would escape these privateers, what price would our merchants get for their produce in British warehouses, when the British dominions would not consume fifteen millions of our exports, which have amounted altogether, foreign and domestic, to one hundred and eight millions? In this state of things our merchants would see their merchandise rotting in the British warehouses, with expenses of carriage upon it, without a possibility of relieving it from that situation. The Orders in Council, and not the embargo, have destroyed the commerce of the world. The commerce of the United States is of infinite importance to Great Britain. The whole manufacturing interest, the mechanic, the laboring poor, are deeply injured by its suspension. We shall no longer furnish a market for her manufacturers, nor furnish her the raw material and other exports important to her. Mr. J. then adverted to a statement of the exports from Great Britain to all the world, which had the stamp of authority upon it, amounting to thirty-seven million pounds sterling; and after deducting the exports to places from which Great Britain is now entirely excluded, including America, her exports would amount only to about six millions pounds sterling. Could a nation countenance a system like this when her very existence depended upon commerce? She might brave the storm for a season, and the immense capital thrown into the island of Great Britain for want of commerce, might enable the Cabinet to facilitate their loans; but a change must take place if this nation would persevere. Attend to London and Liverpool merchants, and Mr. Brougham, in the House of Commons, against the Orders in Council, and this statement will be confirmed. It was proved that, before the Orders in Council, the usual activity in trade existed. The merchants received the same remittances; the premium on insurance was the same. But when the Orders in Council were issued, the premiums on insurances amounted to a prohibition of trade. Merchants who had received remittances to the amount of £100,000 monthly, received nothing. Men of business reduced their hands from the number of fifty to twelve, and others reduced the wages which they paid for labor, from £200 per week to £50. Orders were protested; and the Orders in Council assigned as the special reason. Notwithstanding these facts, the cry is, take off the embargo. All the evils which afflict this nation are ascribed to the embargo, when in fact it protects our commerce from plunder.

Turn your attention, sir, to the interior of Great Britain. The embargo has produced other effects. The weavers and tailors assembled by hundreds and by thousands, in a peaceable way, to remonstrate against the Orders in Council; but they were welcomed home to see their families starve by the sound of the cannon, and some of them killed. And when these effects are seen, Mr. Canning tells us that he would gladly remove the embargo, as a measure of inconvenient restriction upon the American citizens, if it could be done without a

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great sacrifice, or without seeming to interfere in measures of our internal regulation. The prudence of His Majesty is very conspicuous, and his tenderness truly paternal. But, recollect the proclamation which issued from the British Cabinet, inviting and encouraging the violators of the embargo! The arms of His Britannic Majesty opened to receive smugglers! Come in, all ye heavy-laden with provisions, and I will give you rest! Whether you have papers or not, you shall not be molested. Thus, protection is offered to the smuggler, whilst the *bona fide* merchant must be driven from the ocean, or fall a sacrifice to the Orders in Council.

We have been admonished by gentlemen not to use the word *tribute*. If I should not be able to forget words which some gentlemen consider mere declamation, but which upon my mind make an awful impression, I hope to be excused. The British Orders in Council do fix a tax upon our commerce, as much as if it were imposed upon the wheat in your barn, the horse you ride, or the corn in the field; and submit to one on account of the superiority of the British navy, the other will soon follow, and be enforced by a standing army. A merchant vessel loads with cotton for the continent of Europe—the ship and cargo the property of an American citizen: Great Britain has said by her orders, confirmed by an act of Parliament, that the merchant shall enter a British port and pay a tonnage duty, a tax of ninepence per pound on the cotton, and then pay for a license—a pass to sail to Europe! Is this taxation or not? And an attempt has been made to evade the force of this statement, by saying that the tax would not be paid, because France had said, if we pay this infamous tribute, our property shall be confiscated on its arrival at the Continent.

Thus, the iniquity of the Orders in Council is washed away by a declaration from Napoleon, that we shall not pay this tribute, under the penalty of confiscation. But, sir, suppose our merchant should refuse to go by a British port and pay this tax, what follows? British cruisers will capture the vessels, and a British court of admiralty will condemn your cargo, under these *blessed* Orders in Council.

It is time that party spirit should sleep in oblivion. I exhort gentlemen to recollect the importance of union. At the most alarming crisis that ever convulsed the political world; when Empires and Kingdoms have changed with the season; and America, buffeted on every side, has maintained the ground of perfect neutrality; this nation should make a pause on this high eminence, before they plunge into the dread conflict. One false step might irretrievably involve the country in the common broil. If war becomes necessary, and the present measure should fail to coerce our enemies, the object in view is worth the conflict. But, between the non-intercourse system and war there is no alternative. A Republican Government should never seek or invite war; but they will never abandon their independence, or yield to the unjust demands of Imperial despotism or monopolizing monarchy.

We have been told not to invoke the spirit of 1776, and that it would become a tormentor to the embargo system. Sir, let us invoke and hail that spirit. When it comes, it will only frown on the enemies of our country.

The parallel between the times preceding the Declaration of Independence and the times preceding 1808 is awfully impressive. In both cases, as far as England is concerned, this nation had to resist taxation of a British Parliament. Without money or revenue, without ammunition, without clothing, the people of America resisted, and they were successful; and in 1808, their posterity, with a full Treasury, with ammunition, and every desirable object, will not sell their birthright for a mess of pottage. In 1776, the gentleman says, we had an Army. Before the Colonies had an army, a British army occupied the Legislative Hall of Boston, and the streets were drenched with the blood of its citizens. By saying this, does the gentleman mean war? Let him speak out; for the same spirit of slaughter which roused the Americans at the battle of Lexington now looks you in the teeth, and demands of you submission. Let not the gentleman talk of local jealousies—they do not exist. The cause is a common cause. In the conflict with Great Britain, in the Revolution, when Boston was to be the devoted victim of Parliamentary vengeance, did her patriotic sisters desert in the hour of danger? No, sir. Virginia declared the cause a common one, and her example was followed by other States. As early as 1769, Virginia recommended a non-importation agreement to resist foreign taxation. Did Massachusetts consider this as submission? No; she adopted the system, and was the last to abandon it. The enthusiasm of liberty was general, and men, women, and children, joined in its execution. The Union is one and indivisible. Inflict a wound upon the right hand in Massachusetts, and the blow is equally felt in the left in Kentucky. Though an interior State, and distant perhaps from the ravages of war, she will stand firm in the cause of freedom. For her firmness and patriotism, I, as one, stand pledged. The Western country never will relinquish the lawful commerce of the United States. Away, then, with those infamous publications which speak of enemies to commerce!

The imaginations of some gentlemen create ideal dangers. I neither fear the conscripts of Napoleon nor the navy of Great Britain. Upon *terra firma* we know we are safe. And, though a thousand evils may result from war, the spark of liberty can never be extinguished in America. Armies might mow down our citizens, as the mower his grass, but another race of men, more powerful than these, would rise up and defend the soil where the fathers of our independence are entombed. Events are rolling on, the effects of which human wisdom cannot foresee. This is not the cause of an individual; it is the cause of seventeen sovereign and independent States and their Territories. Not the present generation alone, but posterity, is deeply interested, and must rejoice or mourn at the result of our present struggles.

Mr. CLOPTON said, that it had not been his intention to trouble the Committee with any remarks on the resolution now immediately under consideration; but, from the turn which the debate had taken, he now thought it proper to offer to the Committee a few remarks.

I shall vote for the resolution, said Mr. C., but really, sir, I should pause—I should hesitate—I should feel extremely reluctant to vote for it, if I could imagine that it involves the consequences supposed by a gentleman from Massachusetts, (Mr. QUINCY,) who spoke the day before yesterday on this subject. That gentleman supposes that the resolution, if adopted, will be a pledge that this House will abandon the whole system of measures heretofore adopted in respect to our foreign relations. That gentleman believes also that the suspension of trade is a complete abandonment of all our rights to trade. On both of these points, sir, I do widely differ in opinion from that gentleman. His opinion that an adoption of the resolution pledges the House to abandon the system heretofore adopted, with respect to the suspension of export trade, induces him to vote for it. My opinion being quite different from his, I feel a propriety in voting for it on the ground of my understanding of its import. I consider it, sir, as a plain declaration of the sense of the committee, on the wrongs inflicted on their country by the belligerent nations, and an evidence of their determination to assert their rights as an independent nation—that this is simply the true import of the resolution.

But there is a course of trade which, if sanctioned and pursued, would be an abandonment of our commercial rights. I do believe, said Mr. C., that a submission to exercise an absolute right under any condition or restriction whatever, prescribed by another Power, is a complete abandonment of that right. It is then no longer asserted as such absolute right. It becomes a mere favor granted by that other Power. But it is not so with a bare suspension of the exercise of that right. This suspension asserts the absolute right, by refusing to exercise any privilege under the condition or restriction prescribed by the other Power. Thus, sir, I will exemplify the position I have stated. When an American vessel, bound for a port in continental Europe, first sails into a British port, and there pays a tax, prescribed under British the Orders in Council for permission to proceed to the port of her original destination, she then abandons the absolute right to sail to that port, and accepts the permission as a mere privilege granted to her by the British Government. But a suspension of her voyage is no such abandonment. So a suspension of the commerce of the United States by the embargo law is no abandonment of their rights of commerce. The Legislature do not relinquish their rights by suspending the trade during such time as it shall be deemed expedient so to do.

The gentleman from Massachusetts, in the course of his remarks, made allusion to a declaration made by me some time ago, in reference to a resolution introduced by a gentleman from

Vermont, (Mr. CHITTENDEN.) That resolution proposed an absolute, unconditional repeal of the act laying an embargo, and the several acts supplementary thereto. The declaration alluded to was applied to that resolution, and the repeal proposed in it—an absolute, unconditional repeal of those laws, without proposal of any other measure. The declaration was that, as one member of this House, I never could, never would consent to the repeal so long as the orders and decrees of the belligerents against our commerce continued in force; that is, such repeal as was proposed in the resolution—an absolute, unconditional repeal, without the adoption of any other measure in lieu of it. This, sir, was meant, if not so expressed. Indeed, said Mr. C., I cannot see how it can be considered as necessary, for a right understanding, that I should have so particularly expressed myself; as the declaration was made in direct reference to the resolution proposed. I know not how I could have been supposed to mean otherwise—how I could have been supposed to pledge myself by that declaration forever to adhere to the embargo, at all events, during a continuance of those orders and decrees, and forever to prefer it to any other measure. The period may possibly arrive, said he, when it will be deemed preferable to arm and force the trade, rather than further continue the embargo. The period, for aught I know, may arrive when war itself would be preferable to such further continuance of it. The period may arrive when I may be convinced of this—when it will be my duty to vote for raising the embargo, and permitting American vessels to be armed for their defence, though war should be the consequence. But the period never can arrive, so long as those orders and decrees continue in force, when I shall feel willing (if I know anything of my own heart) to vote for raising the embargo without some other provision being made in support of our maritime rights. If, therefore, the period should arrive, during a continuance of those edicts, when I shall vote for removing the embargo, it will be on condition that some other provision, some effectual provision, shall be made in support of those rights. To open the trade under the existing circumstances, and subject it to all the outrages to which it would be exposed, without security, from the operation of those edicts, I trust, as one individual member of this body, I never shall consent.

The gentleman from Massachusetts expressed astonishment, that a declaration, like that alluded to, should have been made; and, if I mistake not, said Mr. C., he asked, very sagaciously indeed, if members of this House were becoming mad? Whether those gentlemen with whom I have the honor generally to act, or myself, shall manifest any degree of madness, our conduct, I presume, said Mr. C., will best determine; in the meanwhile, however, I believe we may safely answer the gentleman, that we are not mad, but “speak forth the words of truth and soberness:” And further, I trust that we are aiming to do the acts and deeds of honor and patriotism, as well as

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others. Perhaps the gentleman's astonishment may be excited anew at the declaration now again made by me, precisely in the same sentiment, precisely with the same meaning, as before. It is not, I repeat it, an absolute declaration that I never will vote for raising the embargo during a continuance of the edicts of the belligerents; but that I never will vote for it without some other provision, in support of our just rights.

Sir, said Mr. C., I am not now pledging myself to vote for removing the embargo on the condition I have mentioned. On the contrary, I say that from every view I have been able to take of the existing state of things, it seems to me that the embargo ought still to be continued. When the resolution, which has been mentioned, proposing a repeal of the embargo system was first offered, I was then of opinion that no proceedings ought to be had relative to the particular act laying the embargo, since the belligerents had continued in force their unjust and outrageous edicts against our lawful commerce. On that subject I would then have remained perfectly silent, I would have passed over that particular act with the utmost indifference, I would have refrained from touching the subject, as I would refrain from moving the House for the appointment of a committee to inquire whether these States constitute an independent nation or not. In this sentiment I voted against a consideration of the resolution at that time. Did I say, sir, that I would have refrained from touching that subject? Yes. I would have refrained,—and I would still refrain from touching it so as to agitate the question of repeal at this time, or so as in any other manner to weaken any of the laws upon that subject. I would rather make them much more effectual. I would add tenfold strength to their validity—I would act in that spirit, and would manifest such degree of unconcernedness as to the effect which the system has on ourselves as to demonstrate to the proud tyrants who inflict the injurious aggressions, and to the whole world besides, that we do not feel it. This would show to them that however they may view it as a sacrifice on the part of the people of this country, it is one which the great body of them do not regard—one which they are prepared to endure without a moment's uneasiness, without a moment's repining. This, said Mr. C., I did believe would have been good policy for the House to have adopted at the beginning of this session—a policy in which to have been joined by a majority I should have rejoiced. I consider it, said he, to be highly important to the reputation of this country that any expectation of the belligerents that this Government would submit to their unjust edicts should be disappointed; that they should as early as possible be convinced of their mistake in respect to the American character. Sir, said he, it is supremely important to the honor, the dignity, the glory of this rising nation that such edicts should never be in any manner submitted to on our part; that the idea of receiving as a gracious boon, from either of them, the privilege of trading where and in what we have a complete

right to trade as we please, should be spurned with indignation; that there should be found no room for a doubt of our fixed determination, or of our ability, to abide by the measure, which we have adopted, as a means of asserting our rights; and that no step should be taken on our part, which could be construed into any degree of acquiescence in their violations. Shall we then submit to purchase such a paltry privilege by payment of tribute? an odious, abominable tribute? Can the high soul of America stoop down to this? No, sir, it cannot, it will not. I trust, said he, that this resolution will serve as one evidence that it is determined never to submit; and with this sentiment I feel a satisfaction in voting for the resolution. It manifests to the world the determination of this body; and, if adhered to, will leave no ground to the belligerents for any further calculations, favorable to their designs, from the partial discontents which have appeared in one section of the country.

Mr. C. concluded by observing that the measures recommended by the select committee in the other two resolutions reported by them, not being then immediately under consideration, he should not enter into any general discussion of them, or make any further remarks respecting the embargo at this time, as that subject also was not immediately before the Committee.

Mr. RANDOLPH.—We have now progressed very far in the fourth week of our session. We met here at a time when every man in this House and out of it seemed to vie with his neighbor in the expression of the opinion that this is a momentous crisis. There are few of us who have influence enough at home to avoid the censure of their constituents, in case of a failure in a punctual attendance on their duty. At the commencement of this session public expectation was raised to the most painful pitch; and yet one-fourth of the time assigned by the Constitution for our deliberations has elapsed, and in what situation does the Congress of the United States find itself? Debating what has been termed an abstract proposition. When the report was made, my worthy friend who sits before me, (Mr. MASON,) with his wonted sagacity, saw in that proposition its entire futility. Let me not be mistaken, it is not my intention to deny the truth of the proposition, much less to vote against it; but my friend from North Carolina saw that it was not to be made the basis of a future conduct; that, in fact, no bill, no measure, nothing substantial, could grow out of it. And are we to employ ourselves in this manner for the amusement of the galleries, of the public of Georgetown, Washington, and its vicinity? When this resolution was introduced by the committee, whose report is now under consideration, I regretted it on a variety of accounts, not only in the same view as my friend before me has taken of it, but for other reasons. I asked myself, in the first place, on whom it was to operate? On us? Have we so conducted ourselves heretofore, or are we now about so to act that a doubt exists among us whether we will support our rights, or submit to the

high behests of the two great belligerents? For ourselves is this medicine, or for the American people? Do they want a rallying point? Has the Government of the United States ever taken a ground in which they have been backward to support it? Are we fearful of the temper of our own citizens? Do we think it necessary to raise their courage to the stoking-place by this incentive? or is it to operate on the two great belligerents? Is Mr. Armstrong or Mr. Pinkney, in some new note, to serve up this new prescription, to excite the minds of those Governments to American wrongs, and to a sense of justice? I am afraid not; I am afraid we have tried this method too often not again to fail of success. I did, indeed, regret it; I regretted the introduction of this resolution, not only for the reasons which I have stated, but as going still further to establish the creed that words, in some form or other, are all the means which we have to employ. No, sir; if we make an impression upon Europe, it must be by something more substantial. We have tried the old diet-drink, long enough.

The House will pardon me if I forbear a minute recapitulation of the wrongs which we have received, not only from the two great belligerents of Europe, but from the little belligerents also. I confess that I have not a stomach for the nauseous detail. I cannot, like Shylock, take a pleasure in saying, on such a day, you called me dog! on such a day, you spit upon my gabardine. I have seen them dressed in every possible shape, in correspondences of our Ministers and in reports of committees of this and the other House. I must confess, for one, that I take no pleasure in the perusal of such reports. I cannot riot in the strength of our argument—I wish the argument of the enemy was a little better, and ours a little worse; I cannot hail every new aggression, because it gives occasion to extend our demands of reparation. I wish we had not quite so much argument on our side, and that they had a little more of the injury on theirs. I verily believe that, as long as you have the whole of the injury, they will have very little solicitude in yielding to you the best of the argument. Yes, sir, I confess I feel a deep sense of mortification at hearing this incessant theme rung in my ear, and the only remedy found to be in words, words, words—correspondence of Ministers, instructions of Secretaries of State, and reports of committees of the two Houses. We have been four weeks in session, and, as to benefit—I speak of myself, I hope there are others who are conscious of having done a greater share—as to the benefit that the public has received from my attendance, I had much better have been at home, enjoying the fine weather in my own family, than sitting here, listening to the discussion of propositions, from which, whether negative or agreed to, no possible good can be derived. We have been four weeks in session, raised a Committee of Exterior Relations, who have brought in a long and laborious report, and, so help me Heaven, not one atom of substance is there in the report, except the instruction moved by my friend from North Car-

olina; all the rest is preface, episode, prologue, and epilogue. I have no disposition to attack the gentleman's report; I have no particular fault to find with it. It is much in the style and fashion of the times—the aggressions of France and Great Britain served up, though, I think, not with quite such exquisite cookery as sometimes is presented to our palates.

But perhaps it may be said that the declaration which occupies the outpost of that report is to be taken in connexion with the subsequent resolutions, and that the whole subject is fairly before the committee, and ought to be embraced in one point of view. As far as I have been able to understand the language of that resolution, it means precisely nothing, or more than meets the eye. It is a resolution that it is inconsistent with the honor, independence, and so forth, of the United States to submit to the edicts of Great Britain and France. I think that is the language. Is this to be considered as a declaration of war against these two Powers? Or are we to resolve in one breath that we cannot, without a sacrifice of our rights, honor, and independence, submit to the edicts of Great Britain and France, and, in the next breath, solemnly resolve that we will? I know it has been said that a temporary suspension of our commerce is not an annihilation of that commerce. Where will gentlemen find a temporary suspension of our commerce? In what clause of the statute book will they find the time prescribed when that commerce shall revive? And if a perpetual prohibition of all commerce of exports and a prohibition of all commerce of imports be not a submission to the edicts of Great Britain and France, I know not in what submission can consist. I have not the assurance to stand up on this floor and declare that the embargo is a resistance to the edicts of Great Britain and France, when I find our Government has given to the Governments of those two countries an explanation of it so very different. The embargo is represented to be nothing more than an internal regulation, not a cause of offence, not an aggression or cause of aggression, nothing hostile in its character. Is it, then, a resistance to the decrees of Great Britain and France? And if a suspension of exports be not resistance, but a mere measure of internal regulation, not of retaliation, how will the suspension of commerce or of imports constitute that resistance?

I listened to the gentleman from Massachusetts, (Mr. QUINCY,) the other day, with very great pain, because I heard him attempt, as I conceived, to draw lines of distinction between different sections of this great Continent. He entered into calculations, which I not only believe, but know, to be erroneous, tending to show that his section suffered out of all proportion more than all others. It is not my purpose now to examine his statements. I admit that there are parts of the country which suffer more than others, but I deny the gentleman's positions in toto; I deny that the Treasury and custom-house books afford any data of the relative commerce of each State, and par-

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ticularly of the State which I partly represent and the State contiguous to it on the south. But, at the same time that I deprecate the effects of this measure throughout the United States, I trust that there exists and will always exist within this country a power to execute the laws. I shall be among the first to rally around them. When the opposite doctrine is fairly broached and acted on, I cannot see to what purpose we are a confederated people; to what purpose we have a national Government; I cannot bring myself to believe that there exists in this country a disposition, (and I am sorry to see this very resolution, because it seems to imply that there does exist such a disposition,) to violate the laws and sap the foundation of the Union. I shall not act on the presumption, but wait until a case shall occur, and, when it does occur, I would apply the only corrective—the knife, and the actual cautery. But, on that account, I do not the less deprecate the effects of the embargo; I look upon it as a measure ruinous, in a great degree, to our country. At the same time, there is an aspect in which I cannot but behold it with pleasure. It is a test of the patriotism and virtue of this people. The submission of those who think even worse of it than I do—I will say their quiet submission; for their opposition has extended only to argument—is a test of the virtue of our people, of their willingness to support the Government in any sacrifice for the public good—to support it even where that Government has obviously mistaken and misunderstood their best interests. Compare, if you please, for a moment, the pressure of the embargo, and the degree of pressure arising from the celebrated excise law; put the two things in the balance, and weigh them. In the one case there was insurrection, open rebellion; you see the Father of his Country obliged to extend his arm to chastise his undutiful children and reclaim them to the path of duty. In the other case you see (whatever may have been the evasions of the law) ostensible submission to it. The virtue in the one case which withstood the stronger temptation, is not to be put in competition with that which succumbed to the weaker in the other.

But in viewing the policy which has been pursued, for some time back, and gentlemen seemed determined now to adhere to it, I am irresistibly led to inquire into the causes which produced our present form of Government. I believe they grew out of commerce. The principal difficulty, I believe, among the States, was, that there was no general power for the regulation of commerce. That commerce was the principal source whence revenue was to be derived; and the want of general and uniform regulations dried up that very source. The first proposition was to vest the old Congress with the power of laying an *ad valorem* duty generally. Certain I am that the meeting at Annapolis, the precursor of the Convention of 1787, was a meeting directed to the promotion of the commercial interests of this country. The United States were governed by this consideration primarily—for surely they were in very little danger of going to war with one another—in

forming a Government under which this very commerce has arisen to a height to which no man could have anticipated. And are we now, without warning, to break up all our institutions heretofore, and declare for a Chinese policy? Do gentlemen remember when a discrimination was made between American and foreign ships, the excitement which it created? The gentlemen from the Southern States said, you are going to tax us for the benefit of the Eastern navigation. When a proposition was made to lay a heavy duty on the import of foreign manufactures, the gentlemen of the Southern States said, you tax us for the benefit of your manufactures. This is well remembered. But, did any man ever dream that these two sections of the country should unite, the one to destroy the raw material, and the other to cut up commerce by the root? There was, indeed, formerly a contest between the grower and the carrier, each contending for his separate interest—but that both should unite, the one to prevent the growth, and the other to prevent the carriage of produce, is really a solecism I am unable to explain. The gentleman from Massachusetts (Mr. QUINCY) speaks feelingly of the sufferings of the people of Massachusetts. I believe the picture which he drew may be correct. I am even willing to allow (holding up my hands at the same time against all his calculations) that his constituents may suffer more than mine. But what is the situation of the tobacco country, and I live in the heart of it, whether you draw the line from North to South, or from East to West? If we pursue this course of policy, the product of the New England fisheries may be consumed, the rice of South Carolina may be eaten, and the cotton of Georgia may be spun. What is the tobacco planter to do with his two crops of that ridiculous and nauseous luxury? What is he to do with the third crop, for the time is fast approaching when preparation must be made to plant it? And in what situation are we placed? I have no disposition to enter into highly-colored pictures of the state of the country. I feel too much the condition of that part from which I come, to say much about it. It is deplorable—that is enough.

But perhaps it may be said that, whatever objection be taken to the two first resolutions, there can be no doubt of the perfect propriety of the final one. What is it?

“Resolved, That measures ought to be immediately taken to place the country in a more complete state of defence.”

This is a twin brother of the first. Will you refer it to a committee to draft a bill in pursuance of it? Are you going to refer the first resolution to a committee: that a bill may be placed on the statute book, to perpetuate the fact that the United States are insulted and have not resisted? For, as far as the report goes, of what does it speak? Of keeping within ourselves and of preparing for defence. If a man be insulted beyond the power of human endurance to bear, how does he resist? By retiring to his house and adding another bolt to his street door—another

supplement to the embargo system? Is this the way in which we will resist? And yet the same committee say that they will not submit, and bring nothing before you but a vague proposition that the United States be put in a better state of defence. Shall we raise more troops? Gentlemen will hardly venture upon that. Will you arm the militia? That plan, to use the slang of the day, has had the go-by given it. You are told that the militia can only be armed in such small portions that the good to result from the measure will amount to little or nothing. Nothing remains, then, but to build more gunboats. The President of the United States says, that it has not been deemed expedient to build those already authorized. What new measures of defence are then contemplated? We have tried every chord, and none of them will vibrate. What will be the next resort? In fact, I am extremely sorry to be obliged to speak in this free manner of this report; but it appears to me that this House have asked of the Committee of Exterior Relations bread, and they have received a stone. They have received "naked resolutions." Really, to use the words of one of the gentlemen (Mr. G. W. CAMPBELL) who advocates them, they appear in all the nakedness of infantile imbecility. Naked they came into the House, and naked they must go out of it. They are not to be clothed with measures; or, at least, it is generally avowed that no measure is to be taken in consequence of the one under discussion.

I do not know how far I may or may not have been in order in the observations which I have hastily thrown out; I say, hastily, because it may be supposed that I have risen to redeem that pledge which the public papers of the morning have given for me to address the House, when nothing was further from my mind. But, before I sit down, I will ask the gentlemen who brought in the report, to reconcile some things which do not appear to me altogether intelligible, as they now stand.

"The Milan decree of 1807 [17th December] can still less rest for its defence on the supposed acquiescence of the United States in the British orders of the preceding month, since those orders, which have not certainly been acquiesced in, were not even known in America at the date of the decree."

The decree of Milan, then, was dated on the 17th of December; the orders were not known in America at the date of the decree, and the embargo was laid on the 22d. In another part of the report, we find the following:

"This was received on the — day of December, and a copy of the decision in the case of the *Horizon* having at the same time reached Government, the President, aware of the consequences which would follow that new state of things, communicated immediately to Congress the alteration of the French decrees, and recommended the embargo, which was accordingly laid on the 22d of December, 1807; at which time it was well understood, in this country, that the British Orders of Council of November preceding had issued, although they were not officially communicated to our Government."

This is an anachronism which I cannot reconcile, though I do not say that it is irreconcilable. It is very far from being my wish, if the United States are determined not to submit to the orders and decrees of the belligerents, nothing would be farther from my mind, than to destroy the unanimity of that resistance; but I confess that I wish to see in what that resistance is to consist. I am as firmly of opinion as I am certain that I am now addressing you, that the difficulties in which the United States now are, take date from the year 1805-'6—a date at which some gentlemen have, in the discussion, commenced the series of foreign wrongs inflicted on us. Much has been said of the spirit of '76. It was in the year 1805 that this spirit slept. We then knew that our territory was trod by hostile footsteps, and we would not take steps to assert its character. From that time, its character has been on the decline in Europe, and we have to re-establish it by something better than this report—by something of a very different nature—unless, indeed, the first resolution is meant to contain a declaration of war against both belligerents, and the second to devise the best mode of carrying it on against one of them, leaving at the same time all resistance to the other out of the question. I wish to confine myself to that part which goes to excluding imports; that part which excludes all foreign armed ships, has my hearty concurrence. It has so happened that, from the time to which I have referred, the difficulties of this country have been thickening, and the character of the country declining abroad. That this is a fact, no man can or will deny. Then it must be by a different policy from that pursued from the time which I have mentioned, that the character of the country is to be recovered. The old policy has been tried, it will not answer. What have we done? We have been trampled upon unresistingly by Spain. When the Minister of our country was at the Court of that Government, and when, I have every reason to believe, as far as the papers laid before the House enable me to judge, that he had taken an imposing attitude, what was the result? The negotiation was paralyzed by the news that a special mission of Mr. Bowdoin, a respectable man—if there must be a special mission, as good a man as any for the purpose—was to interfere with that negotiation! We had already two Ministers at the Court of Spain. When our negotiation was pending with the British Government, too, there seems to have been a fear lest a Minister of our country should come into collision with foreign Governments, and a special Minister is sent after him to keep the discussion forever hung up in a sort of diplomatic Court of Chancery. We passed a non-importation law, and neither the House nor the nation have forgotten the auspices under which that law passed. When it was said that it would lead to the destruction of commerce, was not the idea scouted by many; and, among others, by a member of great influence, who is now snatched from us by the hand of death, and who was the representative of the commercial town of Salem? He rid-

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iculed the idea of our commerce being circumscribed. Were we not told that we could sweep the commerce of Britain from the ocean? And what has been the consequence? We have swept our own commerce from the ocean, and I fear we shall sweep our agriculture from the land. One false step leads on to another. For want of due resistance to the weaker power of Spain, we have been trampled on by the stronger. No, sir, this temporizing, this hesitating, this extraordinary mission policy will not do. After things were brought to their late and present disastrous condition, we laid an embargo; that was to be the panacea to react on the enemy—it was to be the sword and the shield—the war in disguise; it was to bring Europe, in general, and Great Britain in particular, to your feet. We have calculated long enough on the weakness of our adversary. We have waited with upcast eyes watching her downfall till our own begins to approach. It is time to calculate less on her weakness and more on our strength. I am amused sometimes at the arguments which I hear on this floor. The Grenville administration get into power—you negotiate with them and make a treaty—it is rejected, scouted. Be it so. Meanwhile the Grenvilles go out and the Portlands and Cannings come in; and, as if destitute of arguments of our own, the doctrines of these very men in opposition—Lords Grenville, Auckland, and Holland, (from whom nothing better than the rejected treaty could be obtained,) with the Barings and Broughams in their train, are hailed with joy and resorted to as the text-book whence we quote, to prove—what? To show that the sentiment of the people of Great Britain is in favor of us. And yet when we come to negotiate with these very advocates of ours, we cannot agree. At the same time, the declarations on this floor are resorted to there as arguments in their favor. In fact, it is high time for us to give over counting on the insurrections of the Manchester weavers, and for them to give over counting on the revolutionary spirit of the Green Mountain boys. We calculate with as much correctness on the effects of our non-importation and embargo systems, as they do on the disaffection of any part of this country. We know them to be mistaken, and why may we not be? In fact, we know ourselves to be mistaken. The result of those measures proves it. Indeed, with that description of people who calculate that the navy of Britain will sink her, or that the army of Napoleon will ruin him, there is no arguing. They are out of the sphere of reasoning. For those there should be a new dictionary, and a new system of logic. After all, then, we pass the embargo; this was the real, genuine panacea. What has been its effect? After speaking of it in this House as a measure which would coerce your enemies to submission, and talking of it in Europe as a municipal regulation, in offering to withdraw it we have been by one Power insulted, by the other laughed at. The report says, from one of them no answer has been received—from France. Sir, we have an answer from France which satisfies every one who has seen it; and

there does not exist a man in this country base enough to comply with the wishes of the one party or the mandates of the other. We have gone to Europe, and said of this embargo, which was laid unquestionably, even by the report of the committee, before the British Orders in Council were received—because, as they tell you, it was before the Milan decree was known—we have told the belligerents that this *consequence* shall be withdrawn if they will withdraw their provocations. In fact, like Jack, in the tale of the Tub, we have hanged ourselves for spite, in hopes that one or the other of our enemies will come and cut us down. Both have refused, and it remains for us to say whether we will longer dangle in our garters. I, for one, have no such disposition.

On the subject of the embargo, as it has been dragged into this controversy, I will say that the view taken of its origin has been much more erroneous than the predictions as to its effect. It is well known to have originated in the determination of France to act on the Berlin decree in the broadest sense of the letter of it, and in the proclamation of Great Britain inviting home her native subjects. It is as well known to me that it did not originate in the Orders of Council, as that it did not originate in events which took place long since it was enacted. For although the Orders in Council were unquestionably issued before the embargo was laid, as unquestionably they were not known to us, and were not once mentioned in my hearing as a cause for the passage of that law.

Sir, I have occupied your time to very little purpose; I am as sensible of it as any man who hears me. It was not my intention to have taken some of the positions which I have advanced since I got up. I have been irresistibly led to open some questions which may lead to unpleasant discussion; but I could not omit the temptation to self-justification.

I know, sir, that I have had neither art nor part in bringing you into this disastrous situation, and that reflection is worth to me everything, which, in a political point of view, this world has to afford.

Mr. TROUP said he was extremely happy to agree in one thing with the honorable gentleman who had just sat down, that the Southern had not suffered less by the operation of the embargo than the Eastern States; but when, in differing from the gentleman from Massachusetts (Mr. QUINCY) on a point of still greater importance, he was also compelled to differ from the honorable gentleman from Virginia, he did so with the deepest regret. It has been said by the gentleman from Massachusetts, observed Mr. T., that for the last eleven months the country has suffered by this system of embargo the extreme of disgrace and humiliation, and the gentleman from Virginia has called it a measure of degrading submission. Sir, it is not a measure of submission; it is a measure of resistance, and of the most formidable resistance. Whatever may have been the object of the Executive in recommending the embargo, it has ever been supported by me as a measure of coercion—as a

measure of justifiable retaliation. I contend that it is not submission. Acquiescence in the orders and decrees—submission to seizure and condemnation—would be submission, to all intents and purposes; but that measure which keeps at home the ships and property which our enemies seek to capture on the high seas is not submission, but resistance: and the gentleman from Massachusetts will find it so to his sorrow. Commerce, sir, is the life-blood of England; it is the foundation of her wealth, her prosperity, and her maritime grandeur. But the gentleman says we have retired from the highway of nations, and left our great rival free to navigate it. True, we have retired from the ocean; we have left our rival free to navigate but very little more than between port and port of her own dominions. We have given the finishing stroke to her exclusion from the commerce of the whole civilized world; she has not one tittle of it left other than what you yourselves would have if your embargo were raised tomorrow; and your committee have told you what that is—a scanty, contemptible commerce of seven millions of dollars. England lost one hundred millions when France shut the Continent against her; she lost fifty millions by the occlusion of your own ports; and nothing of trade is left her but that which she may drive with the native Powers of Asia and Africa, with Sweden, and precariously with Spain, Portugal, and their possessions. No more, then, of raising the embargo to carry on commerce, when, without a sacrifice of independence—without a dishonorable submission to the Orders of Council—we cannot carry on more than seven millions of commerce.

I know it is said that the people of the Southern States are the enemies of foreign trade—that their spirit and their interest are anti-commercial. Sir, in this sentiment, which is itself without foundation—nay, without even the shadow of foundation—is to be sought that jealousy which has given rise to so many evils, and from which such serious evils are yet to be apprehended; but, sir, it is a mean, pitiful, contemptible jealousy. The Southern States are not the enemies of commerce. Indeed, how can it be said of a people who raise seventy millions of pounds of cotton, and for which they have not a home market for ten millions, that they are the enemies of commerce! No, sir; they have, from the beginning of your Government to the present day, sacrificed as much to the prosperity of commerce as any people of the Union. They have been at all times as ready to go to war for commerce—on the attack of the Chesapeake they were even more forward to go to war for the honor and dignity of the flag, than the people of the Eastern States.

A little more, than was said by my friend from Virginia, as to the comparative operation of the embargo on the Eastern and Southern States. Compare the operation of this measure by the proper test—the only true and correct one—the depreciation of the respective staples of those two sections of the Union. Let the gentleman from Massachusetts state to the House what has been the depreciation of his beef, pork, fish, cheese, but-

ter, onions, potatoes, and cabbages, and I will tell him what has been the depreciation of our great staples, cotton and rice. The ordinary market price of cotton is between eighteen and twenty-two cents; the embargo price is from ten to twelve. The ordinary price of rice is from five to six dollars; the embargo price is from two to three. Our people are, besides, in proportion to their number, more in debt than the people of the Eastern States.

But the gentleman from Massachusetts warns us against a perseverance in the system of embargo. A perseverance, according to the gentleman, is to be followed by open hostility to the laws. Sir, I dread no such hostility—we have no reason to dread it. It is altogether impossible that men who are actuated by the basest of human passions can make a serious movement in a revolution. No, sir; I insist upon it, we have no cause to fear the anti-embargo men of Massachusetts. One brave, independent, generous yeoman of Massachusetts, would drive half a dozen such fellows into the ocean. But, the truth is, the gentleman seems to have wholly mistaken the condition of his countrymen. He told us they had suffered everything but famine; that the distress and ruin were co-extensive with the country. They could not or would not suffer longer. Yet, sir, the gentleman was not well seated, before his colleague (Mr. BACON) rose, and with equal claim to veracity, and the same opportunity of forming a correct opinion, told you that his honorable colleague had given a very high coloring to the picture; that the distresses of the people were by no means as great as they were described; and that, if they were less prosperous and flourishing than before the embargo, they were far—very far—from that state of misery which his colleague had represented.

Sir, many of these observations have been made with extreme reluctance; they have been extorted under circumstances which must give pain to every American, but which cannot fail to kindle in him the liveliest indignation. No man can read without horror and disgust in the papers of the day the most treasonable and flagitious libel that ever disgraced our country—the anonymous publication circulated in Newburyport.

Sir, it is remarkable that we have been so gradually familiarized with British outrages, and have at length become so completely reconciled to the most extravagant excesses of them, that what two years ago you would have been willing to go to war for, would now be considered a matter of too trifling importance to merit your attention, much less your resentment. Two years ago you were willing to go to war to limit the right of search; you would have gone to war to prohibit the practice of impressment; you would have gone to war to overturn the lawless system of blockade; you would have gone to war for the colonial trade; for the attack on the Chesapeake; two years ago you would have gone to war for the Orders in Council; and now that all these outrages, and more than these, have accumulated on your head, until you are bowed down to the earth, you are content to beg a little commerce of England! You

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tell England, if she will be pleased to grant you a little trade, you will open your ports to her, and shut them against France! This last, this humiliating overture, she rejects with indignation. You have no choice left, as your committee has reported, but between war and embargo. We cannot go to war with one, without going to war with the other; because, the wrongs done by one are not less than the wrongs done by the other—unless, indeed, you consider the shedding of innocent blood the greatest of all possible wrongs.

I know this measure of embargo has been condemned, loudly condemned; but only by men who propose to reseat themselves in power by an appeal to the feelings and interest of the community. In one part of the country this appeal has been made with effect. The avaricious have been corrupted, the ignorant have been duped. In all countries there are the avaricious and the ignorant, and the passion of the one and the credulity of the other have been wielded with success by the anti-embargo men. Sir, the people have been led to believe, that a great commerce could be carried on under the orders and decrees, when in fact no commerce could be carried on without compromising the honor of the nation. They have been led to believe that a commerce could be carried on without hazarding the peace of the country, when in fact no commerce could be carried on without involving the country in war; and whilst the great object of the Government was to protect commerce, the embargo was said to aim a deadly blow at commerce. It is by such misrepresentations that the noisy enemies of embargo out of doors have been deluded and corrupted. And are these the people to whom we are called on to turn a respectful and deferential ear? the merest Shylocks—men who cry out, away with your honor, your independence, your neutrality—they are all stuff—give me gold! British merchants, British agents, and malcontent Americans—the depraved of the cities, and the ignorant of the country—men who are ready to sacrifice the honor and independence of the nation for a little trade in codfish and potash! If we are thus degenerate—if we are thus fallen in thirty short years, it is high time to abandon your republican system of Government. Sir, will posterity believe that this very people, who thirty years ago magnanimously offered up their lives and fortunes for the acquisition of independence, are now prepared to sacrifice that very independence to their avarice? Will posterity believe, that this same people, in one short year, forgot the affair of the Chesapeake? That they were ready to shake hands with the murderers and robbers of their countrymen? I will not, for myself, assent to such a base barter of honor for gold. No, sir! If it has come to this—if we cannot for a year or two years endure the privations incident to a measure of embargo, if we cannot exist without the luxuries of life, notwithstanding the most imperious calls of honor and of duty, we are unworthy the blessings we enjoy—we have lost our virtue, and are ripe for the dynasty of the Bonapartes or any other dynasty; and whether you are

conquered by France into miserable servitude to-morrow, or corrupted to sell your country to England, is not worth a reflection. This accursed avarice will ruin you.

Sir, it is not to such a people as those—and I trust in God, a majority of the people of New England are very different—that I would appeal to test the correctness of the measure of embargo. Were I disposed to test its correctness by its popularity, I would appeal to the people of Virginia, too honorable to be corrupted, too enlightened to be duped. I would ask them what they thought of the embargo, and they would answer with an almost unanimous voice—they would go further—they would be ready to support it with their lives and fortunes.

You have done everything for commerce—you have negotiated for commerce—you have jeopardized the peace of the country for commerce—you have passed an embargo to protect commerce—and commerce is the first to abandon you. God forbid that I should speak thus of the whole mercantile community. I have seen too many instances on this floor of noble and magnanimous sacrifice of private interest to the public weal; they are not the Smiths, or the Grays, or the Crowninshields, of whom I speak.

If the embargo were raised to-morrow, none would trade but men of desperate character and bankrupt fortune—the real *bona fide* American merchant would not venture a ship at sea; and where would they trade? Why, to be sure, they might drive a trade in beef and pork and flour to the West Indies, and some of our cotton and rice and tobacco would find their way to England, if the French privateers did not catch them—but the market would soon be overrun—it would be no better than the home market; and where would you trade to besides? If you are determined to pay the ninepence per pound tribute, for permission to re-export your cotton to the Continent, the French decrees would take it, and if they did not, the price of the article would be so enhanced by the tribute, that the market of the Continent would be lost to you.

Permission to arm is tantamount to a declaration of war, and the people of this country want peace, as long as they can preserve it with honor. And do you think, sir, we are ready to plunge headlong into a ruinous war, naked and unarmed, to gratify a few bankrupt commercial speculators? It is easy to declare war; it is more difficult, under present circumstances, to maintain peace, and it is most difficult of all to wage a successful war. Sir, beware! It is the object of the gentleman from Massachusetts and his friends to lead you, step by step, into a war, and if he can, into an unpopular war, which the moment you cease to conduct with effect, you are ruined, and he and his friends are exalted. To such an event, deplorable as it would be, I could be reconciled if I believed the gentleman and his friends would govern in the true spirit of the Constitution; but liberty has been hunted down in the Old World—there is scarce a remnant of it left, save in America—here it is sustained by the ruling party; and,

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sir, the moment this party ceases to rule, Republicanism is gone, and with it the hopes of all good men forever. On this account I deprecate such an event.

It would appear to me from the tenor of the gentleman's remarks (Mr. QUINCY) that he wants war with France and alliance with England. If this be the fact, the gentleman is not consistent. If he is really as much afraid of the gigantic power of France as he affects to be, (and I must confess, for my part, I am very much afraid of it,) assuredly it is not policy to provoke France—it is our policy to keep out of the way of both monsters as long as we can, and to husband our resources. And what would avail an alliance with England? You could only furnish men to be slaughtered on the Continent. I can tell the gentleman from Massachusetts in what he would much better exemplify, both his patriotism and consistency—in union—in uniting to call into activity the resources of the nation for its defence—in organizing and arming and disciplining; and, what is not less desirable, in adopting a system of finance, which would not fail you in any exigency; in short, in pursuing the course in which you are—which the soundest policy points to as the safest and the best, the course of impartial neutrality, if indeed neutrality has anything to do with it.

As to the embargo, so much has been said, both in and out of doors, in its justification, that I will forbear to touch it. It is only necessary to observe that it has been supported, and will be continued as a measure of security and of just retaliation; as a measure of security it keeps the property at home, which, but for it, would have enriched your enemies—as a measure of retaliation, it would have had its effect, but for the anti-embargo men of Massachusetts. If the gentleman will co-operate to make it efficient he will soon find the great mercantile politicians of England, from Anderson down to McCall Medford, have not been mistaken in the belief that this country can vitally affect the colonial and manufacturing interests of that, by an embargo system.

As to a declaration of war against France and Great Britain, and the policy of making it immediately, no local considerations should be permitted to enter into our view of it; but this much is to be said, that the Southern people are more interested in raising the embargo than going to war: by the first they would find a vent for a small proportion of their staples; by the latter they could get nothing but taxes and fighting. The anti-embargo men of Massachusetts would not make more by the first than ourselves, and by the last they would make nothing more than their privateers would make for them; but the great object is to postpone the evil.

One word, before I sit down, as to what fell from the gentleman from New York. He proposes to repeal the embargo in relation to Spain and Portugal. Sir, is the political condition of those States characterized by a permanency and stability which would warrant commercial connexion with them. Trade with the Junta of Seville—a mere political ephemeron—a being of a day!

Sir, I wish the Spanish patriots success with all my heart, but success is impossible. Ten thousand to one, that whilst I am speaking, this same Junta of Seville is imploring clemency at the footstool of the great usurper. Indeed, sir, if we are bound to consider this people of any definite description, we are to consider them rather as French subjects than Spanish patriots, for the only official paper in relation to them is the instrument of abdication and renunciation by which this unhappy people have been transferred over, like a flock of sheep, to the Emperor Napoleon, and by the very men for whose rights of empire they are said to be contending.

Mr. MASTERS said he lamented the present situation of affairs, which he feared would terminate to our disgrace; he wished that one sober view should be taken of this great question, before they blindly rushed deeper into a scene of confusion and distress.

In the precarious situation in which this country stands, said he, it is the duty of every man to avow his principles and sentiments with firmness and integrity. It is public delusion to bow to the chimerical projects and phantoms of any man. No man can be deemed independent, unless he is guided by the reason and expedience of things, abstracted from all party and personal prejudices. I trust these resolutions will be determined by their merits, and not by Executive or party influence.

Great pains have been taken both in conversation and in print to work upon the feelings of the people, to persuade them it must be embargo or war, at the same time you intend non-intercourse and then war.

This report is calculated to manage, cultivate, and set in action, the warmth of public imagination, in order that a non-intercourse and the embargo may be well received.

The report states, at the time the embargo was laid, the British Orders in Council were known and understood in this country, though not officially communicated. The fact is, the British Orders in Council were not even mentioned in the debate on that question; and when the Administration found they had mistaken its operation, they went to the British Government supplicating and begging that those orders might be rescinded. Sir, this nation feels humbled with the unhappy issue of their measures, and by deviating from an energetic and practical course, are whirled about, the sport of every gust, and easily driven into any port.

Mr. M. said it had been in the power of this nation more than once to have adjusted their differences with Great Britain. When Mr. Fox came into the British administration, he offered our Minister to renew the expired treaty, and at the same time remarked it should not prevent him from proceeding in the negotiation, and endeavoring to make such a treaty as would be most satisfactory to both countries. In the meantime the renewal of the old treaty would prevent all collision between the two nations. Mr. Monroe's instructions would not admit of it.

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Although Jay's Treaty was exceptionable in many points, and not popular in this country, yet this nation prospered under that treaty more than they have since without it.

Mr. M. said the late treaty concluded with the British Government, by Messrs. Monroe and Pinkney, was, in his opinion, more advantageous than the former. This last treaty was rejected principally on account of the protestation signed by the British Commissioners. It was worthy of consideration that the protestation was no part of the treaty, and our Government had since offered to continue the embargo as to France, provided the British Government would rescind their orders, which was substantially complying with the protestation, yet this treaty is rejected. It never has been in our power, said he, honorably, to adjust the existing differences with France, whose Emperor has always showed the greatest contempt for the neutrality of every nation, and whose determination is to compel us to take part in the war, either as friends or allies. If the nation does not know this, I know it, and you know it, Mr. Chairman. The demands are positive, and because we have not promptly obeyed, France has swept by sequestration and confiscation all the American property, from Italy to Antwerp, amounting to more than one hundred millions of livres; she has burnt and sunk many of your vessels without even the form of a trial. Why do you continue the embargo, and add to it a non-intercourse? Are you waiting for an answer from Bonaparte, that he has taken off his decrees, that you may go to war according to his demand? or do you wish to continue this pressure, in order to gain time to offer to the great Emperor, in more explicit terms, that you will take sides with him?—Your measures are leading to that point, and it will be the result.

Russia, Prussia, Holland, Spain, Portugal, Naples, in short, all the subjugated world, passed embargo laws under the influence of France, under the same pretence, and worded nearly in the same manner as ours; therefore your embargo laws had a tendency to prevent the British Government from rescinding their Orders of Council, and were more injurious than beneficial. Great Britain has given you her answer. Sir, our affairs have proceeded daily from bad to worse, until we have been brought step by step to this state of things. By not resisting the first belligerent decree, we have invited retaliation and courted calamity.

You ought to desist from a course of measures which will, in my opinion, bring the people of this nation into want and misery. This is a question which will decide the fate of this country. Sir, before you pass a non-intercourse, I beg the House sincerely and gravely to consider the calamities which will follow: inconveniences, mischief, and distress, are great and certain. The belligerent Powers have trampled upon the law of nations, and we have trampled on and disgraced ourselves. If these measures were intended to coerce them, they would prove visionary and philosophical, and not founded on expe-

rience. Your extreme and theoretical measures may be brought forward, *ad infinitum*, in order to extinguish all principles of action, which arise from experience and probability.

Mr. M. said the embargo originated from no plan of sound policy whatsoever, and was in contradiction to all the principles of commerce. Your finances, said he, must lean upon commerce, or your whole system will tumble upon your head. You are throwing open the doors to smuggling. Whenever the laws of trade press hard upon the people, your shores and frontiers are full of contraband. When he cast his eye back on our once flourishing commerce and agriculture, grown to perfection through a series of fortunate events, and a train of successful industry and enterprise unparalleled in the annals of the world, and contrasted them with our non-intercourse and embargo, it gave him melancholy reflections. He could not embrace a system which tended to destroy this country.

In looking round, said he, you will discover symptoms of radical decay, and proof of consuming strength. Never did a people suffer so much from fallacious measures and empty words. This non-intercourse and embargo must begiven up. They stand on no solid principle; it is a reflection on your wisdom to persist in them; you cannot show either of them to be the means of obtaining some useful end; there can be no dignity in persevering on your ill chosen ground; you are not punishing the belligerents; the operation against them is childish and fruitless; you are punishing ourselves. The project of abstinence and starving men into a sense of duty might apply to a convent or monastery, but the operation as against the belligerents is extremely absurd and ridiculous.

We have got into this difficulty; the great question is, how are we to get out. One obstacle in the way is, that you proudly boasted when you laid the embargo, and you now scorn meanly to sneak out of difficulties, and are pressing the nation into non-intercourse and war. I think it best to have the generous courage, when you find and feel an error, honorably and fairly to renounce it.

If your non-intercourse and embargo are intended to habituate the citizens to the manufacturing and wearing of homespun, that is also visionary. Instead of homespun, the genius of the people is commerce, commerce—money, money; and we ought to spurn from us the hand of unconstitutional power, that would wrest from us those privileges. Let the House be cautious to guard against the progress of subtle encroachments on commerce, and consider that it may be undermined, as well as openly attacked. If you attempt to destroy or depress commerce, you excite a jealousy between the States, which, however much to be lamented, will end in a separation. Among the united interests of the commercial and agricultural parts of the Union, nothing can be more detrimental than their jealousies of each other, and nothing can be so advantageous to this country, as their united efforts

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for their mutual benefit. You have already excited jealousies, and shaken the confidence of the people; mutual affection and confidence between the several States is the glory and safety of all. You have turned the course of trade into other channels, which cannot be recovered back for years to come, and posterity will curse the non-intercourse if it is adopted, and posterity will curse the embargo, which will be remembered as great instances to instruct the world to avoid unpardonable error. Sir, you know they cannot be carried into effect without a large military force, subject to military tribunals. I have always understood that military force was not to be applied to enforce obedience to a law, but when called for by a civil magistrate; and if they are not under the civil authority, it is not government, it is war, civil war, and we have no protection against tyranny. While we follow the sound of liberty, let us take care we do not lose the substance.

Mr. M. said he had taken great pains, and paid attention with deliberation to the highly interesting and important situation of the country, and did believe it indispensably necessary to negative the resolution for a non-intercourse, and raise the embargo. If you do not, said he, it is but the beginning of distress, and I never knew anything which gave me more heartfelt regret than these measures. This nation has experienced great advantages resulting from the different branches of trade, and the sources of public wealth and individual happiness are increasing and extending. Reject this resolution of non-intercourse; raise the embargo, in whole or in part, you will then invigorate her exertions, and reanimate her hopes. If you do not, you will sink down the nation into despair, and an absence of hope for Constitutional relief, and their resentment may get the ascendancy of their moderation, and your laws will be evaded by force. Sir, a want of remedy is in effect the same thing as a want of right.

I will not say where it will end; I will be silent on that head, and go no further. But look to the consequences. No rational man will deny that this state of things cannot be attended with either duration or stability.

Mr. LYON occupied the floor till half past three o'clock, when the House adjourned.

THURSDAY, December 1.

Another member, to wit: THOMAS MOORE, from South Carolina, appeared and took his seat in the House.

JESSE B. THOMAS, the delegate from the Indiana Territory, returned to serve in the room of BENJAMIN PARKE, who hath resigned his seat, appeared, was qualified, and took his seat in the House.

Mr. JEREMIAH MORROW presented a memorial of sundry officers who served in the Revolutionary war with Great Britain, now residing in the State of Ohio, stating, that, from the procrastination of the acts for funding the public debt, and

the distress of the memorialists, they were compelled to dispose of their certificates for pay and commutation at much less than the nominal amount; and praying such relief in the premises, as to the wisdom and justice of Congress shall seem meet.

Mr. SAMUEL SMITH presented a memorial of sundry late officers of the said Revolutionary army, residing in the State of Pennsylvania, to the like effect.

The memorials were read, and ordered to lie on the table.

The House resolved itself into a Committee of the Whole on the report of the committee to whom was referred the petition of thirty-six American citizens confined at Carthage, in South America, under sentence of slavery; and, after some time spent therein the Committee rose and reported progress.

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The House again went into Committee of the Whole on the report of the Committee on Foreign Relations, the first resolution under consideration, in the following words:

"Resolved, That the United States cannot, without a sacrifice of their rights, honor, and independence, submit to the late edicts of Great Britain and France."

The question was taken on the resolution, and carried, *nem. con.*

The second resolution having been read, in the following words:

"Resolved, That it is expedient to prohibit, by law, the admission into the ports of the United States of all public or private, armed or unarmed, ships or vessels belonging to Great Britain or France, or to any other of the belligerent Powers having in force orders or decrees violating the lawful commerce and neutral rights of the United States; and also the importation of any goods, wares, or merchandise, the growth, produce, or manufacture of the dominions of any of the said Powers, or imported from any place in the possession of either."

Mr. RANDOLPH called for a division of the resolution, taking the question on each clause of it separately.

The question was taken on the first clause, ending with the words "United States"—carried without opposition.

The second clause was agreed to by the Committee, eighty-four to twenty-one.

Mr. BURWELL.—I feel bound by the course the debate has taken to express my sentiments upon the resolutions, and place in a proper point of view my conduct and opinions. The view taken of the subject by the gentleman from Massachusetts (Mr. QUINCY) is, to be sure, an extraordinary one; he seems to have considered it a question whether we shall have a free trade or not. Can he seriously believe that to be the true question before the House? Can he hope to impose that belief upon us? In the course of my remarks I will endeavor to show that the question stands upon very different grounds, and that heretofore we have had but a choice of evils, and have but the same hereafter. He has presented us a

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highly wrought picture of the distresses and sufferings of the New England States generally. Is this intended to operate upon us in favor of free trade? or does the gentleman expect, by unfolding to Europe these dreadful calamities, to awaken the tenderness of Mr. Canning, and dispose him, by withdrawing the Orders in Council, to facilitate the removal of the embargo, as a measure of inconvenient restriction to the American people? Will this language have a more beneficial effect upon France? No, sir, it requires a firm and decisive tone, manly fortitude, to command respect from these Governments. But the gentleman, like an indiscreet officer, in a state of siege, while endeavoring to form an honorable capitulation, tells his adversary he can hold out no longer, his provisions are exhausted, his men disheartened, and his works of defence are tottering. Others have taken a retrospective view of this subject, and say that the Government might have avoided the present difficulties, if a different course had been adopted. I could have wished that all which is past should be forgotten, and that we should now take the course best adapted to secure the honor and independence of our country; but as this Government depends upon the will of the people, and derives its strength from their approbation, it is necessary they should know the truth of things urged on this part of the subject. The gentleman from New York (Mr. MASTERS) told us yesterday all our difficulties might have been averted by the ratification of the rejected treaty of Monroe and Pinkney. Without deciding the merits of that treaty, at the same time yielding every tribute of respect to the talents of the negotiators, I altogether deny the assertion. I beg leave to recall to the attention of gentlemen a single fact. By a reference to the note of Mr. Canning of 23d of September last, you will find the orders of January, 1807 and November 11th, rest upon the same ground, and are defended upon the same principle, the "unquestionable right of His Majesty to retort upon the enemy the evils of his own injustice." You well know that of January was issued in seven days after the signature of the treaty, and before its reception in the United States; and supposing therefore the treaty had been ratified, it proves that the same measure would have followed; and that part of the argument is completely done away by a reference to that note. With respect to the conduct of our Government in relation to Great Britain, the proclamation interdicting your ports and harbors to British ships of war, and the non-importation act, deserve some consideration, particularly the proclamation. It has been stated that all our difficulties have been protracted upon a point of etiquette. The proclamation was not a departure from our neutrality with Great Britain and France, because it inflicted a penalty for the violation of a general statute, passed in 1804, without reference to a particular nation, and applicable equally to any Power that should offend against it. If the ships of France had committed similar outrages, they would, I am confident, have received the same treatment. Do you doubt the violation of

the law? Look at the conduct of the squadron. It cannot be reconciled with the independence of the United States, and the proclamation was the mildest precaution when they exercised the hostile rights of sovereignty in this country. They stopped our vessels, impressed our seamen, attacked our frigate, threatened the destruction of Norfolk, and arrayed themselves in complete hostility against us in our own waters. I do not mention these circumstances to excite strong feelings against the nation; I would ask if the United States could suffer the officers of a foreign Government to exercise this power, within our territory, and whether, if the French had done the same acts, it would not have been considered blameable to permit them to remain there?

If the British navy had conducted themselves right, they would have been entitled to and received the customary hospitality. Is it too much for the United States to ask, as a condition for revoking the proclamation, and inconsistent with the dignity of the British Government to give, an assurance that their hospitality shall not be again repaid by the violation of their peace? As to the non-importation act, I would ask, can gentlemen believe if it had not passed, the system pursued by Great Britain would have been different? Had not the policy which terminated in the Orders of Council commenced previous to the passage of your law? Mr. B. contended that the measures adopted by that Government grew out of the state of things in Europe, and the peculiar character of the present war. The non-importation act could not have given offence to the English Cabinet, because it was a commercial regulation justified by previous injuries, and the discrimination made in England of four per cent. more on goods exported to the United States than the continent of Europe; and this country had an undoubted right to countervail it in any way they pleased. England had the less right to complain, as she was in the habit of excluding from her ports such articles as were objectionable, and in her colonies had placed the exports of the United States upon terms by no means reciprocal.

Admit for argument sake, that the act was improper, its policy equivocal—it was not enforced; and therefore the English never experienced any injury from that act. It does not constitute an apology for them. Why ascribe the conduct of England to these causes, when your Ministers, Messrs. Monroe and Pinkney, have declared to you, there were strong and powerful interests in that country, anxious for a war with you; they have told you those interests combine power and wealth sufficient to control the Government; and you have been cautioned by Mr. Monroe, in the most propitious moments of his negotiations, against this spirit; that the liberal views of the Minister must yield to the clamor of the West India planters, the jealousies of the East India Company, and ship-holders, and the impatient avarice of the navy. It is the ascendancy in the Cabinet of these influences, thwarted by the war on the Continent, which menaces your commerce with extermination, and your country with ser-

vitude. It kept pace precisely with the progress of these events.

The first cause of complaint you had, was the obstruction to the exportation of foreign articles to the Continent, the surplus of similar articles became multiplied in the hands of the British merchants, and the means of disposal gradually lessened, with the conquests of France, and her occupation of the continental seaports; in order to counteract these effects, they tried to destroy our trade, by declaring the continuity of the voyage between the colonies and mother country illegal; your vessels were then required to stop in the United States, change the cargo, and pay or secure the payment of the duties, before they could proceed to the Continent. These regulations obviously tended to destroy the superior advantages of the commerce of the United States, and when France had succeeded in cutting out the British entirely from the trade of the Continent, a report of the West India committee declared, that unless all West India and colonial produce was compelled to reach the Continent through England, they could not cope with the American merchant; and the planters in the British colonies could not compete with their rivals without absolute loss. To secure the interest of her planters the American commerce must be depressed. It was the same object which revived the rule of 1756, and extended its application to us, upon principles totally new; and the orders of the 11th November, which followed the execution of the Berlin decree, were intended to give efficacy to this project. Upon this point the gentleman from Massachusetts is good authority; he admitted one of the objects was the annihilation of neutral commerce; he seems however to have forgotten that it was impossible for an American vessel to reach the Continent; and argues as if your commerce was perfectly free, overlooking the actual situation of the United States. You are told by the gentleman from Massachusetts, you have effectually yielded to the operation of the French and British edicts, by withdrawing from the ocean, in conformity to them. I would ask him, if we had armed against both Powers, in addition to the embargo, whether that would be submission? Yet, according to the gentleman's logic, submission consists in refusing to trade with the belligerents. Let us take him upon another ground; he says take off the embargo, and let your vessels go to sea. Well, suppose that to be done; your vessels go to sea, and trade exclusively to Great Britain; for she says you shall go no where else; would that be submission or resistance? Unquestionably submission. But, sir, grant your present system to be submission, is it of that abject kind recommended by the gentleman, which renounces the character of your flag, abandons your property and citizens to the mercy of every picaroon and plunderer on the high seas? Upon the subject of tribute, you are told by him, it will not be paid, if you first go to England—because your merchant will not afterwards go to the Continent, as he knows France will confiscate his property. Is it come to this, and are we to be indebted to France,

our bitter enemy, for protection? Is the national honor to be deposited in such hands? It is asked, could we not trade to Russia, Denmark and Sweden? Yes, you could go direct, but for the Orders of Council, which compel you to touch first at a British port, and pay the duty which she requires for permission to carry on that commerce, to which you have an undoubted right, without imposition or obstruction from that Government. In this case who will save your honor, and your people from paying tribute? The gentleman from Massachusetts admits the trade of the United States must stop in England; it was upon that ground he endeavored to prove we need not pay tribute. What will be the consequence to the United States and the New England people themselves? Why, as England does not employ or consume more than one-third or one-fourth of all your exports, of course you will lose the employment of your shipping in that proportion. What will become of the vessels usually employed in the export trade, in exporting the remaining produce to the Continent, when they are absolutely prohibited from approaching it? They will be useless; and it is absurd, in the present state of things, to imagine they would be relieved by taking off the embargo. He tells us, in speaking of the relative importance of the commerce of Massachusetts and Virginia, that the State of Massachusetts exported to the amount of twenty millions of dollars, thirteen in foreign and seven in domestic produce. Great part of the latter is actually the product of Virginia, whose resources he has endeavored to underrate.

In the report of the Secretary of the Treasury you will find the whole United States exported a little more than one million and a half of foreign produce to England; this is all she wants; while Massachusetts alone exports thirteen millions; several other States export as much foreign produce. Can it be necessary to say what will be the consequence of carrying all these goods to Great Britain? Instead of enhancing the value to the proprietor, the loss and depreciation in the price are inevitable. You must pay an export duty of seventeen per cent. ad valorem, the consumption in that country being prohibited; and, according to the gentleman's account, the trade closes there. But, admit it may be sent abroad, that it escapes the fangs of French privateers and unprincipled confiscation in French ports; in that case you cannot, in addition to the expense of a circuitous voyage, pay seventeen per centum, and come into competition with British merchants trading in similar products, favored with the consumption of the home market, and aided by the drawback in foreign markets. Sir, you would lose upon the property at least as much as you do here, where, by the progress of internal consumption, it is gradually going off at its full value. When the gentleman talks about a disposition to sacrifice commerce, a disposition which never did or can exist, what would he say, if, instead of the British repealing our drawbacks, we were to do it? The drawback given by the United States to the Eastern merchant upon exportation to fos-

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ter navigation, the British Government has undertaken to repeal, and that which we give as a stimulus to enterprise, they extort as a tax upon it. You will find the drawback has been made the standard for the duties imposed by England on foreign exports.

I would again demand, what would these gentlemen say if we should repeal the drawback? They would say; you paralyze our commerce, suspend the employment of our capital, and sacrifice us to our rivals; yet, when the thing is done by a foreign Government, having no jurisdiction over us, they see nothing hostile to commerce—not a murmur is heard; but they tell you, let the merchants trade, they will not pay tribute, France will prevent that: they are determined upon free trade in spite of drawbacks, circuitous voyages, exposure to captures, new duties, and total exclusion from a market: "Everything," says the gentleman from Massachusetts, "stops in England." How does this affect the remaining branch of your navigation? Such is the amount of the discriminating duty in favor of British vessels and against American, by giving them the preference in the transportation of some of your own produce, you save the whole freight, without including other charges incident to the voyage. Can your ship come into competition when it is the interest of the shipper of every article to give your adversary fifty per cent. more than you can carry it for? This fact is demonstrable, with the certainty of arithmetical calculation, and if gentlemen will take the trouble to calculate the discriminating duties upon cotton they will be satisfied. It is proper to observe a discriminating duty is not a recent thing; the duty is relatively now what it was before; but as the gross amount of duty imposed on American produce by the act of Parliament, carrying the Orders of Council into effect, has increased, this effect has resulted. Let us examine how the fisheries will be affected, which, to some gentlemen, are a source of tremendous uneasiness. For these fishermen I sympathize with all my soul, because they are precisely in my own situation. They impose on stockfish 2s. 6d. sterling per cwt., and on every species 4s. sterling per cwt. Now, gentlemen have always told you, the fisheries cannot subsist without some special bounty from Government. Will they now contend that that branch of industry can maintain itself against a duty, the fourth part of the value of the fish? Cut off, too, from its natural market, and forced into one in which there is no demand? The merchant who has patronized the fisheries, and vested his capital in the transportation, will no longer find it his interest to pursue his accustomed traffic in this article to Europe. On the subject of the fisheries, I remember a remark of Alexander Baring, who is considered one of the most intelligent merchants in England, that the cutting off our trade with the Continent would effectually destroy their own fisheries, because, he said, they used to sell their fish to the American merchants, who sent them to Spain, Portugal, &c., under the neutral flag. How much greater must be the injury when to

the loss of the market must be added the expense of double freight and insurance, and a prohibitory instead of a protecting duty? Gentlemen will hardly call this a matter of bounty from his Royal Majesty. What will be the effect on the planter? I believe I have shown the interests of the Eastern merchants and fishermen are completely destroyed.

It will be found that similar duties are laid on lumber and other important articles, operating in the same way as on the fisheries. With respect to the productions of the Southern country, let us take tobacco, an article in which I am personally interested. We export annually about 86,000 hogsheads from the United States, of which, it is stated by Mr. Baring, the consumption in England is about 12,000 hhd. annually. What will become of the surplus? If lodged in England it will not sell, because the quantity exceeds the demand in England, while the risk of capture, and duties on exportation, must confine it to that country, and destroy competition among the purchasers. On this subject, I beg leave to read a calculation of the tribute to which that article is liable:

A cargo of tobacco may be said to consist of four hundred hogsheads. For the sake of round numbers we will suppose each hogshead only one thousand pounds, and the account stands thus:

Four hundred thousand pounds of tobacco at 1½ sterling per lb. is	£2,500 sterling, or	\$11,200 00
Tonnage at 12s. per ton, on 400 tons, is		
£240 sterling, or		1,065 60
Light money, and about fifty other charges, will amount to		800 00

Amount of tribute on each cargo	-	12,965 60
Deducting the amount of tobacco consumed in England, the residue destined for the Continent, and which would go direct but for the Orders in Council, is compelled to touch in England, and pay besides double freight duties, which, calculated as above, stands thus: Say 68,000, though the real quantity is 74,000 hhd. weighing 1,000 pounds, at 1½d. sterling per pound, is		\$1,998,000 00
£425,000, or		
One hundred and seventy ships' tonnage, at \$2,000 each		340,000 00

Amount of tribute on tobacco	-	2,338,000 00
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The amount of tribute, then, on 74,000 hhd., the quantity consumed on the Continent, is \$2,338,000, nearly one half the value of the whole article when shipped from the United States, estimated on the custom-house books, at \$6,000,000. After having destroyed its value, by depriving us of a market, and hindering its consumption, I venture to pronounce that, if the embargo was removed, it would not pay the risk and freight, much less the duty. The planter would receive no reward for his labor, and the merchant undertaking the shipment would be ruined. But the gentleman from Massachusetts talks about navigating the ocean as a matter of perfect safety. What are the facts, so far as they have transpired? Mr. Gray, of Salem, a man whose pa-

triotism has honorably triumphed over the prejudices of party, and whose commercial accuracy will not be questioned, has stated that, out of seven vessels which sailed from that port in the month of December, only one reached the Continent, and she had to pay heavy charges to escape confiscation; she was, to use a vulgar saying, whipped and cleared. I have seen a list from a single insurance office, in Baltimore, of vessels cleared out from the 1st of September to the 23d of December, and out of fifteen which sailed for the Continent, in that time only two escaped—two were condemned, two acquitted, and nine remain in jeopardy. Why, then, will gentlemen tell us we can carry on commerce, when such vessels as have sailed have been devoted to certain capture? In the case of the insurance company to which I have alluded, the loss of property was calculated at a risk of eighty per cent. on its whole value; and, in the case of the port of Salem, at a risk at least as great. With respect to the trade with the French and Spanish colonies, which was open when the embargo was laid, everybody knows we had enough of some of these articles to serve this country for five years to come—we were overstocked—they would be of no value in the United States, and why, then, bring them here? For, I have before shown that, if they had been brought, they could not have been re-exported with safety or profit.

This, then, being the state of affairs at the time the embargo was laid, it becomes proper to speak of the policy which governed my vote. It has been echoed from every part of the House, that the embargo has failed in its purpose; that it has not starved and brought England and France to our feet. I had no such expectation. As far as I recollect what I thought or said at the time of its passage, no such consequence as starving the belligerents was anticipated. I advocated it as a precautionary measure; in that point of view it has not disappointed my expectations. It has answered, then, fully, because it has saved the property which was in port, and got in that which was out, a sum equal to one hundred million of dollars.

It has as yet saved us from war, and what is equally important, it has saved us from tribute. I had another object; to give an opportunity to appeal to their interests, and ascertain whether the belligerents would respect our rights or not. As for what Mr. Canning insinuates, that we looked for the downfall of the British nation from our measures, I did not anticipate such an effect, neither did I with that view support the present system. I contend for nothing but free trade, and ask nothing more of them, nor will I ever be content with less. I am one of those who have always considered the British nation safer than it has been within a hundred years; her relative situation is incontestably more firm than it was at the commencement of the French revolution. Is there a navy on the ocean to oppose her? No. She has swept from that element everything under the name of a ship of war; a danger of internal commotion, which threatened her at the com-

mencement of the present war, no longer exists from the example of the French revolution; no man can suppose that the example of France can now invite emulation; it has ceased to be contagious; the systems resemble too much—all honest men loathe and detest with abhorrence the habitual violation of national rights, whatever may be her internal regulations. In estimating the policy of the embargo when laid, and the effects it would have produced, we should bear in mind the situation of Europe; that was peculiarly favorable for an appeal to the commercial interests of Great Britain. Mr. C. himself admits it was a state in which such an attempt was most likely to succeed; at that time she was excluded from the Continent of Europe, and the want of the commerce of the United States would have been sensibly felt by her. If the coercive effects of the embargo have been partially defeated by the change which has since occurred in Spain, no one can consider it as an error in our calculations at the time, because it could not be foreseen.

There is a remark made by Mr. Canning, connected with this subject, which deserves a reply. He says, the embargo, by an unfortunate concurrence of circumstances, did come in aid of the "blockade of the Continent." The Minister would find a very natural solution for this mystery, if he would only recollect the "unfortunate concurrence" in point of time of the extension of the French decree and his orders against neutral commerce. But, sir, the embargo was materially unlike the blockade of the Continent, inasmuch as British goods were not excluded from your ports, and consequently "did not come in aid of it." I again disclaim all identity in the cause, or concurrence in the views of the French Emperor. My ground was exclusively American; I asked no surrender of British rights. How far the effects of this measure have been defeated by events in this country, appears very obvious to my mind. How does it happen that Mr. Pinkney, as late as July, had every reason to believe the British Government would accede to a proposition which has been since rejected? How does it happen that their tone has been so suddenly changed? This alteration could not have been caused by the events in Spain, because they were known previous to that time, and the change was too abrupt to have an entire connexion with the state of things in Spain and Portugal. Sanguine calculations were entertained that the United States would be dismembered, and your Government destroyed. This was the common prophecy of newspapers and pamphlets. The author of "Hints to both Parties," no less a man than Mr. Marriot, a Ministerial member of Parliament, sagely remarks, that the Chief of your Government must follow the fate of Paul, when Russia and Great Britain were at war; that he is mistaken (as my colleague Mr. RANDOLPH declared) we all know; but the effects were the same as if the calculation had been correct, because the Ministry had acted upon it, assuming it to be a fact. But this writer is certainly mistaken in assimilating

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this Government to that of Russia. Though it would be easy to *take off* an individual in this country, it will be found infinitely more difficult to effect a revolution in its policy. The destruction of one man would not change the temper of the people, or alter the policy of the National Councils. While I regret the effects produced in Europe by the intemperance of our own people, and the shameful misrepresentations of the papers and foreign emissaries, I am far from questioning the right of the people in every section of the country to speak what language, and to give what intelligence they please to foreign Powers. It is one of the evils arising from our political institutions, but which is counterbalanced by the good effects which the liberty of the press produces. It is, however, lamentable that the essential interests of the country have been sacrificed by retarding a settlement of our differences.

There is one fact which proves that the calculation of the British Government on our divisions has been decisive in her Councils. I mean the proclamation inviting the violation of our embargo laws—affording protection to those who resist the authority of the law. Is this the conduct to be pursued toward us by a nation professing friendship? Is it the conduct of one civilized country to another? It is not, and can only proceed from the delusion produced by the reports of individuals who have been scattered through this country to engender mischief. Mr. Canning speaks this language, as if his hopes of rebellion were consummated. He evidently considers us torn to pieces, incapable of resistance, and obliged to fall a victim to their policy. But I trust there is a redeeming spirit which will avenge the wrongs of this injured nation. There has been another effect produced by the embargo, notwithstanding the shameful evasion of the law. The price paid in the West India islands for your products, some of which are essential to existence, and all necessary to comfort; this price has been extravagantly high, and must have been injurious to the planters, who, while they found the means of vending their produce limited, were compelled to pay for articles of foreign growth, high prices, and exchange their own below the usual price, which, even at its common standard, afforded no profit. In Great Britain herself, as was expected, the gradual advance on the price of all the raw materials for her manufactures, has not only embarrassed their operations, but thrown thousands out of employment; the effect has kept pace with the exhaustion of the stock on hand when the embargo was laid.

The plan proposed by the gentleman from New York, (Mr. MUMFORD,) for permitting a trade with Spain and Portugal, would be far from affording adequate relief to the great and important interests concerned. Your exports to Spain and Portugal do not exceed four million of dollars in domestic, and sixteen millions in foreign produce. Supposing this commerce free, what would be the effect of prosecuting it? Do you think, in the present state of things, you can come into

competition with the Spanish, Portuguese, and British vessels? I apprehend not; for it will unquestionably be the policy of the new Government to favor their own navigation, and that of the British nation, with whom they are in alliance, in preference to another. And, let me tell you, by this moment, their markets have been glutted with foreign produce by the English, who are convenient, and have, themselves, a superabundance. But, have you any assurance that the present state of things will continue? Suppose your vessels were to clear out for ports of Spain and Portugal; is there any certainty you would not find them occupied by French troops? And, in that case, an unprincipled confiscation of all your property must be the immediate consequence. Besides, how do you know, these countries are not within the scope of the Orders of Council? All you know upon this subject, is a conversation said to have passed between some merchants and Mr. Canning. He tells you, to be sure, it is not impossible some relaxation of the orders, not calculated to impair their rigor, but to accommodate them to neutrals, may take place. You understand pretty well, from experience, what these favorable modifications mean. I shall presently have occasion to speak of them. You rely, then, upon a conversation, in which a British Minister has undertaken to do—what? To regulate the trade between this country and an independent nation—(for it must be considered independent until subdued.) He tells you, that you may carry direct your own, and the produce of the Spanish and Portuguese colonies, and bring back the produce of those countries in return. This boon, seized upon here with avidity, is stamped with an assumption of authority, subversive of your national independence. If it rests with them to regulate your commerce at their pleasure, what pledge have you, when it conflicts with their interests, they will not curtail it? How are you to satisfy the scrupulous consciences of the Admiralty Courts, that the sugar you carry was raised in Cuba, and not in Martinique or Guadeloupe? And, if you succeed in this, a thousand pretexts will be found by the learned crafts of Doctors' Commons to rob you of your property. When I talk of the security of our trade, I talk of a nonentity. It is regulated by the single dash of a pen, and that not of your own Government, but of a foreign Power.

But, sir, gentlemen may attach some stability to this indulgence, from the exception of the Spanish and French colonies, in the Orders of Council. They have often adverted to the fact, and the British Government itself has not failed to press it upon you as a proof of her favor, and a new claim upon your gratitude. The truth is, she was pursuing her own interest; she was more concerned in the trade to the colonies than you were yourself, for which your merchants exported only four or five millions in native products. They became factors of the British, and circulated nearly twenty millions of English goods, which could not otherwise find entrance into those ports. Is it not easy to discover what was

the policy of the permission to trade to these islands? It was, that her special interests, not yours, were promoted by it. No; she would not even permit you to seek a market for your indemnification after serving her. Now she can go there directly, and sell her goods without your assistance. What follows? Does she consult your interest by permitting you to carry on the trade open to her own merchants? No, sir, and if any doubts remain, let me call your attention to the late proclamation, blockading the French West India islands. We have despatches from England down to the 25th of September; at that time there was no intimation to your Minister, and not a whisper in the political circles, of this thing, and suddenly, when it was supposed in England (in the language of the gentleman from Massachusetts) "that we must take off the embargo," you see a proclamation dated only fifteen days later than the latest dates from England, declaring that every vessel going to the French West India islands, shall be liable to seizure and condemnation. What language does it speak? What policy does it evince? To my mind it presents a train of reflections, to which I am unwilling to give utterance, and apply the appellation which the transaction deserves. It is insidious and hostile to its utmost extent. Suppose the gentleman had moved to take off the embargo the first of the session, and had succeeded by the tempting promise of this trade. You well know the French islands have been literally ruined by the embargo. They have not been, like the islands of His Majesty, supplied by the infractors of the law, principally British agents, through Canada and Nova Scotia, with provisions. Every vessel laden with flour and provisions would have shaped her course to these islands, where there was the greatest scarcity, and the greatest probability of profit; and by this "unfortunate concurrence" between the removal of the embargo, (as was expected in England,) and the proclamation of blockade, all your commerce in that direction would have been swept off and destroyed. This blockade is of old standing, at least as old as the petitions of the last summer—it is dated the 14th of October—delayed six days, and sent by express for our notification about ten days after the meeting of Congress, at which time it was supposed the embargo would be raised. It is said this express vessel met British vessels going into Barbadoes as she came out, from whom the instructions were received. But it is reduced to certainty, these vessels arrived on the 20th, and the proclamation issued on the 14th. Yes, sir, the nets were artfully spread, the sportsmen stationed, and the whole flock would have been entangled and taken, but for the embargo. Will gentlemen not take warning?

There has been one observation made on which I will make a few remarks, and but few; but they are necessary to a fair and candid discussion. It has been said that we ought to have resisted the Berlin decree; that if we had done that, we should have been saved from our present disagreeable situation, and have taken from Great

Britain a pretext for enforcing her Orders in Council. The gentleman from Massachusetts defines submission to be the doing that which you are commanded to do, and resistance in the doing that which you are commanded not to do. I thank him; he is perfectly correct. I will use his definition, and apply his own principles to this case. What said the Berlin decree? You shall not go to Great Britain, if you do France will seize and confiscate your property. What was our conduct? We did go to Great Britain, and our shipments were nevertheless as great as before the decree; we did carry on the forbidden trade, and therefore, by the gentleman's own definition, resisted. Let us take another view of this subject. In the note of Lords Holland and Auckland, attached to the rejected British Treaty, they tell us among other things, that if the enemy should carry these threats into execution, and the United States should acquiesce, they should probably be compelled to retaliate in the same way; but disclaim the right to retaliate if the French Government formally abandons, or tacitly relinquishes them. What is tacit relinquishment? Was there a single case in which it was executed, and known to us previous to the Orders in Council? Not one; and does not the fact, that American vessels went from England to France, as before, prove a tacit relinquishment? Certainly. Indeed so far from its being a tacit relinquishment, it was a formal abandonment, amounting to a positive and express acknowledgment, that the decree was not in force against the commerce of the United States. I have already shown that England received no injury from the operation of that decree, because we traded with her as we had done before, and the retaliating orders, admitting the right of Great Britain to retaliate on her enemy through neutral trade, could not exist until we had received an injury and acquiesced in it. But so far from its being known we had acquiesced, the execution of the Berlin decree, and the orders of the 11th of November, reached this country nearly at the same time. If our commerce had been vitally assailed by this monstrous decree, and we had not effectually resisted, I am not prepared to say how far it would have been a departure from our neutrality, and would have justified the measures adopted. Sir, I never would have submitted to it. You must remember I declared I would vote against a general embargo, but that I anticipated, from the British, measures quite similar to those of France. We did our duty, resisted when attacked by it, and I scout all idea that the people would have submitted, or that any man would have proposed such submission. You hear no apology for France; you hear no palliation of her outrages, or disguise of her views, and you see every man ready to exert the energies of the nation to avenge the wrongs of the country. Take the Orders of Council in another point of view: they profess to retaliate on France through us, because we have permitted her to attack our rights. Why then were they not confined in their operation to France; why did they com-

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prehend nations with whom we were in amity, and from whom we had received no injury? Will any person say we ought to have gone to war with Russia, Denmark, and Sweden? You are bound to consider these nations independent, and treat them as such, while they manifest no disposition to change the subsisting relations between us, and refrain from hostile acts. The unlimited scope given to the Orders in Council, manifestly shows the retaliation on France was a mere pretext. But if the object of Great Britain was really retaliation on France, how could she get over the proposition made by the Government of the United States to continue the embargo as to France, and remove it as to England, provided she would withdraw her Orders in Council? This would have been a compliance with her requisition for resistance to the Berlin decree, and destroyed all ground for the continuance of the orders. But here we are told that our Government has offered to comply with that, which if they had done in the first instance, would have saved us from difficulties. This is indeed a strange inference: that England would have acceded to the proposition formerly, because she now rejects it. Sir, the United States can never consent to give authority to that unlimited right of retaliation which she claims. And so far from this offer being a compliance with that demand, it was an honest and fair avowal of the conduct which the Government would pursue towards France, if left to itself. It was honorable, sir; and the rejection of that favorable proposition, connected with the obvious causes of that rejection, convinces my mind she does not want to be on good terms with us. She thinks more may be made in another way.

It has been urged in the course of this debate that the embargo destroys all our revenue, and that if we remove it our Treasury would be again filled. What is the fact on this subject, taking it upon their own ground? You inevitably lose upwards of a million of dollars collected by way of drawback, on articles re-exported from the United States for consumption in foreign markets; the obstacles interposed by the orders, and the imposition of a transit duty by act of Parliament equivalent to the duties remitted in this country, cut off at once this amount, it is pocketed elsewhere. Again, we have heretofore derived a revenue from all that part of our importations which is from the Continent of Europe, and every other part of the world not included in the Orders of Council; the impost derived from this trade, and the means which it afforded of paying revenue into the Treasury are at an end, nor could it be resumed by raising the embargo. I will venture to assert these losses constitute one-half of the revenue; they are irretrievably lost while Europe continues in its present state. Again: Suppose you continue to trade with England; how would your revenue derived from the consumption of her manufactures stand affected? Grant that one-half of our revenue is now collected from the commerce with Great

Britain; if the produce of this country is reduced to a mere drug by being restricted to her ports, (and I have shown that would be the case,) could you continue to consume her goods? It is an established axiom in trade that the exports and imports must always bear an exact proportion, and it is ridiculous to suppose the use of foreign goods would continue after the means of payment ceased to exist; in other words, the exchange of labor between the two countries would be too unequal to last. In a short time even that branch of revenue would dwindle into insignificance; it would not replenish the Treasury. Thus, sir, take these edicts and Orders in Council in any possible point of view, their operation upon your commerce is exclusion from the continental market, the destruction of your revenue, the lessened value of the produce of your soil, and the prostration of your fisheries and navigation. Enterprise cannot continue when every avenue of commerce is cut off; in short they produce the very evils which gentlemen wish to charge on the embargo. I have endeavored to consider this question as a question of pecuniary calculation altogether, and it is so clear to my mind, that there does not exist a temptation to sacrifice the honor and independence of the United States, that I am astonished gentlemen can take any other view of the subject than that I have taken. To take off the embargo at this time, while the decrees of France and the orders of England remain in force, without adopting some other measure equally efficient, would be to submit to the meanest degradation. It would be sending your property to certain ruin, exposing it to the lawless spoliation of every pirate with which the ocean is infested, without the means of resistance or the hope of justice. If you do not now take a stand for your rights, when will you? Can the occasion ever be more urgent? It would be vain hereafter, when you have yielded, and the nation is habituated to foreign domination. Do you flatter yourself that your grievances will close here? You will be mistaken; it is not the nature of power intoxicated with success to retract its encroachments, or commercial avarice to relax its pretensions. The little you now have will soon be claimed, and what you have already yielded, will furnish the pretext to enforce your compliance; you will not even be remunerated by profit for your disgrace. It is not a time when submission is entitled to moderation, or concessions insure forbearance. Our agriculture must continue as it now is until some new direction be given to the destructive tempest, which renders it almost impossible to navigate the ocean. I know that the operation of our measures is strong, that every man must feel them more or less, and the plainest calculations cannot quiet the restlessness of pecuniary embarrassment. But, sir, while I candidly believe the members of this House feel their full share of the public pressure, (that at least is my case,) and are honestly governed by what they believe the interest of the country, I cannot but rely upon the patriot-

ism of the people. Let gentlemen, therefore, who disapprove of this system, come forward and say what they think best to be done. They owe it to themselves, and their constituents, and they cannot withhold their counsels without violating a sacred duty they are pledged to perform. Let them do this instead of dividing and distracting the Government, and weakening the nation; they are Americans, and ought not to sacrifice the national rights to the pride of party. As to the embargo, show me something better, and I will retract like an honest man, and adopt it. I do not consider myself precluded from a choice of measures because I once voted for it. There is no object to which I stand pledged but the safety of the nation, and no system but that which will most certainly promote it.

My colleague has said we are called on by every sense of duty we owe to ourselves and country to unite and annoy our enemies, and make the strongest possible impression upon them. I agree with him. It is time to retaliate the aggression and injuries of which we have been so long the victims. This is the only way to change their temper, by retorting the evils of their own injustice; some foreign magic must have withered his brain, and that man must be under the influence of foreign Governments who will not go all lengths to support the honor of the nation. It is to be regretted our harmony has been disturbed by the introduction of subjects not connected with the existing state of things, or calculated to meet future difficulties. Union would be more promoted by looking prospectively. As to those measures alluded to by gentlemen as the cause of our present difficulties, they passed before I had a seat on this floor, and without any participation of mine. Can there exist a doubt that the crisis has arrived when we must take care of ourselves, and keep to ourselves? Every mode of insult to the nation has been tried, and even your public Ministers have come in for their full share of neglect. As to keeping them any longer in Europe to be writing notes and papers, it is out of the question; for one I am prepared to go along with my country and share its fate. I shall vote for the first and third resolutions, because we cannot without dishonor submit to the flagrant violation of our neutral rights, and because we should be prepared to defend them. The second, excluding armed vessels, shall also have my approbation. I am willing to place the English and French upon the same ground. Their conduct has forfeited all claim upon us to the hospitality and protection of our waters. I am disposed to exclude the productions of both, and cut off all intercourse until they are disposed to renew it upon terms of equality. As for this measure injuring England more than France, we cannot help that; but it ought to be recollected that it has not been long since we were told by the British themselves, all their efforts to injure France were vain, while she enjoyed the benefit of the American commerce.

The third resolution, in the following words, having been read:

"Resolved, That measures ought to be immediately taken for placing the country in a more complete state of defence."

Mr. RANDOLPH said he supposed that this was a resolution to which there might probably be but little opposition; but at the same time he, for one, should like to know what were the details connected with it.

The CHAIRMAN asked if the gentleman from Virginia wished to hear the report read?

Mr. RANDOLPH.—Very far from it, sir.

Mr. NICHOLAS said, as the chairman of the committee was not present, and he felt at all times disposed to give any information in his power, he would state what he knew on the subject. The situation of the United States being at this time critical, and as it was possible if not probable that war would ensue, Mr. N. said it had been his opinion, and that of the select committee, that we should be prepared for it. It had been doubted by the committee whether this subject came properly within their province; but it had been the opinion of the majority that it would be proper for them to express their sentiments on the subject; with an idea that if the House should concur, the resolution might be referred to another committee, whose business it would be to procure such details from the departments as would enable them to make the proper arrangements for carrying the wish of the House into effect.

The resolution was agreed to, *nem. con.*

The Committee then rose and reported the resolutions to the House.

The House proceeded to consider the said report at the Clerk's table: Whereupon the first resolution contained therein being again read, a motion was made by Mr. DANA, to amend the same, by inserting between the words "submit to," and the words "the late edicts of Great Britain and France," the following words, "abandon the navigation of the ocean in consequence of:" and on the question, that the House do agree to the said amendment, it passed in the negative—yeas 26, nays 96, as follows:

YEAS—John Campbell, Epaphroditus Champion, Martin Chittenden, John Culpeper, Samuel W. Dana, John Davenport, junior, James Elliot, William Ely, Richard Jackson, Robert Jenkins, Philip B. Key, Joseph Lewis, jun., Edward St. Loe Livermore, Edward Lloyd, William Milnor, Jonathan O. Mosely, Timothy Pitkin, jun., Josiah Quincy, John Randolph, John Russell, William Stedman, Lewis B. Sturges, Samuel Taggart, Benjamin Tallmadge, Jabez Upham, and Killian K. Van Rensselaer.

NAYS—Willis Alston, jun., Ezekiel Bacon, David Bard, Joseph Barker, Burwell Bassett, William W. Bibb, William Blackledge, John Blake, junior, Thomas Blount, Adam Boyd, John Boyle, Robert Brown, William A. Burwell, William Butler, Joseph Calboun, Matthew Clay, John Clopton, Orchard Cook, Richard Cutts, John Dawson, Josiah Deane, Joseph Desha, Daniel M. Durell, John W. Eppes, William Findley, James Fisk, Meshack Franklin, Francis Gardner, Thomas Gholson, jun., Peterson Goodwyn, Edwin Gray, Isaiah L. Green, John Harris, John Heister, William Helms, William Hoge, James Holland, David Holmes,

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Benjamin Howard, Reuben Humphreys, Daniel Ilsey, John G. Jackson, Richard M. Johnson, Walter Jones, Thomas Kenan, William Kirkpatrick, John Lambert, John Love, Nathaniel Macon, Robert Marion, William McCreery, Daniel Montgomery, jun., John Montgomery, Nicholas R. Moore, Thomas Moore, Jeremiah Morrow, John Morrow, Gurdon S. Mumford, Roger Nelson, Thomas Newbold, Thomas Newton, Wilson C. Nicholas, John Porter, John Rea of Pennsylvania, John Rhea of Tennessee, Jacob Richards, Matthias Richards, Samuel Riker, Benjamin Say, Ebenezer Seaver, Samuel Shaw, James Sloan, Dennis Smelt, John Smilie, Jedediah K. Smith, John Smith, Samuel Smith, Henry Southard, Richard Stanford, Clement Storer, Peter Swart, John Taylor, John Thompson, Abram Trigg, George M. Troup, James I. Van Allen, Philip Van Cortlandt, Archibald Van Horn, Daniel C. Verplanck, Jesse Wharton, Robert Whitehill, Isaac Wilbour, David R. Williams, Alexander Wilson, Nathan Wilson, and Richard Winn.

Mr. DANA spoke against the propriety of introducing the resolution, but did not oppose its passage.

Mr. TAYLOR replied.

Mr. D. R. WILLIAMS called for a division of the question, so as to express the sense of the House as to the edicts of each belligerent, separately.

Mr. MOSELY said, he should, at this time, make a very few remarks only, as applicable exclusively to the resolution.

He observed, that it appeared to him very singular and extraordinary that, at this period, the House should be presented with the abstract proposition contained in the resolution, that the United States cannot, without the sacrifice of their rights, honor, and independence, submit to the late edicts of Great Britain and France.

Sir, said he, the obnoxious edicts alluded to in this resolution were as well known and understood months prior to the close of the last session of Congress, as they are now.

Why then should it now, for the first time, be thought requisite to make this declaration. If such a declaration could be deemed necessary to show our spirit it certainly seemed to him to come with a very awkward grace at this time of day.

But he considered the resolution itself as rather a harmless thing. It may admit of various constructions. At all events, he said he perceived nothing very alarming in it. It can "break no man's leg, nor pick no man's pocket." He presumed it was not intended or calculated to expose the nation to the waste of much blood or treasure, from any hostile resistance to their edicts which was to result from the adoption of this resolution.

Indeed, said he, if this resolution were to be presented to the public, disconnected with the reasoning in the report, and with no explanation of its meaning; it would, as has been remarked, be regarded by a great proportion of the people as a pledge for the repeal of the embargo laws.

These laws, by compelling them to abandon the ocean, they consider as producing that very submission and sacrifice of the rights, honor, and

independence of the nation which this resolution disavows.

Instead of viewing their present situation in the light of a dignified retirement, as some gentlemen are pleased to term it, they do conceive it as a dastardly relinquishment of their incontestable rights. But those who voted for the embargo laws, and who are still for continuing them, it is to be presumed, entertain no such ideas. Finding, however, that others do, and that such sentiments are continually becoming more prevalent, it was perhaps thought prudent and proper to have a general declaration of this sort, as explanatory of their own views of their own measures. If this be all, Mr. M. said, he certainly felt disposed, on all occasions, to gratify gentlemen whenever it could be done without injurious consequences. His greatest objection, he said, was an apprehension that we should diminish our own dignity, and expose ourselves to ridicule, by saying so much and doing so little. He feared that foreign nations would begin to conclude, that they had nothing to apprehend from us, but proclamations, paper resolutions, abstract propositions, and menaces without meaning. However, he said, he believed, when called upon, he should give his vote in favor of the resolution.

Mr. GARDENIER said that he should probably, on the present question, be in a very small minority; and this being the case, he felt an unwillingness to vote, without at the same time asserting the principle on which he opposed it. He was opposed to it for two reasons; first, because it was legislating on an abstract proposition; resolving a certain thing which could not be disputed; and secondly, because no definite consequence was to result from the adoption of it. One gentleman, said he, asserts that the adoption of this resolution, if followed by any consequence, will be followed by a repeal of the embargo. Another gentleman considers the adoption of the resolution as pledging the House and nation to the approbation and continuance of this same embargo law. Then it is legislating on words without signification, entering into a resolution which subjects us to no specific course after it is passed, binds us to nothing; for one gentleman can vote for this resolution, because in consequence of it he considers the House bound to repeal the embargo. Let the members of this House look for one moment to the ridiculous consequence of voting upon an abstract proposition which is followed by no consequence, which decides no question, which ties us down to no course of proceeding. No individual commits himself on any point in controversy by voting on this resolution. Therefore, Mr. G. said it was an idle and useless proposition. It appeared to him to be below the dignity of the House to vote for or against it; and if he knew any way in which the question could consistently be evaded, he should pursue that course in preference to the vote which he felt himself obliged to give. In the view in which he considered this resolution, he could not see how men, legislating for the good of the nation, could bring themselves seriously to vote for such a proposition. It is not

only idle, said he, but in my mind it is not asserting the dignity of this House, and of the nation, to pass a resolution expressed in the terms in which this is expressed. "*Resolved*, That the United States cannot, without a sacrifice of their rights, honor, and independence, submit." The United States cannot submit to anything, sir; the moment we submit, that moment we have no more rights, honor, and independence. I had thought, as an American citizen, that to submit in any case, was to relinquish those peculiar privileges which distinguish the citizens of the United States from all others; I should, therefore, as soon think of bringing forward a resolution for the adoption of this House, that it is a relinquishment of our rights and independence to submit at all, as that it is such a sacrifice to submit to the edicts mentioned in the resolution. The proposition then amounts to this: that for the United States to submit is to sacrifice their independence. And who disputes it? No one. In this view of the subject, therefore, the adoption of this resolution would seem to imply a doubt whether this nation has shown a disposition to resist the aggression of foreign Powers: If the fact were really so, if we had been in the habit of submitting to insults and aggression, at any rate I would not wound the feelings of this injured people so much as to pass a resolution which should imply that it had been the case; for if any possible practical utility can result from the adoption of this resolution, it would be this and this only: that inasmuch as our conduct hitherto had been calculated to impress foreign nations with an opinion that we would submit, it has become necessary to declare that we would not submit. Now, is this country placed in such a situation, either by the conduct of the Administration or its opponents, that a new declaration of independence has become necessary? Has the spirit of '76 travelled back so far as that it is now necessary to declare that we are independent? If this were seriously a matter of doubt, in such a case I might be inclined to adopt such a resolution as this. But I do not think so. The spirit of independence is as broad awake as ever it was; it is as warm and glowing as it was at the battle of Bunker's Hill; and, therefore, certain as I am of this, I am not prepared to give my assent to such a proposition; because I think its adoption calculated to carry with it an expression of doubt as to the matter which it resolves to be true. When the Declaration of Independence was made in '76, we were not, immediately antecedent to that period, independent. That the character of this nation might be justly estimated, it became necessary that a declaration of independence should be made. That was made; and ever since that time it has been unnecessary to declare that it did exist. I see nothing in the temper of the people at this time which is calculated to make me fear that they mean to relinquish their independence. I will say that in neither of the great parties in the country is there any disposition to relinquish it. In the party which I oppose, I do not believe that there exists any design to surrender our independ-

ence, although I believe their measures destructive to the interests of the nation; and in the party to which I belong, (and the being attached to it is a circumstance in which I feel more pride than in any other.) I am certain that no such disposition exists. There is no necessity, therefore, for passing this resolution. I would not hold out to foreign nations that any circumstance had occurred which rendered it necessary to declare that we are an independent nation; for that is the pith of the proposition.

Four other members rising in favor of the previous question, it was put in this form—"Shall the main question be now put?" and carried—ayes 85.

Mr. RHEA rising to speak at this time, and an objection being made by some gentlemen on the ground of order,

The SPEAKER declared it his individual opinion that debate was inadmissible after an affirmative decision of the previous question; but that the House had at the last session overruled his opinion, and he felt himself obliged to yield to their decision.

Mr. D. R. WILLIAMS appealed from this decision, permitting debate after a decision of the previous question, on the ground that it was contrary to the rules of the House.

Much debate took place on this appeal, and Mr. RANDOLPH called for the yeas and nays on it.

Before they were taken, however, a motion was made to adjourn, and carried.

FRIDAY, December 2.

Another member to wit: EVAN ALEXANDER, from North Carolina, appeared and took his seat in the House.

Mr. LEWIS, from the Committee for the District of Columbia, to whom was referred, on the sixteenth ultimo, a petition of sundry inhabitants of the City of Washington, presented on the tenth of November, one thousand eight hundred and seven, reported a bill to incorporate a company for opening the canal in the City of Washington; which was read twice and committed to a Committee of the Whole on Monday next.

Mr. NEWTON, from the Committee of Commerce and Manufactures, to whom was recommitted, on the twenty-second ultimo, a bill authorizing the President to employ twelve additional revenue cutters, reported an amendatory bill, authorizing the President to employ an additional number of revenue cutters; which was read twice and committed to a Committee of the whole House tomorrow.

Mr. JEDEDIAH K. SMITH presented a petition of SAMUEL MOREY, of the State of New Hampshire, praying that the patent heretofore granted to the petitioner for sundry improvements made by him on steam engines, may be extended to such farther time as Congress in their wisdom may deem proper.—Referred to Mr. JEDEDIAH K. SMITH, Mr. UPHAM, Mr. MATTHIAS RICHARDS, Mr. GOODWYN, and Mr. HOLLAND; to examine and report their opinion thereupon to the House.

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The **SPEAKER** presented to the House sundry proceedings of the Grand Jury for the county of St. Clair, in the Indiana Territory, at a term of the Circuit Court held in the month of October last, stating certain grievances to which the inhabitants of the said county have been and are now subjected from the connexion subsisting with the country lying eastward of the river Wabash; and praying such relief in the premises as to the wisdom and justice of Congress shall seem meet.—The proceedings were read, and ordered to lie on the table.

A Message, received yesterday, from the President of the United States, was read, transmitting a report from the Surveyor of the Public Buildings, of the progress made on them during the last season, of their present state, of the expenditures incurred, and of those which may be requisite for their farther prosecution.—Ordered to lie on the table.

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The House resumed the consideration of the question on an appeal from the decision of the Chair which was depending yesterday at the time of adjournment: Whereupon, the said decision being again read in the words following, to wit:

"That, conformably to the determination of the House on the fifteenth of December last, it did not preclude debate on the main question."

And on the question, "Is the said decision of the Chair correct?" it was resolved in the affirmative—yeas 101, nays 18, as follows:

YEAS—Evan Alexander, Lemuel J. Alston, Ezekiel Bacon, Joseph Barker, William W. Bibb, John Blake, jun., Thomas Blount, Adam Boyd, John Boyle, Robert Brown, William A. Burwell, William Butler, Joseph Calhoun, Epaphroditus Champion, Martin Chittenden, Matthew Clay, John Clopton, Orchard Cook, John Culpeper, Samuel W. Dana, John Davenport, jun., John Dawson, Josiah Deane, Joseph Desha, Daniel M. Durell, James Eljot, William Ely, John W. Eppes, William Findley, Meshack Franklin, Barent Gardenier, Francis Gardner, James M. Garnett, Thomas Gholson, jun., Peterson Goodwyn, Edwin Gray, Isaiah L. Green, John Harris, John Heister, William Helms, William Hoge, James Holland, David Holmes, Benjamin Howard, Reuben Humphreys, Daniel Hsley, John G. Jackson, Richard Jackson, Robert Jenkins, Walter Jones, Thomas Kenan, Philip B. Key, Joseph Lewis jun., Edward St. Lee Livermore, Edward Lloyd, John Love, Robert Marion, William McCreery, William Milnor, Daniel Montgomery, jun., John Montgomery, Nicholas R. Moore, Jeremiah Morrow, John Morrow, Jonathan O. Mosely, Gurdon S. Mumford, Thomas Newton, Wilson C. Nicholas, Timothy Pitkin, jun., Josiah Quincy, John Randolph, John Rea of Pennsylvania, Jacob Richards, Matthias Richards, John Russell, Benjamin Say, Samuel Shaw, James Sloan, Dennis Smelt, Jedediah K. Smith, John Smith, Samuel Smith, Henry Southard, Richard Stanford, William Steadman, Lewis B. Sturges, Peter Swart, Benjamin Tallmadge, John Thompson, Abram Trigg, George M. Troup, Jabez Upham, James I. Van Alen, Philip Van Cortlandt, Archibald Van Horn, Killian K. Van Rensselaer, Daniel C. Verplanck, Robert Whitehill, Isaac Wilbour, Alexander Wilson, and Nathan Wilson.

NAYS—Willis Alston, jun., Burwell Bassett, William Blackledge, George W. Campbell, Richard Cutts, James Fisk, Nathaniel Macon, Josiah Masters, Roger Nelson, John Porter, John Rhea of Tennessee, Samuel Riker, Ebenezer Seaver, Clement Storer, John Taylor, Jesse Wharton, David R. Williams, and Richard Winn.

The question then recurring, that the House do agree to so much of the first resolution reported from the Committee of the whole House, as is contained in the first member thereof, in the words following, to wit:

"Resolved, That the United States cannot, without a sacrifice of their rights, honor, and independence, submit to the late edicts of Great Britain:"

Mr. **RHEA** made a few remarks in support of it. Mr. **UPHAM** made a few observations, going to show that any gentleman might vote for or against this resolution, under whatever interpretation he pleased; giving to the terms of it whatever construction should best suit his ideas.

Mr. **JACKSON**, of Virginia said, that the importance of this subject had been acknowledged by all the gentlemen who had addressed the Committee of the Whole; they had admitted that this was a crisis which called for all the information, talent, and decision of the nation, which, unfortunately for its best interests, were divided into parties and subdivided, so as materially to affect that strength which ought to be united. The course of discussion which had been pursued, necessarily resulted from the nature of the subject, our foreign relations; everything connected with them came before the House in some shape or other. And although the time of the House might be employed on some things unnecessarily, according to his conception it would be well employed in defending measures which had been condemned with a view to prejudice the public mind; for it was not with the hope of changing the conviction of any member of the House, but for influencing the people, that they had been thus condemned. And as some gentlemen had taken views of our situation which were conceived by him to be incorrect, disingenuous, and improper, he thought it due to himself, to the majority with whom he was associated, and the people, to state the grounds on which they acted, according to his conception.

We are scarcely permitted to touch the threshold of this investigation, said Mr. J., when we are called upon to take care how we act; insurrection is threatened, and an attempt is made to influence the House by representations of hostility to the Government, in the Eastern people, which only pervades the minds of those who represent them. I know that watchfulness is characteristic of a republican form of Government; it is the grand sentinel of the system; and I should regret to see the disposition to watch over and animadvert on the measures of the Administration, lulled into a listless security. But it is not that watchfulness, disgracing the authors of misrepresentations which have extended to every hamlet and fireside in the country, that is proper, but a candid examination of both sides of the question. *Audi alteram partem*, is a precept founded on

justice and reason, and necessary to a correct decision. Misrepresentations have gone forth to every quarter of the Union, and charges, reiterated in some instances on this floor, have operated on the public mind, so as to excite unnecessary, unjust, and unreasonable jealousies against the Government. Party spirit, the bane of free governments, a monstrous excrescence growing out of liberty, and threatening even liberty itself with destruction, still exists in our country, and after the unsuccessful experiment of seven years has been made, it is in vain to expect to disarm it of its antipathies and its malice. Its great maxim seems to be that the end will justify the means; and if it can attain its end by the most dishonorable means, that they are justifiable. To this source in a great measure may be ascribed the difficulties this nation has to encounter, and to this source, foreign nations are unfortunately too much in the habit of looking; to our opposition prints and our opposition men, England looks for support, and from them an idea has gone abroad that the insurrections of the Vermontese and the opposition in the Northeast would overturn the constituted authorities; and, if not by the regular process of election, by revolution itself, a change would be made in the politics of those who administer the Government of the United States. We know that it is the wish of each of the belligerents, who have swallowed up in the vortex of their interminable disputes all the nations of the world but the United States, to unite us in their cause. Each one wishes to form more intimate connexion with us than those we have with its enemy. This disposition is natural; for when we look into private life, we see individuals endeavoring to enlist those who have no concern in the dispute among their partisans in their personal contests. Besides this wish, common to both the belligerents, a spirit of monopoly and jealousy of our commercial greatness has seized upon the Government and people of one of them. It is evident from the conduct of Great Britain for many years past, that she cannot consent to submit to the idea that the United States shall be reaping the rich harvest of their neutrality, while her thousand ships are scouring every sea and driving everything from its surface. The commercial spirit of the people of the United States has been the cause of that jealousy; that spirit which in its infancy was so eloquently portrayed by Edmund Burke, which has been so essentially fostered by the measures of our Government, has grown with our growth, and strengthened with our strength. Our hardy adventurous seamen have prosecuted commerce in every sea, and reaped the most advantageous harvests appertaining to it. Therefore it is natural to suppose that with the jealousy excited by our successful competition, and a knowledge of her supremacy on the ocean, Great Britain, who wields its trident, should be disposed that we should bow to its haughty mistress; and though we have not succumbed, every right appertaining to us as a neutral nation has been assailed in turn. Let us look at the injuries practised by Great Britain,

in relation to their effects upon the United States in their national and neutral character; and first with reference to those effects on ourselves. Our citizens have been impressed, under a pretext that they were British subjects; they have been deprived of their liberty, seized and carried from their country, compelled to endure an arduous service, and to fight against nations with whom we were at peace. The colonial trade, which tended to enrich our merchants, and from which we derived a revenue of a million of dollars per annum, was next assailed by them, on the principle that they had a right to prohibit a trade with enemies' colonies not permitted in time of peace. This attempt to destroy our commerce was enforced by an arbitrary and tyrannical interpolation of new principles into the law of nations, giving efficacy to the spirit which contemplates the pressure of its rival in every quarter. We find that spirit in other outrages, in relation to blockades notified to us, made only on paper, enforced solely towards neutrals, and which never existed in reality: thereby cutting off trade with places which, by the laws of nations, except actually blockaded or invested, we have a right to carry on. By the order of June, 1805, a very essential branch of our commerce was likewise cut off, and our vessels were captured, although returning with innocent cargoes, which were not liable to seizure, upon the pretext that they previously had been employed in a trade with contraband articles. British outrages have been committed not only on the high seas, but in our own harbors. The case of *Pierce*, in the harbor of New York, is not forgotten by you, sir, or by the United States. An American citizen, pursuing his lawful commerce within our own waters and exclusive jurisdiction, had his vessel fired upon, and he was killed. The case of the *Cambrian* was one of the same character; there the commanding officer declared that he claimed jurisdiction in our waters within the length of his buoys, and there impressed our seamen, in defiance of the laws of hospitality and the laws of nations. We find the exercise of similar pretensions in the case of the *Impetueux*, a vessel belonging to a belligerent, stranded on the coast of North Carolina, which, though by the laws of nations exempt from attack, because within the jurisdiction of a third and neutral party, was destroyed by British vessels. By the Order of January, 1807, restraining the trade of the United States, from one port to another port of the same, or another belligerent enemy, a profitable branch of our trade was annihilated. In addition to these, the orders of November 11, 1807, amount to a declaration, in effect, that we shall not sail on the ocean without carrying our produce first to Great Britain, there paying a duty, and receiving a license to carry it to its place of final destination. The attack on the *Chesapeake* was, at the time of the commission of the outrage, deemed by all parties, if not disavowed, a just cause of war, and one whereat the public indignation could scarcely be appeased without a resort to war. The invitation to violate our embargo laws, touched upon by my colleague

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(Mr. BURWELL) yesterday, connected with all those acts which I have recited, manifests a determination on the part of Great Britain, that our pride shall be humbled, the commerce which we have enjoyed shall be destroyed; that we shall bow to the supremacy of her thousand ships, and that we shall not sail on the ocean without her permission.

How is it when we cross over the water and look at France? We find by the proclamation of General Ferrand, an attempt made to regulate our trade to St. Domingo, inconsistent with our rights. The Berlin decree, declaring the British islands in a state of blockade, although ineffectual because she had not the power of executing it, was not less outrageous than many of the acts to which I have referred of the British Government. The Milan decree, which may be considered as a supplement to the British orders, has endeavored to extend the principle and to render more efficient the measures of destruction which are aimed by both the belligerents against our commerce. A decree is also said to have passed at Bayonne, by which France attempts to execute the embargo laws by seizing those American vessels which have not returned home, and is of the same character with the others. The burning of our vessels is among the most flagitious of the whole, for which no apology can be offered consistent with reason and justice, and for which no apology has been attempted but the impracticability of keeping them in possession from the superior naval force of Great Britain.

But we were told the other day that a recapitulation of the injuries which we have received served but to blazon the dishonor of the country. It is proper that they should be recurred to, because they are the groundwork of our proceedings, and it impossible to keep them out of view, although the recital of them may tend to irritate and wound the feelings. But the reproach comes illy from those who say that our Government is chargeable with all these misfortunes, and are not attributable to the acts of our enemies, for so we may call them (although not declared enemies) who trample on our rights, add confiscation to insult, and murder to both. And how is this assertion proven? Why, we are told by Mr. RANDOLPH, that, in 1805, when the Kempers were taken from our territory by American citizens, we had submitted to the hostile tread of a foreign nation; that our character, has declined abroad ever since; and that we ought to have gone to war at this time. What was the case of the Kempers? As well as I recollect it was this: These persons had committed an outrage within the Spanish territories. They were either Spanish subjects or American citizens; they took refuge within the American territory, and were seized by American citizens and negroes, carried out of our limits, and delivered up to the Spaniards. And was this cause of war? Is it from such cases as this that attacks from Europe have been encouraged? Should this nation have gone to war for this act? No, sir; for the nation or individual who is alive to the insults of the weak

and pusillanimous, always have, and my life on it, always will shrink from a contest with the powerful and the brave, and expose themselves to the imputation of cowardice. The act was disavowed; Governor Grand Pré denied that it had been done with his cognizance. I recollect seeing an account in the public papers during the last summer, that some officer of the United States had pursued deserters from one of the gunboats in the Mississippi within the Spanish lines, there seized upon the individuals himself, and brought them within our jurisdiction, and retained them in custody. Is there not a wide difference between this act, committed in a foreign territory by our own officers, and the one committed in our territory by individuals instigated by foreigners? And if there were no difference, would this be considered by the Spanish Government as cause of war against us? Would our Government hesitate to disavow the act? Certainly not, as we do not claim the right of invading a foreign territory for the purpose of seizing deserters; and would the unauthorized act of one of our officers be cause of war against us? No, sir. Then as certainly it would not be cause of war by us, unless indeed we act upon the principle that where the enemy is weak and pusillanimous we must take upon ourselves airs of resistance; and when he is great and powerful we must shrink from the conflict. I therefore do not admit that a failure to make war for this individual offence was a submission or a cause of the declension of our character abroad. If it has declined at all, it is in consequence of the unjust attacks made on this Government and on the majority of this House and the nation by enemies in our own country. The nation which goes to war for an *ignis fatuus* offence, will not be followed in it by the people. They will understand the causes of the contest; and when they find their Government right and their adversary wrong, then they will rally around the public functionaries; and I believe that all honest and virtuous citizens of the country who understand the causes of our present difficulty, though many are deluded and imposed on, will rally round their Government at this time.

Not content, however, with saying that the affair of the Kempers has been a cause of disgrace to the nation, the same gentleman has told us that the non-importation law produced our difficulties; that he prophesied the consequences of it, and his prophecy has become history. I shall refer to documents which come in such a shape and from such a source as with the gentleman will be unquestionable; and I will attempt to prove from them that he is mistaken. Mr. Monroe, in his letter of March 31, 1806, says:

"From what I can discern, I think that there is much cause to believe that Mr. Fox has the best disposition to settle our differences on just principles, but it must be recollected that some other of the members of the Cabinet have not always thought with him on such topics. On the most deliberate reflection, I am convinced that too much reliance ought not to be placed on these favorable appearances, and that there

is cause to fear that if the Congress should separate without adopting a system of coercive policy calculated to meet the most unfavorable result, their forbearance may contribute to the disappointment of our reasonable expectations. By this, however, I do not wish to imply that measures of the kind alluded to should be carried into prompt execution. I mean only that the attitude should be taken, but its operation be suspended by suitable powers to the President, till he shall be duly notified that the negotiation has failed. Such a suspension will be deemed a sufficient mark of respect to those in the Ministry who are disposed to a fair accommodation, and the attitude will, in my opinion, tend to aid their councils in producing that effect."

I suppose, therefore, sir, that the non-importation law is not, in whole or in part, the cause to which any of our embarrassments are to be ascribed, because the then Minister of the United States, who, with the gentleman making the charge, is high authority, residing on the spot, witnessing the career of the administration even of Mr. Fox, advised the adoption of the measure; and it was precisely pursuant to such advice that some measure ought to be adopted, that the non-importation law was passed. Then, with regard to the dispositions manifested by the British Government in relation to it, we have the evidence of the same gentleman in his letter of May 17, 1806—

"That on the whole the measure is considered by the Government papers, on account of the distant period at which it does commence, rather as a pacific than as a hostile one. I persuade myself that the present Ministry will see in the circumstance of delay a strong proof of the disposition of the United States not only to preserve the relations of peace with Great Britain, but of their confidence that the Ministry is animated with the same desire. I cannot help remarking likewise the fact, that this paper was sent me immediately after the passage of the bill was known. It furnishes a strong presumption, that the Government papers judge correctly of the sentiments of the Government on that point. It may be inferred that a knowledge of the passage of the bill hastened the communication to me."

Here we not only find it a measure which the Minister deems correct, but we find that it is not deemed improper or hostile, and is considered as a proof of a pacific disposition. I will not admit for a moment that this measure is the Pandora's box from which have flowed the evils which beset this country, but rather that there is a fixed disposition in the Government of Great Britain to cramp the commercial spirit of this people, and to make them bow to the mistress of the ocean. In Mr. Monroe's letter of the 9th of June, 1806, we have further evidence of this. In a conversation which took place between him and Mr. Fox—

"In speaking of the non-importation act, he expressed his regret that it had passed. He said that it had the air of a menace, and that it was not agreeable to do things by compulsion. I reminded him how long we had complained of injuries which his Government had not attempted to justify—injuries which were not imaginary or perspective, but real and severe, which affected equally the honor and the interest of

the United States. I added that under such circumstances his Government had no right to complain of the act referred to. I assured him, however, that I was of opinion, if the Ministry had not changed, that a bill of a very different import would have been adopted; that I had reason to believe that the tone of our Government, and of the Congress, had been essentially moderated by the information which I had given of his assurances that our differences should be settled amicably, and on just principles; that the act which had passed in consequence of that information was little more than a declaration to the citizens of the United States that the object would be duly attended to."

It was such a declaration, sir, as was produced by the exigency of the times, when our tables were covered with petitions from the mercantile interest, demanding redress. Mr. Monroe continues:

"I observed that he must be sensible, after the subject had been taken up by Congress, as it was before the change of the Ministry was known, that it was impossible for that body to dismiss it without some expression of the rights of the United States in the question in dispute, without exposing itself to the charge of having abandoned them. He seemed finally to admit that the Congress could not well have avoided doing something in the business, and that the measure which had been adopted ought to be considered as a moderate one."

When we have such testimony as this, why will gentlemen persist in saying that our embarrassments are attributable to the passage of the non-importation act?

But it is said that our negotiations in Europe have been paralyzed by extraordinary missions; that when our affairs might have been well settled, we had hung our disputes up in chancery by them; that the negotiation in Spain particularly was paralyzed by the mission of Mr. Bowdoin. This is a new charge; notwithstanding the number which we have had from the same quarter heretofore, this was not one of the catalogue of offences. But this declaration comes with an ill grace from gentlemen who have declared that there was no Spain; that there were no longer Pyrenees; France had swallowed up all, and if so, an extraordinary mission to Spain could be of no importance, she being under the influence of the tyrant of the Continent. But the old worn-out story has been touched upon, that Mr. Monroe might have settled our differences with the Ministry of Mr. Fox, but for the extraordinary mission. Sir, if Mr. Fox or the British Ministry had been disposed to settle the difficulties with this country on amicable terms, there was time enough for it; and if those difficulties had been settled, inasmuch as the law of nations has been trampled under foot by Great Britain, and the treaty of 1800 by France, it does not follow that an hundred treaties would have restrained their licentious invasions of right. But let us recur to facts. The documents before me will prove the reverse of the assertion; and from the same source, when I have proved that the non-importation act was not the cause of our present difficulties, I will prove that Mr. Fox, with the best intentions, was incapable of entering into any

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stipulations with our Minister, being overruled by his colleagues in the Ministry. Let us recollect under what circumstances he came into office. His great talents had been arrayed against Mr. Pitt, who was the favorite of the King, and whom Mr. Fox and his party drove from power. He was brought in, in opposition to the will of the monarch, being forced upon him by the nation; and if he were not, he was prevented from acting according to the disposition which he felt. On a reference to the documents it will be found that he came into office on the 12th of February, from which time to the 31st of May, when information of the extraordinary mission arrived in England, was a period of near four months; and was a longer time than was necessary for settling differences with our Minister and entering into a treaty which could have been disoused and concluded in a few weeks. If it was not, it might well be said that our national affairs were hung up in a Court of Chancery, where discussion might be protracted *ad infinitum*, and a decision postponed to the end of time.

We are informed, by the letter of Mr. Monroe of the 12th of February, that "as soon as Mr. Fox took possession of his office, he requested an interview with the foreign Ministers, which took place yesterday." After detailing a part of their conversation, Mr. Monroe says:

"I could not avoid intimating to him that the friendly disposition which our Government had shown, had been most ungenerously requited by him; that it seemed as if he had pursued a just and friendly conduct towards the United States, till the moment that the new coalition was formed, and gave the present blow when the prospect was favorable to success, and kept the business in suspense to see the result of affairs on the Continent and in the United States. He heard me with much attention and apparent interest, intimated that he had been accused of being too friendly to America, and when I spoke of the treaty with Russia, he observed that he had thought that the arrangement made by it was a good one, though I did not understand him as pledging himself by the remark to its conditions. I requested that he would make himself master, as soon as in his power, of the correspondence between Lord Mulgrave and myself, and give me an interview, which he promised. I am happy to add, on a view of all circumstances, that I think the prospect of arranging our affairs with this Government, especially that one which respects the trade with the colonies of its enemies, on satisfactory terms, a very favorable one. It is certain that nothing more favorable to such a result was, or could reasonably have been expected from the first interview with the present Minister."

Here we find that the disposition which characterized him while in the opposition had not deserted Mr. Fox when in power, and he intimated to our Minister that he had been accused of too friendly feelings to this country.

On the 31st of March, Mr. Monroe writes that Mr. Fox gives him reason to expect that the condemnation of American vessels, which was then very frequent, owing to the resuscitation of the rule of 1756, would be suspended. In the same letter Mr. Monroe says: "From what I can discern, I think there is the best reason to be-

lieve that Mr. Fox has the best disposition to settle our differences on just principles, but it must be recollected that some other members of the Cabinet have not always thought with him on such topics. On the most deliberate reflection, I am convinced that too much reliance ought not to be placed on these favorable appearances," &c. Here we have still further proof of the disposition of Mr. Fox to settle the affairs of this country, and of the impracticability of doing it because he was overruled by the Cabinet. Pursuing the subject further, we find the same ideas introduced into his letter of April 3, 1806.

"How the Cabinet is disposed in this question, it is not in my power to state. Some of its members are known to have differed with Mr. Fox in respect to the policy of Great Britain towards the United States on former occasions, and in similar cases. It is possible that the spirit of conciliation on which the Ministry is formed may be felt in the present one. Every view, however, which I have been able to take of the subject, confirms me in the justice of the remarks which were communicated to you in my last of the 31st ultimo."

We are told in one of the letters which I have read, that Mr. Fox intimated that he would give orders to suspend the condemnation of American vessels. On the 18th of April, we find this had not been done, and although assurances had been given, the hostile acts were continued, as his influence had not been sufficient to procure a suspension of them. Mr. Monroe writes on the 18th of April that Mr. Fox had the day before said that he was essentially ready to proceed in the discussion of the subjects of difference.

"Some remarks of his having led the conversation to the merits of the principal topic, I told him that he must leave us in the enjoyment of the trade in question, and pay us for the property taken. To the first proposition he immediately assented. To the second, he said there would be objections. He added that he had taken steps to prohibit the further condemnation of our ships and cargoes, as I had desired, of which he intended to have informed me by note, but had been prevented by other business; he had no objection, however, still to do it."

In his letter of the 20th of April, Mr. Monroe says, "the prohibition mentioned in my letter of the 18th is to be extended to the seizure as well as the condemnation of our vessels, of which he is to give me an official note in a day or two." On the 28th of April, Mr. Fox, although he had stated on the 20th that he had taken steps to prohibit further seizures, said that such orders had not been issued; that in truth to issue them would be to give up the point in negotiation. What does this prove? Not that Mr. Fox would be guilty of sanctioning such an unpardonable libel on his own character, by equivocations in this way and doing nothing, but that he was controlled by his associates in the Administration. On the 28th of April, Mr. Monroe says:

"You will observe that Mr. Fox insisted in the late interview on restricting the trade with enemies' colo-

nies in a greater degree than he had done in the preceding one. I am convinced that this was produced by the Cabinet deliberations on the subject, for I am strong in the opinion, that if left to himself, he would meet in arrangements which would place the whole business, and indeed all our relations, on the most broad and liberal basis, in a firm belief that, by so doing, he would advance the best interests of his country. But he has to consult and accommodate with others, some of whom may perhaps not entertain in all respects the same sentiments, or be equally prepared to encounter, in a new scheme of policy, ancient and deep-rooted prejudices."

On the 17th of May we find the following:

"After my interview with Mr. Fox, on the 25th ultimo, I waited a fortnight without hearing from him. This new instance of delay surprised me, because he had shown a sensibility to the former one, and did not seem aware of the necessity of adding to it."

Thus this friendly Ministry, with Mr. Fox at its head, although Mr. Monroe had given an opinion, from the intimations of Mr. Fox, that everything would be amicably settled, on the 16th of May had done nothing towards it, but we find the blockade of the coast, from the Elbe to Brest inclusive, notified to Mr. Monroe on that day. Heretofore assurances of friendship had not been wanting, and now we find them verified by the blockade of a coast of a thousand miles, which all the ships of war of Great Britain are scarcely competent to blockade in an effectual manner. Here comes proof to put assertion to the blush. In his letter of the 20th of May, Mr. M. says:

"With respect to the delay to which I am exposed, it is utterly out of my power to explain to you the cause. I have no reason to change the opinion which I have heretofore expressed of Mr. Fox's disposition on the subject, though I have had no late communication with him."

Talk of the extraordinary mission suspending negotiation, sir, when it is proven that it had been suspended from the 12th of April to the 20th of May!

"His present reserve is unfavorable, but it may be accounted for, and on principles which are quite natural, and therefore presumable. He may have experienced more difficulties in the Cabinet than he had expected. Many of the members may be indisposed to an arrangement on such terms as can be accepted, and most of them willing to postpone any decision, until the result of the proceedings in Congress is known."

Then, in his letter of the 9th of June, Mr. Monroe writes word that accounts were received on the 31st of May, that the President and Senate had adopted the measure of a special mission. The negotiation had previously been suspended by the impossibility of producing a consentaneous disposition in the Ministry with whom Mr. Fox was associated, and by whom he was overruled. I must therefore conclude that the charge is equally incorrect in relation to the failure of the negotiation, as I have proved it to be futile as to the hostile tread of our territory; that neither the consequences ascribed to the one or the other were at all attributable to our Govern-

ment, but to a persevering disposition of a part of the British nation, not to permit our rights to be exercised or acknowledged on the high road of nations.

Sir, the effect of these decrees and measures, which I have noticed in the course of my observations, has been to sweep our commerce from the ocean, and even from the seashore, because there the commerce of the United States has been attacked, or if permitted to be carried on, it is only on conditions which every man in this House, every American, must spurn with indignation. What! shall we pay *tribute* for permission to sail on the ocean? The idea is too preposterous to be combated. Montgomery, Mercer, and Warren, and a host of worthies, who bled for the attainment of our independence, died in vain—WASHINGTON and his compatriots, who, at the expense of toil and bloodshed in the field, aided by our Solomons in the Cabinet, established our independence, fought to little purpose, if, after the lapse of a short period of thirty years, we can consent to pay tribute for the liberty of exercising an undeniable right. But I have as yet considered these measures, these encroachments of the belligerents, only with reference to their effects on ourselves. I will now consider them with reference to violations of neutral right affecting each other.

First, let us consider the measures of Great Britain. The impressments of our seamen, a topic on which I can never think with coolness or without sensations which confound my judgment, are not to be considered injurious only in reference to us. They have been injurious to the enemies of Great Britain, because they have tended to maintain the naval superiority of that nation which has kept all the Powers of Europe in check, and dictated maritime law to all nations, and would have been just ground of complaint by France against us if we had acquiesced in them. The vexation of the colonial trade; what is it? I have merely glanced at it, because I was aware that if I had extended my remarks I should have destroyed the patience which I fear I have already almost exhausted. The colonial trade was one which enabled the enemies of Great Britain to subsist, and conveyed the produce of the enemy's colony to the mother country. France would then have had great right to complain if we had acquiesced in the destruction of this trade, because France recognised its legality in the war which gave rise to the celebrated rule of 1756. A vessel during that war was captured by a British cruiser, recaptured by the French, and brought into port—the recaptors claiming salvage. The vessel and cargo were discharged by the French courts, which decreed the salvage was not due, because the capture was illegal, and the Admiralty Court of Great Britain would have released the vessel and cargo. Surely, then, they would have cause to complain if we had acquiesced in that infraction of our commercial rights. On the subject of blockades, if we had submitted, France might have complained with much greater right. The

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Government of Great Britain has declared whole Continents in a state of blockade; to use the diplomatic language of their orders, they tell us that "they must be considered as in a state of rigid blockade," although perhaps the notification was made without a vessel to annoy the entrance of the ports, and under a total impossibility of annoying it within the limits marked out. The law restricting our commerce with unblockaded ports was also a violation of the law of nations. In the case of the *Cambrian*, the commander of which vessel has to be sure been punished by his Government with promotion, there was also a cause of complaint if acquiesced in, because it is actually prohibited by the law of nations that a belligerent shall increase his force within the territory of a neutral State. The order of January, 1807, restricting the trade from one port to another of a belligerent Power, was also injurious to France, and of which she would have had good cause of complaint against the United States if we had acquiesced in it. All these are so many violations of neutral rights and national law injurious to France, and all but the last preceded the Berlin decree, and the last was before the operation of it.

In what point of view are the decrees of France to be estimated in relation to Great Britain? The Berlin decree was mere *brutum fulmen*, and I will take British authority and prove that her own vessels could not venture to sea. The Berlin decree in part was no cause of just complaint, because it related to municipal regulations which do not interfere with the acknowledged rights of neutrals. The Milan decree was very hard on paper, but we are told, and it is verified by experience, that Great Britain yields nothing to the thunders of that artillery, it passes by like an idle wind which she regards not. But I acquiesce with pleasure in the declaration that both France and Britain are regardless of justice when opposed to the exercise of the power of prostrating our rights.

How are the decrees of both belligerents considered with reference to an acquiescence by us? There never was a more base libel than the insinuation of acquiescence by us in the edicts of either. A recurrence to the documents will prove it. The United States have never acquiesced in any violation by either of the belligerents. But it is admitted by the minority that enough has been said as to Great Britain though not as to France; that there has been an acquiescence in French usurpations; and indeed it has been asserted, with a temerity not to be passed over with impunity, that there has not only been an acquiescence in the decrees, but a disposition to obey the commands of the French Emperor. It is true that there has not been as much said or written in relation to France as to Great Britain, because the injuries committed by the latter exceed those of the former tenfold. So far from admitting that there has been an acquiescence in the conduct of the conqueror of Europe and tyrant of France, a recurrence to the documents will prove that measures of greater vigor have been taken in relation

to him than in relation to the tyrant of the sea; that the language and instructions of the Government have partaken of this character; and that it has manifested more sensibility to the injuries committed by France, than to those committed by Great Britain. When the Berlin decree was issued, Mr. Armstrong wrote to M. Decres immediately for an explanation of it. It has been objected that although the explanations, given by that Minister, were satisfactory, if he were the proper organ of the Government, he was not the person of whom to ask them, that the Minister of Foreign Affairs was the proper person. But surely the individual to whom the execution of the decree was confided must be considered as the proper person to give explanations concerning its import. But we have proof from Mr. Champagny, the successor of Talleyrand, that Decres was the proper organ, and that he was to be consulted. Champagny, in his letter of August, 1807, says that "as the execution of the maritime measures indicated by the imperial decree of the 21st November, 1806, rests naturally with his Excellency the Minister of Marine, and that moreover he has already had the honor of addressing you some first observations on the application of that decree, I transmitted without delay your letter." Thus the Minister of Foreign Relations, to whom it is said that our Envoy at Paris should have addressed his note, and from whom alone he should have received them, referred him to the Minister of Marine for the proper explanations. So that the utmost diligence was manifested by the representative of this nation at the Court of France, in obtaining proper explanations in relation to the construction of the decree; and not only the explanation was satisfactory, but, what was more important, the practice under it was satisfactory also, as it corresponded with the explanation given. When our vessels were burnt at sea, an outrage so scandalous as to destroy the pretensions to civilization of the nation authorizing it, a special remonstrance was directed against the injurious procedure. When the offensive note of Mr. Champagny was presented, Mr. Armstrong was specially directed to remonstrate against it; and he did remonstrate in such terms as were consistent with the dignity and honor of this nation. But when the infamous rider attached to the famous treaty was presented, there was no remonstrance directed, although that rider, with other communications, from the same source, are equally as offensive and equally obnoxious and repugnant to every American feeling as the insulting language of Champagny himself. Let us compare them, and see if I am not justified by facts in the conclusion which I draw. Champagny says—

"In the situation in which England has placed the Continent, especially since her decrees of the 11th November, His Majesty has no doubt of a declaration of war against her by the United States: whatever transient sacrifices war may occasion, they will not believe it consistent either with their interest or dignity to acknowledge the monstrous principle, and the anarchy which that Government wishes to establish on the seas. If it be useful and honorable for all nations to cause the

true maritime law of nations to be re-established, and to avenge the insults committed by England against every flag, it is indispensable for the United States, who, from the extent of their commerce, have oftener to complain of those violations. War exists then in fact between England and the United States; and His Majesty considers it as declared from the day on which England published her decrees. In that persuasion, His Majesty, ready to consider the United States as associated with the cause of all the Powers, who have to defend themselves against England, has not taken any definitive measure towards the American vessels which may have been brought into our ports; he has ordered that they should remain sequestered, until a decision may be had thereon, according to the disposition which shall have been expressed by the Government of the United States."

This language is justly offensive, insulting, and inadmissible, but not more so than the justly offensive, insulting, and inadmissible notes to which I will refer. What is their language?

"The undersigned cannot, therefore, believe, that the enemy will ever seriously attempt to enforce such a system. If he should, they are confident that the good sense of the American Government will perceive the fatal consequences of such pretensions to neutral commerce, and that its spirit and regard to national honor will prevent its acquiescence in such palpable violations of its rights, and injurious encroachments on its interests.

"The undersigned, considering that the distance of the American Government renders any immediate explanation on this subject impossible, and animated by a desire of forwarding the beneficial work in which they are engaged, are authorized by His Majesty to conclude the treaty without delay. They proceed to the signature under the full persuasion that before the treaty shall be returned from America with the ratification of the United States, the enemy will either have formally abandoned or tacitly relinquished his unjust pretensions, or that the Government of the United States, by its conduct or assurances, will have given security"—[security to whom?] "to His Majesty, that it will not submit to such innovations in the established system of maritime law; and the undersigned have presented this note from an anxious wish that it should be clearly understood on both sides, that without such an abandonment on the part of the enemy, or such assurances or such conduct on the part of the United States, His Majesty will not consider himself bound by the present signature of his Commissioners to ratify the treaty, or precluded from adopting such measures as may seem necessary for counteracting the designs of his enemy."

The one of these Powers says that she considers war as declared; that the United States cannot submit to such sacrifices, and therefore war is declared. The other says that if we acquiesce—if we are not guided by spirit and national honor—if we do not give security to His Majesty, by our conduct or assurances, that we will not acquiesce, he wishes it clearly to be understood by both sides, that His Majesty would not be bound or precluded by the (rejected) treaty from chastising us in turn. This language, so insulting, is offered to a dignified, free, and independent nation. It is not less offensive than the language of their Minister here. What says he?

"I am charged by His Majesty to express to the Government of the United States His Majesty's perfect confidence in their good sense and firmness in resisting the unjust pretensions contained in the decree issued by the French Government at Berlin, on the 21st November, which, if suffered to take effect, must prove so destructive to the commerce of all neutral nations.

"His Majesty, therefore, with that forbearance and moderation which have at all times distinguished his conduct, has determined, for the present, to confine himself to the exercise of the power given him by his decided naval superiority, in such a manner only as is authorized by the acknowledged principles of the law of nations, and has issued an order for preventing all commerce from port to port of his enemies, comprehending in this order, not only the ports of France, but those of other nations, as, either in alliance with France or subject to her dominion, have, by measures of active offence, or by the exclusion of British ships, taken a part in the present war.

"His Majesty feels an entire confidence that the moderation and justice of this conduct will be duly appreciated by the United States, and has charged me to express to their Government, in the strongest terms, the regret he has experienced in being thus compelled, in his own defence, to act in a manner which must prove in some degree embarrassing to the commerce of neutral nations, and his sincere desire to avoid any stronger measures; to which, however, if the injustice and aggression of his enemies should not be resisted by those nations, whose rights and interests are invaded by so flagrant a violation of all public law, it may be ultimately necessary for the King to have recourse."

He confides in our good sense! Is it not insulting to us to say so? Has he any right to dictate to us what course we shall pursue? It is this which constitutes the essence of the insult in the note of Champagny, in the rider to the treaty, and in this instance also. Well, sir, we did not give those assurances to His Majesty; and on the 23d of February, 1808, we are informed by His Majesty's Minister here, that

"His Majesty has been induced hitherto to forbear recurring to measures of this nature by the expectation that the Governments of the neutral States, who have been the objects of the French decrees, would have been awakened to a just sense of what they owe to their interests and own rights, and would have interposed with effect, either to prevent the execution of the French decrees, or to procure their abrogation.

"But His Majesty having been disappointed in this just expectation, and perceiving that the neutral nations, so far from opposing any effectual resistance, have submitted to whatever regulations France may have prescribed for giving effect to her decrees, can no longer refrain from having recourse to such measures, &c.

"Such a measure the maritime power of Great Britain would have enabled His Majesty to enforce; nor would those nations which have acquiesced, without effectual remonstrance, in the French decree of blockade, have derived any right from the more perfect execution of a corresponding determination on the part of His Majesty, to complain of His Majesty's enforcing that measure which the enemy has executed imperfectly only, from the want of the means of execution.

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"His Majesty, however, actuated by the same sentiments of moderation by which His Majesty's conduct has been uniformly governed, has been desirous of alleviating as much as possible the inconveniences necessarily brought upon neutral nations by a state of things so unfavorable to the commercial intercourse of the world.

"The relaxations must be considered as most peculiarly favorable to the particular interests of the United States.

"Another most important relaxation of the principles upon which His Majesty's orders proceed, is that which licenses the importation of all flour and meal, and all grains, tobacco, and other articles, the produce of the soil of America, with the exception of cotton, through the ports of His Majesty's dominions, into those of his enemies, without the payment of any duty on the transit. This is, I beg leave to observe, an instance in which His Majesty has deprived his measure of its most efficacious and hurtful operation against the enemy, through motives of consideration for the interests of America."

The same insulting and insidious language which is contained in the note of Mr. Canning to Mr. Pinkney! He regrets that we have not given security for our good behaviour, and that His Majesty is compelled to chastise us for it; and adds that these modifications must be considered as peculiarly favorable to the United States, being made wholly through motives of consideration for the interests of America. These notes are as offensive and insulting as the note of Champagny, which cannot be exceeded, and can never be submitted to.

But there is another point of view in which these orders should be examined—in relation to the professed object of retaliating on us. And I protest against the pretensions of one belligerent to retaliate on us for injuries inflicted by another belligerent. The practice, if submitted to, would prostrate the rights of this country. In war, retaliation may be proper between the parties to it, on the perpetrators of such outrages as the murders of Ismael and Prague, where a victorious General entered towns which had bravely opposed him, and put all the inhabitants to the sword. It might have been proper in the war in which we opposed His Majesty, who has always manifested such extreme sympathy for us, when we were treated as rebels, confined in prisons, and denied the right of prisoners of war, because we ungratefully revolted from the mother country. In such cases retaliation may be proper; it brings nations to a sense of their duty and interests. But to say that because one nation strikes at the rights of this country, and we cannot effectually resist the blow, that another nation shall be permitted to strike us also, is a principle which I hope will never be treated with complaisance, but always spurned with indignation. Although it is inadmissible, it is in consonance with the practice of the belligerents in the present war, who seem to have said, "Let us attack all the world but each other; let the war be carried on through neutrals, but let us, as to each other, cry, hands off! and this is a war which we may carry on *ad infinitum*." Re-

taliation also implies a prior wrong, and Great Britain should be silent on the subject. If she looks at the impressment of our seamen, restrictions on the colonial trade, blockades, the orders of June, the case at New York, where she increased her force within our waters, the case of the *Impetueux*, all which took place before the Berlin decree, her pretension of retaliation is destroyed; and if retaliation be admissible at all, it must be by her enemy, and not by her. What is the pretext on which she assumes the right of retaliation? Look at the famous rider, and you will find it; there it is claimed on the ground, first, of an execution by France of her threats; and, secondly, an acquiescence in them by us. But the order of January, 1807, professedly in retaliation, was issued before either took place.

I have said that the order of January, 1807, was issued before any execution of the threats of the French Government, and before any acquiescence in such execution by the United States, and consequently inadmissible even on the British principle. A recurrence to dates will prove that no execution of the Berlin decree was known to Great Britain at the time that the notorious Orders in Council were issued. On the 7th of January, 1807, Mr. Armstrong writes that a modification favorable to the United States had taken place. On the 17th, he speaks of an injurious construction which he had heard of; on the 24th of September he states that he knew that an injurious construction was about to take place; on the 17th of October, he writes that this construction was certainly to take place; and in November, 1807, he heard of the decree in the case of the *Horizon*, and on the 12th remonstrated against it. No execution of the decree was known to the British Government at the time of issuing the Orders in Council, nor to Mr. Armstrong, but for a few days antecedent to the orders. But, independent of this, it was proven on the floor of Parliament that no condemnation was known to have taken place prior to them. It seemed to be an object with the Ministry to prove that the execution of the decree was known in England; but no such proof was produced. It was proved by the evidence of their most celebrated merchants that no such case had been known to them. But even if France had intended to execute it, it was an idle menace, because she had no ships of war on the ocean, and could not even go from one port to another of the Continent without skulking along shore to avoid meeting vessels of her enemy, and Great Britain is dishonored by attacking us on account of it. She knew very well that our trade had been carried on without the least interruption, notwithstanding the decree. The absurdity of retaliating upon a threat was ably exposed by Lord Erskine. He said if the moon were to be declared in a state of blockade, it would be necessary, according to the practice of his Majesty's Ministers, to have the whole board of astronomers convened to react on her satellites. Suppose the Emperor of China, whose policy forbids external commerce, and who has no ships, were to declare the whole European

Continent in a state of blockade, would it be required by his Britannic Majesty, from his sympathy for our interests, that we should go on a Quixotical expedition to China to compel him to repeal the decree? It would be equally as absurd as if the moon being declared in a state of blockade, we should be required to resist the declaration.

But gentlemen in this House again charge us with blazoning our dishonor by a repetition of the injuries we have received, notwithstanding the same gentlemen attribute every misfortune and encroachment on our rights to our own Government alone. I have endeavored to show, indeed I have shown it by a recurrence to documents which prove it, that the fault is not attributable to our Government, but to the hostile disposition of the belligerents. But it is said that Bonaparte is extremely hostile to us, as if he alone entertained feelings of hostility; that he has declared to our Minister, that we must be either his allies or his enemies. I have never seen the proofs of such a declaration, nor heard of it in such a way as to entitle it to credit. I never heard it suggested except in paragraphs of newspapers attributed to members of this House, which I am convinced are libels, because it is not true, that he or his Ministers have ever uttered such a threat to General Armstrong; but even if it were true, would it amount to more than the hostile acts, acts of war committed by him and the other belligerent, such as murdering our citizens, cutting off our trade, seizing and burning our vessels? No doubt they are both hostile to us. But it is said we know the wishes of the one belligerent, and the mandate of the other. I have no doubt as to what are the wishes of Britain; but I know not what is the mandate of the Emperor of France. I have heard of threats attributed to him which I trust he dare not utter to our Minister, such as a declaration that we should take the attitude of allies or enemies, that we should do the one or the other. I hope that if our Government would not recall the Minister in such a case, he would not submit to the disgrace of remaining there a day longer. But even were such the fact, it would not increase the proofs of the hostile disposition of the Emperor. Can it be doubted that Great Britain has the same hostile disposition? Look at her conduct to this country in her taxing us; look at the other more conclusive and unquestionable infraction of our rights, which was remarked upon by a gentleman who usually sits before me, when our doors were closed; look at the hissings at the London Tavern, when the corrupted pensioners of St. Stephens and the whole Ministry were assembled: the President and the United States were given as a toast and hissed with indignation; the clamor was so great, that Sir Francis Baring, for the purpose of resisting the popular obloquy, found it necessary to write a letter to the editor of a public paper, apologizing for having toasted the American Government and its President. If it had been done at a Bacchanalian revel, such as I have heard has taken place in this country, at which, "success to the

British navy" and "His Majesty's arms," and "damnation to democracy" were drank among the toasts, I should have paid no regard to it, although, as it is represented, honorable members of this House might have been among the guests bidden to the feast. But when it occurs at a patriotic feast, where the Ministry of Great Britain are present, nay even gave it, and their indignation such as to require an apology for having proposed the toast, it does present itself in a very unquestionable shape, as proof of hostility to this country. Does not the affair of the Chesapeake prove it also? Surely it does. And because we have taken an attitude of precaution, and said, forasmuch as we have been wantonly assailed by a highway robber, we shut our doors and not open them to admit him and his whole gang, we hear the cry of French party, that "the finger of Napoleon is in this thing;" "you do not act from a spontaneous influence; you are sacrificing your rights to Napoleon." Sir, this cry is raised by British partisans, whose disposition is to sacrifice our rights at the shrine of Great Britain. Do the republicans of the United States vindicate the conduct of France? Do they palliate it? No, sir; not one of them. One universal burst of indignation has expressed their sensations at her conduct. With the minority, the few, not the people, for I beg to be understood as making a pointed distinction between those knowing ones at the head of a faction and those on whom they operate—the people, notwithstanding they have acted in hostility to the true interests of the country, are in my opinion still virtuous, they have been misled by the aid of ancient prejudices, deep-rooted and difficult to be eradicated, whether they relate to religion, politics, or anything else. How does the account stand with the few, I ask, in relation to the vindication of England? Look at the publications in Boston, the cradle of the Revolution. There the attack on the Chesapeake was vindicated and justified, although Mr. Canning and the whole British nation disavowed the act. And what is this ascribable to? I beg gentlemen to be cautious how they talk of French partisans. It will, as the gentleman from Massachusetts (Mr. BACON) has said, expose them to an insinuation—nay, more, proofs are not wanting—of an undue predilection for the enemy of France and the enemy of this country. Have we not lately seen it published in Eastern papers, that we have no cause of complaint against Great Britain? Yes, sir, the Pickeringings of the nation have said it, if not in terms, in effect; and it is this which had an influence on the foreign relations of this country. The pamphlet (Hints to both Parties) referred to yesterday by my friend and colleague, (Mr. BURWELL,) speaks of the necessity of perseverance in the British system, because of the probability of an insurrection in the North, and that, like Paul's empire, wrested from him by assassins, everything will be laid at the feet of Great Britain. What are these ideas produced by? By such productions as Pickering's letter, and a letter which lately appeared in the Newburyport Herald, purporting to be from a

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member of Congress. When we look at this famous letter of the 16th of February, which included every offence committed by France, the recital of which gentlemen sicken at the idea of, we are told that the immediate if not the only object in calling out the militia was to excite a war pulse, for Great Britain has done us "no essential injury." Most magnanimous mother! We never can discharge the obligation of gratitude which we owe her "thousand ships." What, sir! Can we doubt the effect of such productions in Europe? The fact of its passing through eight editions in London, proves the effect of these charges of a hostile disposition, an effort on the part of the President "to excite a war pulse," unjust resentment, a war without necessity, and the keeping the Orders of Council, and almost everything relating to Great Britain wholly out of view. The British Government is told from no informal source, by the opinion (official I may say) of a man high in the estimation of his party, that the President wishes to keep up resentment against Great Britain, "by exciting new resentments and cherishing old prejudices." I beg gentlemen to be careful how they urge a charge of foreign influence when there are such damning evidences to stare them in the face in proof of their own predilections. Notwithstanding all this, I am not willing to admit there is so much depravity and corruption in this nation, as to produce such a partiality in any portion of the country for Great Britain as the majority have been most falsely charged with entertaining for France.

But we are told that "punctilio" alone prevents a settlement of our differences with England. This is contained in an extract of a letter from a member of Congress, to a gentleman of Newburyport, and thus the people are deluded. Punctilio is the only cause of dispute! These falsehoods produce the arrogance and hostility of Great Britain to us, because she believes that we are a rope of sand; that the North is in a state of insurrection and the South falling off. And if these ideas were realized it would not be astonishing; because to a high-minded yeomanry, such as the great mass of the people of the North and East, it is natural to suppose that such statements as have been made will excite resentments against the Government. It is not in the power of every man to read all the productions of the times; and if he does, they do not make that impression upon him which they do upon statesmen whose duty it is to examine minutely; and therefore, they do not know that every effort has been made to settle our differences with Great Britain; and believe the statement when they are told that punctilio only prevents a settlement. What is the idea naturally excited in England by this language? Why, as Mr. Marriot's pamphlet says, "Let us hold out: our friends will soon rise into power, and thus we shall gain a complete victory." The successful invasion of France or the decapitation of the despot of Europe would not to the British Ministry and its friends be a more desirable event than the overthrow of the Republican party in the United States. They are blind.

ed to their true interests, and hold out, in their injurious conduct to us, with the hope of producing such an event. I wish the practice of judging of us by looking to the opposition, were abandoned in England, and the Government of that country would then be convinced that the people of this have no interest foreign to that of their Government, nor the Government any interest but that of the people, and a wish to do them all justice; that neither the Government nor the people are disposed to surrender their rights or tremble at their threats; and that they have hitherto been deceived by misrepresentations of our dispositions. To these we may attribute the insolence of Mr. Canning's late note, not much less insolent than those to which I have already referred. I will read a single paragraph from it.

"His Majesty would not hesitate to contribute, in any manner in his power, to restore to the commerce of the United States its wonted activity; and if it were possible to make any sacrifice for the repeal of the embargo, without appearing to deprecate it as a measure of hostility, he would gladly have facilitated its removal as a measure of inconvenient restriction on the American people."

Kind, philanthropic souls! They have great charity for us; they would forgive us all our sins of hostility, proved by their friend's (Pickering's) letter, which passed through eight editions; but they regret that they cannot remove an inconvenient restriction on us, though they would be very glad to do so. The cry of French influence recoils on its authors. Sir, if there be any foreign influence, it is British; but I am unwilling to believe that there is either. I should not have indulged myself in this insinuation, were it not that I every day see some communication justifying it; and I would not, perhaps, have troubled the House with any remarks at this time, were it not from an intimation which I have received from a meeting of my constituents, asking that we should treat with both belligerents without favor or affection to either! I despise the Governments of both nations from my soul. Although at no remote period my ancestors came from England, I think alike of the despoiler of Europe, the usurper of Spain, the great tyrant of the land, and of the robber of the Spanish frigates in time of peace, the destroyer of Copenhagen, and the murderer of its helpless women and children. I have no confidence in either. These are times in which we ought to speak out. It is time that the people should know that we have nothing to expect from either belligerent; negotiation has been spun finer than the cotton can be which is to pass through British ports and pay a transit duty. I know it is impolitic and unworthy of the magnanimity of the Representative of a free people to abuse foreign Governments when the times do not call for decision; but we cannot be guilty of treason to our own people, because our remarks wound the feelings of our enemies.

I have said that I have no sympathy for either of the belligerents. For their Governments I feel equal hatred, indignation, and resentment; and will submit to accommodation with neither

till the injuries committed on the rights of my country are atoned for. Yet it is true that Great Britain has done, and will continue to do us, most harm, and in that proportion I feel my enmity to her increased. Bonaparte, whenever it is in his power, seizes our vessels. His Majesty retaliates because we have not given security for our good behaviour, such as is asked of a malefactor released from confinement for a bailable offence. But it is said that punctilio prevents a settlement of our differences. Why, then, if that be the case, let us give it up. It is shameful, scandalous, and unworthy of a free people, whom we should misrepresent if we stood on punctilio. Is a determination to protect our citizens punctilio? I have always understood that the object of associations for self-government was to preserve the personal rights of the individuals composing it, in comparison with which property is as nothing. I will not say when our citizens are torn from their families and compelled to fight the battles of a foreign nation, that it is mere punctilio. Is the carrying trade punctilio? Let us look at the language of gentlemen themselves on this subject, some of whom are now accusing us of punctilio. [Mr. JACKSON here quoted a passage from a memorial from the merchants of the town of Boston, presented two years ago, remonstrating warmly against the captures by Great Britain of the vessels of the United States employed in the carrying trade.]

Is this, then, a matter of punctilio? We were asked by the gentleman from Connecticut to ingraft an amendment on this resolution, saying, that we will not abandon the navigation of the ocean; and are told that punctilio only precludes us from submitting to navigate the ocean as Great Britain pleases. Was the affair of the Chesapeake punctilio? Was the murder of Pierce a mere matter of punctilio? Was the jurisdiction of the officer in the harbor of New York within the length of his buoys a mere matter of punctilio? Is everything in dispute punctilio? The payment of tribute?—this is a little more punctilious than any other; yet our refusal to submit to the dishonor and disgrace of it is but a matter of punctilio. I hope in God there will be a punctilious resistance, so long as the American name exists, to the payment of tribute. The resignation of our independence is punctilio, and the threepenny tax on tea, which kindled a flame that burst the shackles of tyranny, was all punctilio too, sir!

The embargo was produced by this punctilious spirit of avoiding dishonor and disgrace, and of avoiding the payment of tribute, when ruin and tribute were assailing us under the decrees and orders of the great land mammoth and the shark of the ocean. It is denied that the British orders induced the embargo. What has that to do with the question? Whether they led to the embargo or not is immaterial, for the contention for that point is an admission of the fact that they would have justified it. The effect of the embargo was to bring home our citizens from abroad. Unfortunately some have disgraced themselves so much

as to receive British licenses. By calling those home who were abroad, and retaining those who were here, till they could launch on the ocean again without danger of confiscation and ruin, and what is worse than all, of compulsion to pay tribute, we were not at all dishonored. It may be likened to the case of an unarmed man who is among his enemies. He retires home to associate with him his friends, arming himself and launching forth in resistance of the infraction of his rights. The time is not yet come for us to make a sally. It is due to the spirit of this people that every effort should first be made to preserve peace. The Governments of Europe, whether ruled by monarchs or despots, wage war when they please; the people march to war without inquiring why or wherefore, and imagine that, in so doing, they display their patriotism. But that ignoble spirit does not pervade this country, and thank God that it does not. The people will inquire and examine, also; they will believe that it is no dishonor to retire from the scene where they cannot carry on their usual occupation, and refuse to go to war till every preliminary step is taken. It is no disgrace to say that unprepared we cannot fight both Great Britain and France. We are appealing to the justice and interests of those nations. It is to be hoped that their eyes will at length be opened to their dictates. Thus far the appeal has been in vain, and trade could only have been carried on in its accustomed channels under submission to pay tribute.

But it is denied that this refusal to carry on trade will have any beneficial effect at all, and it is said that it is withdrawing from the contest; that it is an abandonment of our rights; that Great Britain was struggling for the trade of the world, and we have relinquished it to her. What does this trade consist in, sir? The trade with us is cut off, and consequently, through us, with her enemies. She may trade to some of her own dependencies and back again, and to Spain and Portugal, if they are not yet overwhelmed by the victorious arms of the usurper; and to that extent only can she go. But gentlemen say, remove the embargo and all will be well—we can trade. Sir, honest men are restrained from trading by respect for their own and their country's honor; and it is our duty to restrain those who disregard all such considerations. Shall we submit and trade? Is trade to be purchased on such terms as these? Were these sentiments fostered for a moment during the period of our Revolution? No, sir. If the fathers of the Revolution, many of whom are still living, had sat them down and calculated the profit and loss in a pecuniary view of resisting the threepenny tax on tea, they would have lost the opportunity of performing those glorious exploits which are recorded in the page of history, and gave birth to a nation.

But it is said by gentlemen, that we may trade to the West Indies, and a proposition to that effect was laid on the table by a gentleman from North Carolina, now absent from his seat, (Mr. SAWYER.) Apropos, comes intimation that the trade is blockaded by an order, unquestionably issued

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under the circumstances referred to by my colleague yesterday, under an expectation that the embargo would be raised, and our commerce be flowing into those ports.

Others say, let us trade to Spain. Spain may be, and in all human probability is, by this time, a conquered country; for whether one party or the other prevails, the Spanish kingdom loses its independence. Look at the late capitulation between the British and French in Portugal. It was not a surrender made to the Portuguese, for whom the British were nominally fighting, but to the British themselves. They came not as allies, but as conquerors; each party is contending for the supremacy, and manifests a disposition to maintain it when acquired. But gentlemen say, let us carry on a trade to aid the Spanish patriots; let us extend to those struggling for liberty the same assistance which we sought for in the struggle for our independence. I warn gentlemen against the imposition. The Spaniards are fighting for a monarch, who has transferred them to another, like a flock of sheep. There is a little patriotism to be sure in fighting for a King of their own choice; but it is not a patriotism to enlist the sensibilities of such a people as this in their favor. They are fighting for one King against another; and though I participate in the feeling which others profess, and wish that they should have a choice of despots, yet I will not interfere in any manner between Great Britain and France, who are contending for the empire there. If we were to trade to Spain, it would be the *ne plus ultra* allowed by Great Britain, who would there receive our domestic produce, and furnish her manufacturers in return. Remember that we are contesting her monopoly of the trade of the world, and there we should surrender it. The principle would hold good if the trade were confined to the West Indies. Great Britain would there receive the products of this country, and we hers in return. We might as well permit them to take our produce at the mouth of the Chesapeake; and, indeed, it would not be a great extension of the principle contended for, if we were to allow her to establish a custom-house, and appoint collectors of duty in every seaport town in the Union.

By continuing the embargo, we can prepare to defend our towns. The fires lighted up in Copenhagen are scarcely extinguished; they are yet glowing before us, in imagination at least; and we ought to recollect that, if we do not submit, it is war; if we do submit, it is tribute. And, if we have war, our towns will share the fate of fortified Copenhagen, unless we strengthen and fortify them. First, let us prepare to defend ourselves. Gentlemen say, defence is not resistance. Let us prepare to defend ourselves, sir, and then we will be better able to resist and attack our enemies.

But we are told that the system is ruinous. If we become bankrupts in money, sir, we shall be sound in honor; and if we carry on trade without adopting stronger measures, we shall be bankrupts in fortune and reputation also. We

have been told of the condition of the country; that it is deplorable; and have been warned, inasmuch as there was a rising against the excise laws, to guard against the consequences arising from the embargo laws; and, in depicting the various distresses of the country, it is said (by Mr. RANDOLPH) that there is no sale for tobacco or cotton. What say the cotton planters, than whom none are more interested in foreign commerce? I may venture to assert that they are unanimously unwilling to place their bales of cotton in one scale and national honor in the other. They are unwilling to put interest, sordid interest, in competition with the national independence, which would be sacrificed by the payment of tribute. This tobacco business and insurrection among the planters, reminds me of the humorous letter of Samson to Lord Spencer, requesting him to send over an hundred thousand pounds, for the purpose of exciting a civil war, ravaging the tobacco country, and destroying the plantations with fire and tow, to be called the Segar war, and, if he did not succeed, it would end in *smoke*. This idea is not more ridiculous than that the tobacco planters will rise in insurrection on account of the low price of that article, when they know that their whole market, to any extent, is cut off by the Orders in Council. Will gentlemen say that we shall carry our tobacco to England, there pay a duty, and then carry it to France, and fight the legions of Bonaparte to compel him to receive it? If we are to have a war with France, I hope it will not be a war of that kind.

A doubt has been raised as to the constitutionality of the measure; the power of Congress to interdict trade is denied, because it is alleged that our form of Government grew out of commerce. I have always understood that the Constitution was adopted for the purpose, as it imports, of establishing Union, for promoting the commerce, defence, and general welfare, and if, for these nobler purposes, foreign commerce be suspended for a season, I trust that it will not be considered as violating the principles of that Constitution.

A charge has been uttered in anonymous publications in newspapers, as well as in the famous letter of Pickering, to which I have alluded, of a hostility to commerce in the Southern States. I, for one, protest against this declaration. I do not know where that individual is that is opposed to foreign commerce? Where are the Southern or Western people who are opposed to commerce or navigation in our own vessels, navigated by our own seamen, and owned wholly by our own citizens? The insinuation is unjust. There never was a question brought before this House affecting the commercial rights, in which the Southern and Western people have not strenuously supported them. It has never been objected to me by my constituents, that I voted for building seventy-fours and frigates, and for fortifying our seaport towns; and this has afforded me an opportunity of ascertaining that my constituents are not hostile to commerce.

But we are told that the Eastern people are

peculiarly affected by our measures, and that they will not submit to them. What, sir, is the present subject of dispute, which has involved the United States in difficulties? Foreign commerce altogether. Who has it? The Eastern people—they have it all. The Southern people have but little navigation, and care for little more in relation to it than the raising their staple commodities, permitting their brethren of the East to carry them to market. And because we would not give up their commercial rights, and have adopted measures for asserting them, we are charged with an hostility to, and abandonment of, commerce. The charge comes with very little grace indeed from gentlemen who say that our present difficulties have grown out of a pertinacious adherence to every principle of commercial right. If principle were not concerned, we, the Southern people, might say it is immaterial to us who carries our tobacco, cotton, &c.; but we are contending for principle, for the interest of our brethren of the East, and we will not desert them, though we are threatened with being deserted by them. We will disbelieve the assertions of the leaders of faction, and hope that the disposition does not exist, although attempts are made to excite it, as manifested by handbills published there. Were it not for principle we would not care anything about it; but acquiescence would resemble the case of a farmer's stealing his neighbor's wagon and destroying his team, and saying no one but himself should carry his produce to market. We grow—they carry. Who is injured most by the suspension of commerce, the grower or the carrier? The former. It is true that as their ships are lying at the wharves, rotting as we are told, and our farms do not rot, they feel it a little more severely than we do. But it is a time when all should sacrifice a little for the public good.

But if we are wrong, what shall we do? All who condemn the course are silent as to what ought to be done. Every quack condemns the prescriptions of the physician, and tells you all is wrong. When pressed for his *projet*, he shrugs up his shoulders and is silent. Is this the course of patriotism? The patient he tells you is treated improperly. All is wrong, but he will not tell you what is right. If that patriotism pervades their breasts, which one would suppose from hearing their language, we expect from them as Americans and friends, in the plenitude of their wisdom, to tell us what is to be done. We say our measures are right, and as they condemn them, they should tell us what they will do. Surely they do not mean to submit. Gentlemen escape by saying all is wrong, and they have an advantage in so doing. If measures prove abortive, they may say I told you so; if they prove right they are silent; their admonitions did no harm. This conduct may be politic, but it is not patriotic.

But, say gentlemen, will you abandon commerce? The refusal of the House to accept the amendment of the gentleman from Connecticut, (Mr. DANA,) may be represented to the people as

evidence of an intention to abandon commerce. I will not abandon commerce. I will only suspend it for a time; I will make our laws operate uniformly, and not permit a few worthless individuals to make fortunes at the expense of the community, by the evasions of them. Cut off all intercourse; increase our force. It would be madness to rush into the contest unarmed, unprepared, and vulnerable at all points. Take every step short of war, march up to the threshold, and if possible accomplish our purpose by pacific means, before we pass it. We need not fear the legions of Bonaparte, or the minions of George III. We are not now subject to the temptations of exclusive privileges offered to his Majesty's dutiful and loyal subjects, or the proscriptions exempting our patriots from the pardon offered. When convinced that everything has been done that can be done, the people will rally around us as one man; and whether for defence or offence, will present a phalanx irresistible and unconquerable. I will consent to withdraw the embargo as to either, on a withdrawal of his decrees, and to issue letters of marque and reprisal against the other. Arming our merchant vessels would be war in disguise. I would not wage war and then declare it. If we are to have war, I wish to have it openly in the face of day, and not secretly, and in the night, assailing the enemy without notice, when he suspects no danger. I would not make war except it were declared, according to the provisions of the Constitution.

But a gentleman asks why do not we act, and not spend our time in talking. I know, sir, that much time has been occupied to-day to little purpose; the remark made by the gentleman from Virginia, yesterday, (Mr. RANDOLPH,) that he has done but little good, may apply to me. But this observation of the waste of time comes with an ill grace from him, after having occupied two or three days of your time this session, with motions, to violate the confidence reposed in us by the President, and two or three hours more on a question of order. The gentleman says he has done no good; but he has done much harm, sir, by a condemnation of the measures adopted, and throwing all the blame on our own Government, instead of considering what the good of the country now requires.

Gentlemen have protested against the invocation of the spirit of '76. I wish it would appear and purge the body politic of tories and British influence. I wish the line of demarcation to be drawn, that we may ascertain who is for his country, and who is against his country; and I regret that the noble spirit which operated like enchantment, and conjured up a pretence for plunging us into a war with France, after the famous X Y Z negotiation, does not exist, when just cause excites it, and give efficacy and sanction to the principle contended for then, which I hope will be our motto now.—*Millions for defence, and not a cent for tribute.*

Mr. LYON spoke about ten minutes in reply; when a motion was made to adjourn, and carried, at about four o'clock.

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SATURDAY, December 3.

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The unfinished business of yesterday being under consideration; and the question pending on the first resolution reported by the committee on our foreign relations—

Mr. DAWSON said, during the very lengthy discussion, which took place in the Committee of the Whole, on this resolution, and which, very unexpectedly to me, has been renewed in the House, I have indulged that disposition which I generally feel, to be silent; and have attended to the observations of other gentlemen with patience—I wish I could add with pleasure. Many of them have been pertinent, pointed, and ingenious, but, I think, ill-timed.

Sir, at a time like this, when danger threatens our country from various quarters; when our rights and independence have been violated, and our demands for justice answered by new insults and injuries; and when it is admitted by most gentlemen, who have spoken, that the crisis has arrived when we should act as well as speak, and prepare efficient measures to meet impending dangers,—at such a time, I say, I did little expect that we should have spent a whole week in discussing a declaratory resolution, in support of which I did believe that every American voice, heart, and hand, would have united; that, forgetting local and personal prejudices, we should have come forward with a solemn and unanimous declaration, “that we will not submit to the unlawful edicts of France or Great Britain,” or any other earthly Power.

Sir, had I been on the select committee who made the report on the table, I do not know that I should have recommended that resolution, because I might have thought it unnecessary; but, as it has been brought forward, and as it gives testimony to foreign nations of our determination to maintain and to vindicate our rights, which have been too often violated, and appears to me to be an invitation to us all to join in the support of those measures, which a majority shall think proper to adopt, it has my hearty concurrence. What those measures shall be, I will not now determine; when they shall be presented, I shall, by the permission of the House, give my sentiments on each, and all of them collectively. At present, I will say, that my impressions are in favor of adhering to the system which we adopted at the last session, for enforcing it with the utmost rigor, and for backing it with measures of a stronger character. If, however, on candid investigation, I shall be convinced that these impressions are wrong, I shall most readily relinquish them, and advocate that system best calculated to secure the honor, interest, and independence of the country; at all events, I shall be found among the foremost in “placing the country in a more complete state of defence,” and, if necessary, of offence. This has been my policy for the last five years, and God knows I have no cause to change it.

At present, I hope that we shall take the question on this declaration, and proceed to do something.

I have another reason for wishing this resolution to pass without delay. The question, and the only question, before the House is, “whether we can submit to the edicts of Great Britain and France;” (for the embargo, about which we have heard so much, is not even recommended by the select committee;) and on this question the Representatives of the people have been deliberating for a whole week. What effect, I ask you, sir, is this calculated to have on those who do not see or hear what course our debates have taken? and what effect is it calculated to have on foreign nations, when our deeds are frequently misunderstood, and more frequently misrepresented? A very bad one, I fear. I have another and third reason for wishing this resolution to pass. A rumor has gone abroad, unfounded I hope, that there are two parties in this country, the one under French, the other under British influence. This resolution is calculated to do away that impression, and, backed by the measures which I expect it will be, totally annihilate it, and convince the world that we are a united people, determined and able to oppose any nation which dares to violate our rights; that, while we respect the rights of others, we will defend our own.

If other gentlemen view this resolution as I do, I hope they will permit the question to be taken, and the several resolutions to be referred, whereby we may be able to do something; and action, in my judgment, will have more effect than all our tardy negotiations, declarations, or all the eloquence of this House.

Mr. MONTGOMERY said, he could have wished very much that no discussion should have taken place on the first resolution. He considered it a declaration by this House, in behalf of the United States, that the edicts were prostrations of national rights, honor, and independence, and a solemn pledge of resistance. His own idea had been that it would have comported more with the respect due to the nation, that a silent vote should have been taken upon it; but, as discussion had been provoked, it must be met. Being a member of the committee which brought in the report, he could not, under the circumstances, reconcile it to his feelings to give a silent vote.

The proposition before the House, said he, is called, and may by many be considered as an abstract proposition. In general, I am averse to abstract legislation, because it leaves the House in precisely the same situation as it found it. But there are instances in which the urgency of the case requires a departure from the general rule. And if there ever was an occasion in which this was proper, the present furnishes an example, France, applied to for redress of grievances committed on you, scorns you, and gives no answer. England has given an answer, and in it utterly refuses to do you justice. We may be considered now as on the very verge of war. Is not this, then, one of the occasions which loudly calls for such a declaration as this? Again, an abstract proposition may contain a great leading principle which shall mark the character of the times. We find, in 1774, when our ancestors were oppressed

and attempted to be reduced to slavery, that they came forward before the people, and it was not considered, at that time, improper to make a declaration similar to the present. In page 78 of the Journals of the Congress of 1774, we find this declaration:

[Mr. M. here quoted the declaration of our rights made at that time.]

Thus we find when our ancestors were oppressed by England, and on the verge of a war, they thought it proper and expedient, and not derogatory to the dignity of the nation, that there should be a declaration marking the character of the times. It is important in another view, that there should be something of this kind. Misrepresentations of the most atrocious sort have gone abroad, and it is important that they should be put down. To prove that such misrepresentations exist here, and in England, it is only necessary to mention that a libellous pamphlet, Pickering's letter, went through eight editions in England, one in Scotland, and one in Ireland. From these circumstances, it is highly proper that these things should be met and put down by a plain statement of facts.

But, sir, we have been accused of wasting public time. This accusation comes ungraciously from a quarter, which, it will be recollected, last week occupied the House three days—on what? On a question which involved in it a violation of national confidence. If we divide the waste of time among us all, we shall find that that gentleman has had his full proportion.

This report has been said to consist of episode, prologue, and epilogue; and the committee have been attacked from various quarters. It ought to be recollected by gentlemen that others in the House have feelings as well as themselves. The gentleman from Virginia tells us, that the report contains nothing, and has sagaciously discovered that no bill can be bottomed on the first resolution; and another gentleman from Massachusetts (Mr. QUINCY) styles the report loathsome and disgraceful. When the subject was referred to the committee they acted on it in the manner which their duty required, and made such a report as they thought proper, to which no ill language can attach disgrace. I therefore hope and expect that the gentleman will not persist in the words he has used, but retract them, from the respect which he owes to the House and to the committee. If the expression be persisted in, however, I must say, as one of the committee, that such language is indecorous and unmanly, and does not comport with the manners of a gentleman.

The gentleman from Massachusetts, a few days ago, by his magic powers, transported us to British ground, and told us the embargo must be repealed; that the people would not submit to it; that it was impossible to continue it longer. He stated, too, and went into a long calculation to prove it, that the people of the United States had not firmness to bear the embargo. Is this language novel? Look at British Ministerial papers and pamphlets, and it is no more a novelty;

it is the very language of British papers ingrafted into Tory papers here. But the gentleman and the English nation, too, will be satisfied that the people of the United States will bear any state of things rather than slavery and submission. The Ministry of Britain also will know it.

But, says the gentleman, there was no such word in all the year 1776 as embargo. What do we find, sir, when we examine the Journals of Congress in 1774, as was done by my worthy friend from Massachusetts? We find that Congress did adopt a non-importation and a non-exportation law in 1774; in 1775 they were not repealed; and in 1776 they were in full force and operation; and no exportation took place unless by special grant of Congress. The gentleman says there was no such word as embargo in 1776. There was not, sir; but still the embargo system was in full operation.

But, the gentleman warns us not to invoke the spirit of 1776. He says, it is to be put out of the debate, together with the word tribute. What may be called the spirit of 1776, sir? The spirit of a WASHINGTON. What is the spirit of which the gentleman talked so much, the other day, as existing in the Eastern States? It may be called a Pickering spirit. The former was that which animated the heroes of 1774, 1775, 1776—which inspired the Councils of the nation with zeal in their country's service, and achieved our independence. What is this spurious Pickering spirit? It is a spirit emanating from delusion, dissimulation, disappointed ambition, and gross, palpable, and execrable misrepresentations. What does it lead to? Patriotism? I deny it. To regular government, or union? I deny it.

[Mr. MONTGOMERY was here called to order by Mr. BLACKLEDGE; and the SPEAKER observed that it was desirable that the gentleman should avoid personal applications of his remarks.]

Mr. M. continued.—I am under the direction of the Chair; the situation of the country, the situation in which we are placed by the operation of this pernicious spirit must be ray apology for transgressing the rules of the House. But the spirit of 1776 is that which I hope at this particular crisis every man will feel; it creates unanimity and harmony. We ought to scout everything which looks like disunion and dismemberment. The gentleman warns us against calling up the spirit of 1776. As I understood the language which fell from him, it amounted simply to this: In the times preceding 1776, England passed certain statutes, which were considered oppressive, and encroaching on our rights, and the people resisted them. In 1807 a law was passed by the Government of the Union, which the people of the Eastern States, by the agency of misrepresentation and falsehood, have been taught to believe oppressive on them, and that they will, therefore, resist it. The spirit which these misrepresentations have produced may be settled disaffection, which, in fact, is Toryism, sir; and the disaffected are Tories. Gentlemen who say that the embargo is a violation of their rights, and that they will resist it, are styled abroad as

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the partisans of that spirit, which I am forbidden by the Speaker to name; and, it is considered in England, that in this country there are but the two parties, that which now supports the Administration, and that which I have named.

It is to be regretted that such a state of things exists, but that it does exist appears from the avowed sentiments of gentlemen on this floor. Why are you told that if you continue the embargo the people will resist it? Why are you told that it cannot be enforced? Why is this language used? In terror, I suppose; and insurrection is predicted as the consequence. But we live under a Government of laws, sir, and the laws are our sovereigns. If those persons, then, are the wealthy class of citizens, which it is given us to understand they are, will it not be highly important for these gentlemen, before they violate the laws of their country and create a state of anarchy, to pause? But, if they persist in a violation of the laws, if their sails are bent, or their anchor atrip, they must go, but they must abide by the consequences.

But, says the gentlemen, you must not name the word tribute; you must put that, too, out of the argument. Why? Because it is impracticable that you should pay tribute; because you must first go to England, and the very going there prohibits you from going to France. Facts speak louder than forty thousand such declarations as these. Is it not ascertained that there are American vessels now in the very act of infamously paying tribute to England? The fact is incontrovertible. An instance has lately occurred of enforcing this tribute: The brig *Sophia*, pursuing a fair voyage. She was met and forced, by a British frigate, to go to some port in England—for what? For trial for evading the British edicts? No; she was carried by force into England, and compelled to pay tribute, and for no other purpose. She then pursued her voyage to the town of Baltimore, and thousands of the patriotic inhabitants, indignant at the disgrace, got the cargo, on which the tribute had been paid, and consigned it to the flames. This was not the act of a lawless mob, but of freemen indignant at paying tribute, and among them were intermingled a great number of Revolutionary patriots.

From the communications from the Executive, during the past and present session, it appears that everything to be expected from England is at an end. Opposed to redress of any kind, the only wish of France is, that we should declare war against England. What is the intimation which we have received from England? Simply this: She says, we have obtained the conquest of the ocean, and we have a right to it, and everything which you enjoy there shall be through special favor. Again, England says that her decrees are retaliatory, and being so, she cannot recede from them, because if she does, it would be a concession to France. Here, then, is our exact situation: France will not repeal her edicts, and England will not repeal hers unless France sets the example. We are brought to a crisis. Negotiation is at an end. When the em-

bargo was laid, negotiation was still pending, there was still some glimmering of hope of accommodation, which is now all but extinguished. We have acted a fair, candid, and upright part to both; we have offered to both to withdraw our embargo, as related to them, and keeping it on as related to the enemy, if they would withdraw their orders. Both have rejected the offer. It is incumbent on the nation, then, now to pursue a firm, decided, and steady course, having partialities neither for the one nor the other; and we must not be driven from our course by any language held out here to awe us.

In conclusion, I will only observe, with respect to the proposition before us, that it had my hearty assent in the committee, and shall receive my decided voice when I am called upon to vote on it.

Mr. MUMFORD said, he agreed most cordially with the gentleman from Maryland, who had just sat down; he was decidedly in favor of real American measures. He hoped the time had now arrived when all would unite in defence of those principles of independence, and assert our rights; he coincided in sentiment with that gentleman in taking real American ground. He said that having been born in this land of liberty, and having early learned to appreciate its value, under the auspices of a man whom his country delighted to honor—who was one of the brightest ornaments of human nature, and whose name would be held in grateful remembrance as long as the art of printing shall endure—he was accustomed to act and think for himself; he ever had and would freely express his humble opinions and maintain those independent Republican principles, he had uniformly avowed. He had no predilections for either Great Britain or France; his predilections were in favor of his own country, in preference to all others. He could not have any for either of the belligerents; the rulers of the ocean had caused his father to be burned out of house and home, for his attachment to Revolutionary principles, and had since robbed his children of ninety thousand dollars. How does the account stand, said he, with the ruler of the land? I hold in my hand documents from France, certified by the American Consul, which will show that he has sequestered of my property upward of fifty thousand dollars; and, on a late application to the Emperor, to have that property as well as a very large amount belonging to other Americans, in a like predicament, restored, we were informed that the decision of that question was put off for the present; and, on comparing notes with the merchants, in different parts of the United States, it will appear that the sequestration of American property by the Governments, under the control of the French Emperor, would likely exceed twelve millions of dollars; and all the merchants' correspondents in France agree in stating that the restoration of their property depends upon what course our Government will pursue. They say, if you will join them, your property will be restored to you. For my part, sir, I will not only sacrifice my fifty thousand

dollars, but my all, sooner than submit to the mandates of any foreign Power on earth.

Mr. M. said, that the whole catalogue of wrongs and aggressions from the two great belligerents, which had been officially communicated to them, and which had been since so emphatically described by the gentleman from Kentucky, on his left, (Mr. JOHNSON,) had filled his mind with indignation; and, if he knew the character of his countrymen, and he thought he did, they would all say, sooner perish the United States than submit to the mandates of any foreign Government on earth. But, while he would take a decided stand as it regarded those two great belligerents, he could not see any good reason why we should not cultivate a friendship with those who had shown a disposition to receive us on friendly terms. He had not heard it said that such a measure would compromise the nation's honor, and he was incapable of advocating any measure that he thought would derogate in the least from the honor of his country. Then, why not relieve our citizens? And, if it should be deemed advisable, authorize them to arm in defence of their commerce as our ancestors did in 1776, and leave it to their ingenuity, and they will find a market for the whole surplus productions of our soil?

He had no objections to the first, nor to the last resolutions of the committee; they had in Committee, and did here, meet his entire concurrence, as well as the first member of the second resolution, excluding from our waters all armed ships of the belligerents having decrees or orders against our commerce; but, he was not so well satisfied with the last member of the second resolution; it was, in his humble opinion, approaching closely upon a declaration of war, and he doubted whether it was now the proper time for it. Whenever that time shall come when we have no other alternative and must have recourse to the dernier resort of nations, he now repeated what he had before said, that he would not shrink from the contest; and he hoped, in the meanwhile, all the vulnerable points in every part of the Union would be placed in a complete posture of defence.

I have, said he, long entertained doubts about the policy of entangling ourselves in alliances with the Old World. France and Great Britain have, for ages, waged a war of extermination. It is very true they have, every now and then, made a truce, but such are their prejudices and irreconcilable enmity toward each other, that, among the variety of their contradictions, they even invite the winds of the heavens to grind their food in opposite directions. And shall we enlist not only our passions and prejudices but those of our posterity in their disputes and quarrels whenever they choose to go to war? He hoped not, and he was inclined to let them fight their own battles in their own way, and we would assert our just rights in our own way.

We represent a thinking nation, slow to anger, but jealous of their rights. Let us take care not to infringe upon their inestimable privileges. This is a Government of laws, and they must be

obeyed; our very existence depends upon the faithful execution of those laws, but they should be reasonable. If they bear hard upon any of our citizens, they have the undoubted Constitutional right to petition against their grievances. The laws can only be repealed or amended in a Constitutional manner, and, from the virtue already displayed by the American people, I doubt not that they will persevere unto the end.

Mr. NELSON said, he had long remained silent on this question, and had intended still to remain so; but arguments had been used so extremely improper, in his opinion, that he considered it a duty which he owed to himself and to his constituents to make a reply to them.

It has been said, observed Mr. N., that the first resolution is an abstract proposition, and totally unnecessary to be acted on. I deny the assertion, and maintain this doctrine—that it is necessary, if we mean to preserve our rights and liberties, that we should, from time to time, recur back to first principles. Since the year '76 great changes have taken place in this country. A spirit of commerce, of self-aggrandizement—a spirit of avarice, has seized upon the great body of the people of this country; so much so, that the original principle on which the Government is founded, is, in a great measure, neglected; and, therefore, I say, that there should be some public expression of the sentiments of the nation. In this country we have now no other mode of expressing our sentiments on any subject than by resolution. In England and other countries under a monarchical Government, whenever a communication is made by the King, an answer is returned by the Parliament, in which a general expression of the public sentiment is contained. Here we receive all communications from the Executive in writing; no answer is returned; the subjects embraced by the Message are divided between the different committees; and no expression of the opinion of the Legislature can be obtained but in this way—by resolution. I therefore contend that it is not only proper and correct, but highly necessary that this resolution, the first, should be passed.

I am extremely sorry to find in different parts of this House so much warmth of expression, when the times call for a very different course of proceeding. To me it seems highly improper, because my opinion differs from that of another gentleman, that I should make use of harsh if not indecorous language toward him. How are we situated at this time, sir? We are said to be on the very verge of a war. Nay it is doubtful whether we are not at war. With whom? With two of the greatest nations in the world. Is this, then, a time for violent language? Far from it. I wish there was a spirit of conciliation in the House. I would permit to others the free exercise and expression of, their opinion, and I hope they will have the same charity for me. I wish that irritating language should be done away. This is not a question whether one party or another should be uppermost, but it is a great national question, in which I hope every party will

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unite; and, with these wishes, I could not help regretting when a gentleman from the Eastern country told us that our laws could not be executed. I do not believe that the gentleman is correct. I trust in God that the laws can be executed, that there is patriotism enough to insure their execution. And if doses of warm water will not bring the opponents of the execution of the laws to their senses, the other part of Sangrado's prescription must be tried. I should be sorry to see blood spilt in this way, sir; but it is necessary that the laws should be executed; and if they cannot be enforced in one way they must be in another. When, however, I hear one gentleman from Massachusetts (Mr. QUINCY) say that the laws cannot be executed, and another (Mr. BACON) say differently, my opinion is in an equilibrium, balanced between the two; and I fancy that it would be the best way to say that both are a little mistaken. I believe that the Eastern people have as much patriotism as the Southern; that they can support their rights I well know, and have not a doubt that they will. If any portion of the people should attempt to prevent the execution of the laws, I trust there is power enough to put them down. The people of their own neighborhood will take care and see the laws properly executed.

This question has been strangely argued, and in discussing it gentlemen have strayed widely from the point, and myself as much as any; but I considered myself justifiable from the example set me by others. I have not wisdom enough to say what is the wisest course to pursue. I am not attached to any particular course, although the embargo has always appeared to me to be the best. If any gentleman will propose any other course, which he can satisfy me will be more beneficial to the people at large, I shall be willing to adopt it; and I do not think that the gentlemen show much patriotism, when they undertake, because, they say they are in the minority, to carp at the plans of the majority, and refuse to offer one themselves. I think, at this time, they should come forward with a plan; and I declare to God if any gentleman brings forward a plan, which will properly supersede this, I will adopt it without looking from what quarter it comes. As to nice calculation, we have had it over and over again, and I think it as useless for a man to get up and recapitulate for two or three hours, what had been so often said, as it is to spend the same time in argument to prove the truth of a proposition which no man denies.

Mr. MACON said, before the question was taken, he wished to make a few observations, in doing which he would endeavor to follow the advice of the gentleman from Maryland (Mr. NELSON) who had just sat down; neither to repeat what others had said, nor to make a long speech. He felt no disposition to fatigue the House or to tire himself.

Mr. M. said he had, stated when he introduced several resolutions some days past, that there were but three alternatives—submission to the edicts of the two belligerents who had injured us—war

—or a continuance of the embargo. If there were any other he had not discovered it, nor had any one yet told the House of another; but if any other productive of the same end should be offered, that would be more satisfactory to others, he was not so much attached to the embargo as to prevent his voting for that.

Do we know, said Mr. M., that we have a single friend in the civilized world? We have not Hannibal at the gate; but Rome and Carthage have both declared against us. Upon our own means alone we must depend, and if properly managed, they are equal to the crisis.

The second resolution reported by the committee, Mr. M. said, was in substance the same with two that he had moved. On this subject he had reflected much, not only since his arrival here, but while at home. On the subject of the embargo, he had endeavored to ascertain the opinion of well informed merchants and navigators, not of one political party, but of both. The result of the inquiry was that the embargo was a wise measure, and it was considered by some to have saved to the United States fifty thousand sailors and fifty millions of property. This was the smallest number of either which had been mentioned to him, and was not considered too high.

If you raise the embargo, said Mr. M., what will you do? Submission is out of the question; and there is no proposition for war on your table. This is a proof that all consider our present situation better than actual war; and in my opinion, the embargo, aided by the second resolution which proposes a non-intercourse, will produce all the effects which can be desired by us on the two great belligerent nations. The second resolution proposes to put both these nations on the same footing. In their conduct to us there is not much, if any difference. Great Britain impresses our seamen and attacked the Chesapeake frigate, and France pays no regard to the treaty which now exists between the two countries. In everything else I consider them as acting towards us alike, and at all times on the same principles. At this moment we have a law prohibiting the importation of certain goods from Great Britain, and the armed ships of that nation are prohibited by proclamation from coming into our waters. Adopt the resolution and you place the two nations on the same footing, and if one or both shall not like the situation, they know how to get out of it. We only want them to act justly towards us, and nothing more.

When gentlemen talk of trading to this or that place under present circumstances, they seem to forget the omnipotence of the English fleet, and that to carry on their desired trade, they must fight their way through that fleet. Permit me, sir, to add a few words as to war with both nations. Both have long endeavored to get us into the war on their side, and if we now go to war with both, it will be only a nominal war with France, while it will be an actual war with England; and so long as the British fleet prevents a French vessel from sailing on the ocean, so long the war will be only nominal with France, because we shall never

meet. This to my mind is an additional reason, to induce us to try the embargo some time longer. To me it is clear as noon-day, that you cannot trade except to Great Britain and her dependencies without fighting your way through her fleet. I have another reason for wishing to try the embargo some time longer, and to have it amended in such manner as to prevent evasion. It is this; that from the earliest age of our country, we have believed that by withholding our supplies and withdrawing from the ocean for a while, we could bring the most powerful European nation to fair terms. The experiment is now making, and I am desirous that it should be fairly made; that if it succeed we shall know the value of the measure and if it fail, hereafter we may not depend on it.

Some gentlemen, living not very far from me, have advanced opinions on the subject of the carrying trade, against which I now, as I always have done, whenever I have heard them advanced, protest. I am now willing, and always was willing to go as far as any member of the House in the protection of the trade which fairly grew out of the agriculture and fisheries of the United States. I never will consent to risk the best interest of the nation, for a trade which we can carry on, only when Europe is at war. I do not hesitate to maintain this at this time, notwithstanding the cry, that a part of the United States are not only willing to cramp trade but to destroy it. A recurrence to the laws will show the great encouragement which has been given to it. Is the drawback nothing? Are the discriminating duties nothing? Besides these, many other things have been done for trade. Attempt to repeal only one of them, and you will immediately produce a ferment among the merchants. Ask the sailor too, who is brought home by the Government, if nothing has been done for him?

The uncommon state, in which Europe has been placed by the last and the present war, ought to make us at least cautious, not to enter into war with France and England, provided we can by just means keep out of it. There is no visible object for which they are contending, unless it be for the mastery of Europe. They have by some means or other involved every nation in Europe in their wars and quarrels, and have nearly ruined and destroyed all of them. When gentlemen speak of the evils which we suffer, not I say in consequence of the embargo, but of their wicked orders and decrees, let them compare our situation, and that too as bad as they declare it, with that of any nation which has gone into the war, and they will find that we have cause to rejoice. Compare it with that of Sweden, who has not suffered so much as many others, and they must be satisfied that our situation is far better than that of the Swedes. We have enough of the necessities of life to make us content, and there is no nation in the world, at this time, that enjoys more of the luxuries of Europe and of the East and West Indies than we do; in a word, none that enjoys more of the good things of this world.

We have heard as much said about the possibility of a trade to Spain, to Portugal, to the West

Indies, and to South America, as if that trade was fairly open to us and perfectly secure. But when you compare this with what the gentleman from New York (Mr. MUMFORD) told us about the French officer, and the dispositions of the people of Orleans (and I regret he mentioned them, because they have no delegate here,) your attention will be drawn from this possible trade, to the troops in Nova Scotia and Jamaica; I will not hazard a conjecture as to their destination, but I will say we ought not to forget them. When I was up before I mentioned the spirit of '76. A gentleman from Massachusetts (Mr. QUINCY) has since made many remarks on that spirit, but as he has already been satisfactorily answered by others, I shall only add, that it was a spirit of firmness, a spirit of perseverance, a spirit determined not to surrender the rights of the nation, and further, that it was a pacific spirit; having told the world, that the United States were independent, it only required of Great Britain to withdraw her troops and do us justice.

Gentlemen seem from their arguments to suppose, that only one part of the Union is interested on this subject. It is a subject, sir, in which the whole nation has a common interest. Foreign nations undertake to dictate to you, and to tax you, and yet only one part of the people interested! The same gentleman from Massachusetts seemed to consider it a question of trade. Be it so, for the sake of argument. Then he fully proved to my mind, that if the embargo was off, we should have little or no trade, because he says there is no danger of your paying tribute to England, for this plain reason, that if you go there, you cannot go thence to France or her dependencies, without your property being confiscated. Then, sir, carry all the produce of this nation to England, without the right to go elsewhere for a market, and you instantly glut that market; and experience has taught us, that under such circumstances, the price would scarcely pay the charges and duties. Let it not be forgotten that when we had a sort of war with France, the price of tobacco fell to almost nothing, compared to that which it bore before.

I speak of tobacco, because I am better acquainted with the price of that than any other article which we export. Before the war it was ten dollars per hundred at Petersburg, in Virginia, and in great demand; and before the war ended, it was not more than three dollars at the same place, and not in demand. The true cause of this fall in the price, was understood to be, that all the British markets were completely glutted, and that there was great difficulty in getting it to a market on the Continent of Europe. How has this same article been affected at the same place by the embargo? When it was laid, the price there did not exceed four and a half dollars, and it has not been less than three since. This, to my mind fully proves, that the embargo has not injured the price of it, whatever the orders and decrees of France and England may have done. No one can doubt, that if you were to raise the embargo, the first cargoes to Great Britain would command a

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good price; but the moment the market was glutted, it would scarcely pay the charges.

If I understand the gentleman from Massachusetts rightly, he said, that when I introduced the resolutions, I spoke with uncommon zeal, [Mr. QUINCY explained. He had said the gentleman had spoken with a zeal which did him honor.] Sir, permit me to assure that gentleman, that it was with no other zeal than for the welfare of our common country.

The gentleman from Virginia (Mr. RANDOLPH) used an argument against the embargo, and the plan now proposed, which to my mind was conclusive in favor of both. I thank him for it, because it is a better one than had occurred to me. He asked, who could have supposed that the two great conflicting interests of the nation, the agricultural and the commercial, would have united to suppress all trade? Can there be a stronger evidence of the correctness of the measure, than the union of these great conflicting interests in support of it? Would they join to support a measure which injured them both? No, sir, it was the interest of both that united them. An attempt has been made to compare the plan before you to the Chinese policy. No man in the nation can, it seems to me, seriously believe that we intend to introduce such a system; but, I will ask, would not a Chinese policy have been better for some of the nations of Europe, than the policy which they have pursued? Would it not have been better for Prussia?

In the part which I have taken in the whole of this business, if I know my own heart, there has been nothing of party in it. I have been willing from the first to discuss the question in any shape, in which any member might wish to have it discussed; and I differ very much from the gentleman from Virginia, (Mr. DAWSON,) who has expressed a desire to have the question immediately taken. I hope that every member who wishes to give his sentiments, will be heard patiently; and if any one should be desirous of speaking more than once, he will have my consent to speak twenty times, if he desires it. If the embargo has produced no good, and is now only producing evil, it ought to be repealed. But I firmly believe that it has produced much good, and if the laws be properly amended, that it will produce all the good that ever was expected from it; for I cannot believe, notwithstanding the opinion of the gentleman from Massachusetts, that any respectable man will be found violating the laws of his country.

If you raise the embargo, where will you trade? You cannot calculate on trading with Spain and Portugal, and their dependencies, without the consent of Great Britain? For, notwithstanding they are contending for their independence, it is with the aid of England; and without that aid, they could not do much, because they could not get all the supplies that they stand in need of. It is not material to me, in the present question, for what Spain and Portugal are contending; but so far as they are contending for self-government, I wish them success. It is not in their power, with

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France on one side and Great Britain on the other, to afford us commerce on any just terms.

I agree with the gentleman that in a state of war, some of the seaport towns will suffer more than the interior country; but it is equally true that they will have all the advantages resulting from the expenditure of the public money, by which they will be enabled to speculate with profit on the country.

There is but one way when bad laws are passed, to have them altered, and that is by elections. They are the only correctives not only against them, but against every abuse of power. These have lately taken place, and so far as I am acquainted they terminated favorably to the embargo; in some districts it was made a question but without effect, in others, where a change had taken place, it is not pretended that the embargo had much effect, probably none.

It appears to me that there never was a time in which it was more necessary than the present, practically to observe one of the admonitions printed on the old Continental money—*United we stand, divided we fall*. Nothing but a strict attention to this can secure our rights; it will, as formerly, secure to us all that we ought in justice to expect. If, on a fair experiment, the proposed plan does not produce the desired effect, and I then have a seat in the National Legislature, I will go as far as any member in adopting such measures, as shall be best calculated to enforce our national rights.

I have nothing more to say; I have expressed my ideas in a very desultory manner, just as they have occurred. I did not expect to address you to day. I have endeavored to do that which I promised; not to repeat what others have said, and though I have tired myself, I hope I have not fatigued the House.

Mr. RANDOLPH.—It has been considered by every member, I believe, who has spoken on this subject, that the great question of our foreign relations is now before the House; not, sir, that this or that particular resolution is the subject-matter of our discussion, but that the ultimate course to be pursued by this country with respect to foreign Powers, is the point to be debated. It is, I conceive, not an unfavorable circumstance that this view of the question should have been taken; because, if not taken here and now, where, I beseech you, could it have been taken at all? The subject of our foreign relations has been referred to a committee, who have brought in a report. If we were to confine the discussion to the minute details of this report, to the mere naked question presented to us, where is the subject of our foreign relations to be discussed generally? So far as this particular question (which is but of little magnitude, though made a matter of much importance by gentlemen calling for the previous question and raising questions of order on it) is concerned, I feel myself scarcely interested in the decision. But I do feel myself interested to a degree which it is impossible for me to express, as to the course which this House will take on the subject ultimately. I think we

are standing on the brink and verge of ruin. I address myself to this House; my observations are not intended for persons without these walls; they are addressed to the sober understanding of gentlemen who may chance to hear them.

In the few desultory observations which I threw out the other day, (more in the nature of heads of discourse, than regular connected argument,) I touched on one question on which I ask the patience of the House to hear me again. It is this: Wherefore was the Constitution of the United States created? Out of what did it grow? From what stock does the great mass of powers possessed by the Federal Government spring? From relations of peace and of war; from intercourse with foreign States; from commerce. It was more immediately the regulation of commerce which gave birth to this Constitution. It was not contemplated at that time that this nation should ever pursue that which, in my opinion, has been properly called a Chinese policy. It was as well known to the nation then as it is now, that by the revenue derived from commerce alone could the General Government be enabled to perfect its engagements, to keep the public faith, to provide for the general welfare and public safety. For this purpose the Constitution was adopted. I cannot help casting back my mind to the time when the adoption of that Constitution was agitated in the Convention of Virginia. I at this time tremble at the recollection of the predictions made in that body, when I think I can see their fulfilment near at hand. It was at that time foretold by the greatest statesman—if not the greatest statesman, the greatest orator that America ever knew, that if the time should ever come when the State and Federal Governments should have to be supported by revenue derived from direct taxation, the existence of the one or the other must be destroyed. An attempt to feel the public pulse on this subject, a mere attempt at experiment to collect a beggarly revenue of one or two millions, has already put down a former Administration. We are now called upon to resolve that we will have no connexion of import or export with the rest of mankind; to substitute this measure for war, for defence, for offence. What will be the inevitable result? Are we prepared to violate the public faith; to issue continental money again to pay the expenses of the Government? I know the case is provided for by the Constitution—but what are Constitutions themselves in the mighty convulsions of parties? Are we prepared for this state of things? I have the honor to belong to an important committee raised on the question, what shall we do with our surplus revenue; with the surplus revenue of a nation which neither buys nor sells; of a nation whose revenue is derived from duties on tonnage and imposts, and which is without import and without export. Sir, I hope to be excused, if, in the course of the observations which I make to you, I should not follow the example set me by my worthy friend from North Carolina, (Mr. Macon.) I feel myself too deep-

ly interested to express myself with that method and precision, which is much to be desired, but cannot be attained at least by me. It does appear to me, sir, that the final extinction of the governments of these States is at hand. If we are to have no connexion with foreign nations, no Ministers abroad, none from other Powers residing with us, no trade, no relations of peace or of war, (for this state of non-intercourse contemplates neither the one nor the other,) where was the use of the General Government? It will no longer answer the purposes for which it was instituted. I hope I may not be misunderstood; nothing is further from my anticipation than the destruction of the General Government. My fear is that it will swallow up the governments of the States. I see by a late publication that the person who is perhaps to wield the destinies of this nation, has long thought that the governments of the States ought not to exist. Take this fact with another fact: that a question is pending before a committee of this House whether the powers of the General Government shall not be enlarged so as to narrow down still further the powers of the governments of the States. My fear is that the strength, grandeur, and magnificence of this Government will swallow up the power of the States. I have no hesitation in saying that the State which I represent cannot, by all the taxes which can be so squeezed out of her, yield her quota to the support of the General Government by direct taxation. What do you infer from this, sir? Is the General Government going to take the attitude of a State in the interior? Ask your greatest statesmen; ask the Secretary of the Treasury, out of what this Government grows. He will tell you, out of our foreign relations. It grows out of our power to supervise the concerns of this, with the Sovereigns of other nations. The moment we disrobe ourselves of this general power, and the Government of the United States employs itself in matters of mere local and interior regulation; in laying out and cutting canals; and building bridges, the governments of the States are extinguished—from that moment they cease to exist. The people will ask themselves this question: Since the Government of the United States has nothing to do with foreign relations, and we have no money to pay for the support of two Governments, where is the necessity of having two separate Governments directed to the same objects? This is my fear, and it is a fear which I feel it my duty to express.

No, sir; two Governments, each of them depending for support on one and the same people, and that support derived from direct taxation, cannot exist in this country. It is as much as the people of the country in which I live can do; I will go further, and say, it is more than they can now do to pay their contributions to the State treasury. They look forward to something like a restoration of the ancient state of things for their ability to do that, and to fulfil their engagements with one another.

My friend from North Carolina (Mr. Macon)

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has said that this idea of coercing the nations of Europe by refusing to have intercourse with them, is as old as the Revolution. I wish to ask my friend from North Carolina, and other gentlemen who hear me, if the course to be pursued by us, a free, sovereign, and independent nation, for the purpose of coercing all the rest of the world, is that which it became the Colonies to take in order to coerce the mother country, possessing the monopoly of their commerce. Sir, I feel that it is impossible for me; the intimations which I have from within of my own weakness convince me that it is impossible for me to go over the ground which I intended to occupy in this discussion. I must throw out my ideas rather by way of inuendo than in any regular system. Is this nation, I ask, to pursue that course, in order to coerce all the nations of the world, which might have been a proper weapon for the coercion of the mother country who held the exclusive monopoly of our commerce? There is no analogy between the state of the rest of the world then and now, or between that of these United States then and now—between the relative situations of the parties, one of which undertakes to act on the other by this new-invented political machine. What is now the state of Spanish and Portuguese America, and what was it then? Totally changed. What is our condition? Entirely altered. We have now to fulfil the engagements which we have made—to pay the price of our independence. We were then free from debt, at least from public debt; and we freed ourselves from private debt by a confiscation of what we owed across the water. We might then do without revenue, because we had not the purposes to which revenue must necessarily be applied. With your marine, with your army, with your palaces on this hill and on that, a profuse expenditure of money in at least every civil department of the Government—and here let me not be understood as making charges against those who have now the conduct of the public affairs; it is an excrescence, an abuse growing out of such Governments as this—will you, with all these objects of expenditure, dispense with your revenue? If not, whence is it to be derived, if you declare that you will not suffer your produce to go abroad, nor hold any intercourse with the rest of the world? You must look at home for it; there is nothing left but direct taxation and excise duties.

I confess for one that I was mortified at seeing the proceedings of the first Continental Congress resorted to, to justify the proceedings of independent America. In the year 1774, when we were provinces, loyal and submissive petitions were addressed to His Majesty, and addresses made to the people of Great Britain, Ireland, and Jamaica, one of which was read by the gentleman from Massachusetts, (Mr. BACON,) in his place. There the old Congress say to the people of Jamaica, you have nothing more to do than to convert a little sugar land into provision ground, and our measures will not hurt you in the least; and this, sir, was introduced to show our power of affecting

the West India islands, by withholding our supplies. We know that the West India planters have already profited of the advice we gave them in 1774. [Here Mr. BACON asked leave to explain]—Mr. RANDOLPH said that he yielded the floor with pleasure to the gentleman from Massachusetts, for he found himself scarce able to proceed, and but that he thought he perceived in the House a disposition to force the question—[Here Mr. RANDOLPH was interrupted by Mr. LOVE, who said that with the consent of the gentleman from Virginia he would move to adjourn, which was agreed to.]

The consideration of the unfinished business being resumed, on Monday, the SPEAKER said that the gentleman from Virginia was entitled to the floor. After a short pause—

Mr. RANDOLPH rose and observed that it would argue a decree of insensibility, which he trusted was wholly foreign from his nature, were he not penetrated with the polite deference paid to him by the House on Saturday last. He was sincerely grateful for that instance of their liberal and generous attention, but he feared he had exposed them to needless trouble—that the same incapacity which prevented him from going on then, still existed in a degree that would disable him from doing to the subject even that feeble justice which his powers in their best state might have enabled him to render it.

He entered into a recapitulation of some of his former remarks, he considered the country as standing in an awful and momentous condition; that we were about to make a virtual sacrifice of that very independence, which in words we propose to assert, and stood on the verge of a mighty revolution in our own political institutions. In this apprehension he might be mistaken, he hoped in God he was; but if he did not conscientiously entertain it, he would not obtrude himself upon their attention. The powers of the General Government growing out of foreign relations and out of commerce, when these were cut off, and the source from which alone revenue was derived, dried up, the General Government must act on the citizen through the medium of excise and direct taxation. The burden of this Government and that of the State Governments would be beyond the capacity of our citizens to bear. The necessary effect must be the doing away the State Governments, and directing the operation of the General Government to matters of municipal and local concern. Was he not justified in drawing these conclusions from past experience and from circumstances within the knowledge of every man who heard him? Was it not proposed at that very moment to extend the sphere of action of the General Government at the expense of the State Governments; was it not then a question whether the power of the State Governments should be materially diminished and that of the General Government proportionably augmented? Unquestionably it was. The Federal Government might be (he did not aver that it was not) eminently calculated for Federal purposes, but considered as a consolidated Govern-

ment it was highly objectionable. He could not but feel alarmed when he saw that the person who was to preside over our future destinies had been from the very beginning of the Federal Constitution inimical to the existence of the State Governments. He was impressed with the deepest apprehension for the existence of these institutions. His fears might be unfounded, but they were sincere.

He must again repeat his regret, that the only system of coercion upon Europe, generally, which the wisdom of that House had been able to discover, was that system which, in a state of colonial weakness and dependence thirty-four years ago, we were obliged to have recourse to in order to obtain a boon from the mother country. They had heard much in that debate of the spirit of '76. What was that spirit. It was this—"touch the soil and you touch the life-blood of every man upon it." And yet, sir, this soil has been violated without exciting scarcely a sensation in the heart which pulsates here and distributes life and heat to every extremity of the body politic. Let us not talk of the spirit of '76, if this be the only demonstration which we can give of that spirit being alive. We were not up to the colonial spirit of 1774-5. The old Congress at the very moment when they asked for justice had taken more vigorous measures to enforce and secure it, than the United States had yet done. Long before their Declaration of Independence, Montgomery had bled under the walls of Quebec.

But what was our present system of coercion? One which told Europe in the plainest language, attested by solemn public acts of the individual States, that its first operation on ourselves was such as obliged us to shut up our courts of justice. That sort of popularity derived to a great national measure from suspending the execution of justice between man and man, from the virtual exoneration of men from the payment of their just and lawful debts, was a species of popularity which he never wished to see in this country. A system which was compelled to resort to such means for its support might well be said, in the new-fangled language of the times, to go to the demoralization of society, to strike at the very root of common honesty. This new-invented system of coercion which was to bring all Europe to our feet, had gone across the Atlantic accompanied with declarations of Georgia and Virginia, (and their example promised to be generally followed,) that the distress occasioned by it among ourselves was such as to render it immediately necessary to obstruct the natural course of the great stream of justice. What kind of respect would the belligerents pay to a measure whose operation we confessed to be thus destructive to ourselves? It would, if persevered in, end not only in shutting up the courts of justice, but the exchequer also. It was not possible to derive from any source but commerce, a revenue adequate to the support of the General Government. The State Governments were supported generally by direct taxes, but if the supply from commerce be taken away, the General Government must resort to the same

mode of taxation; and what would be the consequence? A conflict between the sheriff and the marshal for the property of the citizen, and when that was exhausted, for his person; which, he supposed, like the child in the judgment of Solomon, must be divided between the two claimants. This was a state of things which could not long exist. He asked gentlemen to calculate the indispensable annual revenue required for the support of this Government, and then say whether they can derive it from direct taxation and excises, to say nothing of the sums necessary for the support of the State institutions. If the operation of our embargo abroad was such as it had been at home, it might well have been boasted of as a measure of coercion. He would have been the last man to have denied its efficacy, or to have wished its repeal, if he could see it bringing such distress on Great Britain, as that the Court of King's Bench should be compelled to suspend its proceedings, whilst her every source of revenue was at the same time cut off. But when he saw its actual operation upon us, and its operation on our enemies, on France and Great Britain, at least questionable, if not altogether imaginary, he could not consent to continue it at such an expense of privation as the people must incur in consequence of it.

It had unfortunately happened that during the whole course of the discussion there had been an extreme want of precision with respect to the object in view. They had had enough, and more than enough, of the aggressions of foreign Powers. They did not want a history of the disease, but the remedy to be indicated. Not a word had been uttered that went to show that a suspension of intercourse with the belligerents, would have any effectual operation on them. His friend from North Carolina (Mr. MAÇON) had indeed told them that if we ventured to sea, if we meant to have any sort of foreign commerce, we must be prepared to contend with the British navy—that our foreign commerce was dependent on the will of England, and therefore we must do it away altogether. To what would this lead? Suppose the belligerents to interrupt our coasting trade—to capture our vessels bound from Charleston to New York. Must we therefore prohibit it? Suppose a British fleet lying in Hampton Roads, and the communication between Norfolk and Baltimore enjoyed purely by sufferance. Should we pass a law to prevent Deagle's packet from clearing out for Baltimore, by way of remedy for the mischief, and style it a system of coercion and retaliation. Would any man dream of coercing the enemy by such a device? This mode of cutting our throats to save our lives, Mr. R. could not understand. To what extent did the argument go? Fully to this—that in proportion as the belligerents pressed upon us we must recede—and so promptly and rapidly too as never to come in contact with them. This was certainly an admirable recipe for avoiding war; one by which the swiftfooted Achilles himself might have kept out of the combat, since he had only to take his distance from the enemy and keep it.

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He did not expect to have heard, because any branch of our commerce was annoyed by the belligerents, that we should therefore annoy it ourselves to a yet greater degree; that because it was liable to partial attack, we should annihilate it.

With his friend from Georgia (Mr. TROUP) he was not willing to kneel at the footstool of the throne of the Gallic or British Sovereign and beg for commerce. He considered this observation as rather unfortunate for the argument of his friend from Georgia. If it applied anywhere it must be to our own proposition to raise the embargo if Great Britain would withdraw her Orders in Council. It was somewhat curious that gentlemen should have exhausted their lungs, as well as their ingenuity, in portraying the humiliating situation in which commerce was placed previous to the embargo, when we had offered to raise the embargo, and put the trade of the United States on that very footing which it had been said no American would accept. There appeared to have been a very gross mistake amongst the members of that body in relation to the causes out of which the embargo grew. In order to ascertain the point, he would call for the reading of the President's Message recommending the measure. [It was read by the Clerk—as follows.]

To the Senate and House of Representatives of the United States:

The communications now made showing the great and increasing dangers with which our vessels, our seamen, and merchandise, are threatened on the high seas and elsewhere, from the belligerent Powers of Europe, and it being of the greatest importance to keep in safety these essential resources, I deem it my duty to recommend the subject to the consideration of Congress, who will doubtless perceive all the advantages which may be expected from an inhibition of the departure of our own vessels from the ports of the United States. Their wisdom will also see the necessity of making every preparation for whatever events may grow out of the present crisis.

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Mr. R. proceeded—The House could not fail to recollect that “the communications then made” consisted of information from Paris that the Berlin decree was executed to the full extent of the letter of it, and the proclamation of the British King calling home his native subjects, of which we had not an official copy, but one cut out of a newspaper. The Orders of Council, although in existence, were not known even unofficially, or the House would have been apprized of them. To offer to withdraw the embargo, then, on the withdrawal of the Orders in Council, was to acknowledge, if not that the measure was laid without cause, at least that that state of commerce was desirable on our part, which had been described on that floor as the most degrading and injurious that could be conceived. It was to leave our resources (our seamen, especially, about whom so much had been said) exposed to the very dangers against which the embargo had been adopted to guard.

[Here Mr. RANDOLPH observed, that he really

felt a physical incapacity to present his ideas on the subject in a condensed, and he feared he might add an intelligible form. He had never when attempting to address the Chair labored under it in an equal degree. He asked the indulgence of the House for the length and want of connexion of his remarks.]

But it had been said since the belligerents would not consent to give their aid in ridding us of the embargo, we must pass stronger laws to enforce it, and cut off all intercourse with them. There was a wide difference between an open and hostile resistance to a law, and a clandestine evasion of it. The powers of the Government were unquestionably adequate to suppress the first, and he would be among the foremost to direct the sword of justice against that man, who should openly put the laws of his country at defiance—but it was not in the power of the Government to prevent clandestine evasions, and when he heard intimations of an intention to cut off the coasting trade, and river navigation, by way of enforcing the embargo, he was seized with horror and consternation. But the embargo had kept up the price of produce. This one of its merits was matter of very late and prodigious discovery. To what was the embargo price of tobacco owing? To the home consumption?—Certainly not. To men of capital investing their money in it by way of speculation, calculating on a great profit when the embargo shall be raised. As to the embargo price of flour—to what was that to be ascribed? Not to the consumption at home, but to the fact that the flour, the embargo laws to the contrary notwithstanding, had found its way out of the country—and for whose benefit? The growers were choused out of fifty per cent. of the produce of their land and labor to make fortunes for dishonest daring mercantile adventurers, who bought at home at half price and sold abroad for three or four prices. Was such a state of things desirable? That our sole measure of action against the belligerents should only react upon ourselves and amongst ourselves with peculiar, nay, almost exclusive severity on the honest part of the community, while the dishonest were reaping enormous profit from it? Was it to be expected that the honest men of the country would bear such a system when they should come to understand it? They would not—they would (as they had done before) change their Representatives, if they would not change the law. It was not the Shylocks of this country (as his friend from Georgia supposed) who were opposed to the embargo. As far as his knowledge went, men of that character were among its most distinguished advocates—and wherefore? The nominal market price of almost every article, except those from which the lauded interest drew their supplies, had either remained stationary or had increased. Produce was down, land and slaves fallen—everything except the product of the land and labor of the country was either up to the old rate, or has risen to an alarming height. What was the consequence? That Shylock, with one dollar, with a single ducat, can now make as great a profit out of the suffer-

ing planter, can purchase as much actual property, as before he could with two. The value of his commodity—money—was doubled, that of his neighbor sunk in the same proportion; could that be displeasing to him? And accordingly in Virginia the dealers in deeds of trust and mortgages and your five per cent. per month men were warm advocates of the embargo. They either had money, or could get it by bank accommodation, and thus (to use a vulgar but expressive phrase) could shave their neighbors on their own terms, and get rich to an incalculable extent.

There was another and important view of this subject. No sooner did the resolution for cutting off all intercourse with the two great belligerents pass through the Committee of the whole House, than the vast capital which exists principally to the North and East, set itself in motion. This fluid, which in a healthy state of the system had been employed in the great and salutary work of circulation, had been pent up in the body politic until it had acquired an acrimonious quality. It had hitherto been active in carrying off our redundant products and bringing back such as we wanted in exchange; but the embargo denying it a free vent it had become morbid by stagnation and was corroding the system which it had once nourished and exhilarated. Immediately on the passage of that resolution the spirit of monopoly stalked abroad—the great capitalists had dashed into the market and purchased up every article which nature and habit have rendered necessary to us—they had bought up salt, dry goods, everything that they could lay their hands upon, gutting the very shops of the petty retailers. At whose cost are they to be reimbursed? At the cost of the public—of the great consuming body. If things were restored to the old channel, the loss, if any, would fall upon those best able to bear it, upon the men of great capital; although it would not be difficult to show that, in such a case, they might re-export their purchases at a profit. If the system were continued it must grind the people down to a state of the most abject poverty and depression. It was a system which might suit Asiatics, but was never adapted to the American spirit. It might do for the Chinese; but, even granting it to be the best policy eventually for us, no man who pretended to the character of a practical statesman would attempt to make a total change of the habits of a nation in one night. Great changes to be beneficial must be gradual, not forced upon the people. Nature might be coaxed, but she would not be coerced with impunity.

His friend and colleague (Mr. BURWELL) had said that to express the pressure of the embargo on ourselves was to encourage the enemy, inciting him as it were to persevere in his measure. He had compared our situation to that of a besieged town, and asked, if we ought to apprise the besiegers that we were nearly out of provisions, that we could not hold out another week? Mr. RANDOLPH accepted the comparison. Under such circumstances suppose a council of war to be held, he would not hesitate to say to his compatriots and fellow-soldiers that it was better to perish in

a glorious sally, than die by inches in the trenches of disease and famine. He should not be deterred by the fear that the enemy would take advantage of their deliberations. In the present case they had the most authentic intelligence of our real situation—it was upon record in acts of assembly of States the most zealous in support of Administration, and in the proposals of Government itself. He feared that without some change the public spirit would become so completely broken, so entirely paralyzed, that we might almost as well be overrun by an enemy as reduced to so torpid and degraded a condition.

The capital, which we would not suffer to employ itself in a natural and salutary direction, had, to use the expression, turned its arms against the State. It was engaged in monopolizing salt and every article of the first necessity, to be resold at the most exorbitant advance, because we would not suffer it to take our cotton, tobacco, fish, &c. abroad, and bring us returns for it at the most reasonable rate. During the whole discussion it appeared, that gentlemen had indulged themselves in begging the question. As a planter he could not conceive how he husbanded his own resources by suffering his crop to perish on his hands, instead of paying his debts or purchasing necessities with its proceeds; nor how he assisted the belligerents by exchanging one superfluity for another—for the wines and brandies of France, for example. How did we impair the resources of the European Powers or aid our own by the destruction of the whole product of our country? But to return to the effect of the embargo on the price of produce, which had nearly escaped him. His friend from Carolina (Mr. MACON) had said, that if all our produce were pent up in England, the price would be lower even than it then was. Was there any necessity for its being pent up in Great Britain? Could gentlemen devise no other vent for it? Was it not notorious that Sweden, an independent Kingdom; having no orders or decrees against us, was open to its reception? and was it not equally well known that if we could get our produce to Gottenburg, that it would find its way to the rest of the Continent, as heretofore it had done from Hamburg and Bremen? There was a common sense view of this subject, that settled the question. When it is understood out of the House that the embargo is to be continued, produce falls—with a whisper that it is to be taken off, produce rises. The mere motion of a colleague (Mr. SAWYER) of his friend from Carolina to open a trade to the West Indies, had a sensible effect on the Baltimore market. There was not a merchant who would not give more for a barrel of flour, or a hogshead of tobacco, on condition that the embargo was to be raised. To contend, then, that the embargo kept up the price of produce was absurd. Go into the market, and the theory vanished when you come to purchase. It was in vain to oppose argument, however ingenious, against fact and experience. It was matter of notoriety—let us not attempt to cheat ourselves in this thing. Produce was bought with no other view than to its exportation. Prohibition of export could not

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enhance its price. If this position be not true words had lost their meaning.

During the course of the debate, recurrence had been had to past transactions. For one he could have wished that they might have been passed over in silence, but the state of affairs at present seemed to render it almost impossible. He begged gentlemen to carry back their minds to the time when the right of deposit at New Orleans was arbitrarily suspended. It was a time of general peace in Europe. The nation committing the wrong was the known ally of France—identified, he might say, with her. What did we do? Did we declare independence? Did we assert our rights in one resolution, and in another immediately forbid their exercise? No—we declared in a prompt and spirited manner that we were willing to view the aggression as the unauthorized act of an individual, that we would apply to his Government for redress; but we pledged ourselves to maintain at every hazard our right of navigation through the Mississippi, as established by existing treaties and the laws of nations and of nature. With this declaration in his hand our Minister went abroad. It was made when Europe was at peace, and when, for aught we knew, the whole combined force of France and Spain, unshackled by the British navy, would be brought to bear upon us. We gained our point, and more than gained it. If we had met with a denial of justice, no doubt remained of the alternative. He knew too well the temper of the House at that day not to feel assured that we should have taken redress into our own hands; and had we spent fifteen millions of money to acquire the possession of both banks of the Mississippi, but five short years ago, and shall we now be the first to shut it up? Even the Spaniards had not carried their audacity so far. They did not require us to come to, and give bond and security that our property should not be carried out of the river—they only disputed our right to deposit it on their own territory; and had we spent fifteen millions for the sovereignty of that river merely to deprive our citizens of the right to use it, when we would not submit for a moment to its suspension by those who rightfully held both banks of it? It was to our vigorous proceedings at that day, that we were indebted for the possession of Louisiana. It was in that fatal session of 1805-'6, that the policy of yielding to anything that might come in the shape of insult and aggression was commenced. The result was then foretold. It has happened. What was then prophecy is now history. We are completely entangled in the web of our own irresolute, hesitating policy. The Gordian knot cannot be untied. It must be cut. We must cut the Lilliputian fetters which have so long bound us to the earth.

Mr. R. hoped his friend from North Carolina would consider the notice which he had taken of his arguments only as an evidence of the profound respect and veneration in which he held the qualities of his heart and understanding. His friend had requested the House to take warning by the fate of the Powers of Europe, and, with an

infelicity which he could not have expected from a man of his sagacity, had held up Prussia as an example—herself the victim of a short-sighted, timid, temporizing policy. She might have saved Europe. She consented to become the pander of French ambition and she has received her reward; that reward which awaits all who descend to act the same ignoble, loathsome and detestable part. No more of Prussia, sir—*veluti in speculo*—in the fate of Prussia, as in a mirror, we may see our own, if once we consent to be governed by Prussian Councils.

On the subject of our trade there was one plain and obvious answer to every man who objected to raising the embargo as the commencement of a struggle for our indubitable maritime rights. It was this; that those who were most to be affected by it—the merchants, excepting a few—for example, those who have vessels out and take care that they shall never come in, and who, whilst the great mass of our tonnage is rotting in our ports, are themselves receiving an enormous premium, which the competition of that tonnage would deprive them of; and those who have in the country an immense stock of foreign goods, the price of which they now must raise three or four hundred per cent., and thus make them nabobs at the expense of the community; excepting these, the merchants are willing to run the risk; and if we do not choose to protect them, at least we may leave them and the insurance offices to settle the business between themselves. If we will not engage to protect them, let us not incapacitate them by way of apology for not protecting them. They tell us that they can find ways and means to get rid of our produce and get a better price for it, if we will permit them. It is then their affair. But gentlemen say that by the captures at sea we shall be immediately involved in war. Well—do not gentlemen tell us that we are now at war? Was not this one of their war measures—part of their great system of coercion? And yet to avoid this war, in which we are actually involved, we are to do—What? Show our heels to the enemy and our indignant fronts to our own helpless citizens. It was high time that the vigor of this Government (if any it have; and he believed it had more than any in the world) should be displayed on some other theatre than our own country, and on some other objects than our own citizens. It was indeed time that this vigor should be husbanded for the aggressors on our rights, and not that the whole vial of our wrath should be poured out on the heads of our own offending people. Let gentlemen take into consideration the condition of the country—the Eastern States particularly. Had they no pity? No compassion upon the distresses of those people, and in fact upon the privations and sufferings of the whole mass of our society? Was all their force and energy to be exerted only upon ourselves? Or shall we determine that, inasmuch as foreign nations will not do us justice, to the best of our ability, so help us God! we will do justice to ourselves?

His friend from Virginia (Mr. BURWELL) had

told the House that there was a very strong interest in Great Britain in favor of making war upon us. We know that the naval, the West India, and East India interests are, so disposed—that would have been a good reason for treating when it was in our power—but shall we therefore now give up the ground? Because a portion of her subjects are hostilely disposed towards us, shall we put on an aspect precisely pacific in proportion to the airs which they may assume? We knew that France was disposed to make war upon us; that nothing but the ocean, interposed as a non-conductor between us, prevented her—that she had injured us to the extent of her ability. Should we therefore propitiate the resentment of her monarch by a sacrifice of our rights? It was a doctrine which he never expected to have heard on the floor of the American House of Representatives. The cup of patience was exhausted. We had drained the chalice of humiliation to the dregs. If instead of asserting our rights against the aggressors we were determined to forego them forever, instead of re-enacting the Declaration of Independence, let us expunge it from the statute book, and agree to hold a middle rank in the scale of beings between the nations of Europe and the aboriginal savages. Indeed there was not an Indian tribe, however reduced, that would unresistingly suffer what we had endured. There was not a man that ever wore a string of wampum, even if he were the last of his tribe, who would not consider himself disgraced by such submission. The time for temporizing had gone by—this is the time for acting. If we would not act, let us not in one breath assert our rights and in the next resign them, and punish whosoever shall trespass against that determination. The nation was undone. It could not exist under such a system. Shall we come out with a fine, vaporing, flourishing resolution about honor and independence, and sneak out of it by forbidding our citizens to do that which we declare every man of them is entitled of right to do? Shall we turn our face from the enemy, and put on the angry frown of vindictive cowardice towards our own people? Show him the man who dare not resent an insult, who shrinks from his adversary in public, and he would show you a tyrant in his family. In proportion as his courage sinks where there is danger, so does it rise where there is none—in every respect the reverse of the man of real honor and real spirit. Such he hoped they would not make their model. But why did he thus idly waste his strength in a vain attempt to express the few confused and scattered ideas floating in his mind. He would recall the attention of the House to matter of sober and melancholy fact—the condition of the people. What was it? In Virginia the September frost had destroyed nearly half the crop, and the embargo half the value of the remainder; debts pressing on the planter and taxes to pay. But perhaps gentlemen might ask, will you go to war—will you lay a land tax? He would not, for one, add to the burden on the citizen—but he would scuffle for commerce as the only means of

relieving him, the only chance for revenue. He would make the struggle, and if we could not maintain our rights, in the worst event, we would but resort to what was now proposed to be done in the first instance.

Mr. R. approved the first member of the second resolution which went to exclude ships of war from our ports. It wore an aspect of impartiality, although one of the belligerents, it was well known, would be little affected by it. The second member of the resolution was objectionable to him, not only as operating exclusively on one of them, and in a manner meeting the views of the other, but because he was for opening our ports to the products of both, and of the whole world, at once to supply ourselves with necessities, and the means of revenue. Our merchants believe that, if let alone, they could by their enterprise carry on a lucrative trade, and get us a better price for our produce. He was at least willing to indulge them in the experiment. He could not see the grounds upon which gentlemen refused their assent. If it failed, they were not obliged to be answerable for its failure; but so long as Government tied their hands, it was responsible for the consequences. Let them go. In short, if we would not maintain them in the exercise of their indisputable rights, at least let us not forbid them from attempting to use them. If the law will not protect your person when you pass your foot over your threshold, let it not therefore confine you close prisoner in your own house.

MONDAY, December 5.

FOREIGN RELATIONS.

The unfinished business of Saturday last being the report of the committee on our foreign relations, was taken up.

Mr. RANDOLPH spoke about an hour and a half, in continuation of his observations of Saturday, as given entire in preceding pages.

Mr. LOVE addressed the Chair as follows: I rise under circumstances of extreme discouragement to address you, sir, while the sound of a voice which never fails to interest in a superior degree still vibrates on my ear.

Any man whom I have ever yet seen stand on the floor of a deliberative body, who should be compelled to follow the gentlemen last up would, I confess, sir, have occasion for a great share of the politeness and condescension of his audience: It is because I so highly honor that disposition to indulgence, which this body has so often manifested, that I have now determined to obey the impulse of duty, at the hazard of, and while I feel myself transported beyond the restraint of personal considerations.

In the observations which I contemplate offering to the House, it shall be my endeavor to limit myself as much as possible to those important topics of discussion actually before us; and while I cannot consent to consider anything properly admissible in argument, which does not relate to the great questions presented us by the report and

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resolution, I shall be excused in expressing my regret that the members of the committee which has led us to the view of this vast and extensive field of political survey, have hitherto refrained from a presentation of their statements in support of the measures which they recommend to our adoption.

The report must ever be acknowledged on all sides as a most able and correct exposition of the real situation in which the United States stand in relation to foreign nations; nor do I, sir, consider the conclusions drawn by the committee as less entitled to the unqualified approbation of every American. I lament that it has not been the pleasure of the House to consider them both in a connected point of view, the latter as the natural and apt consequence of the former; and that a disposition has been evidenced even in the friends of this connected system still more effectually to disjoint it, by dividing the question on the first resolution. This seems indeed to be a kind of parliamentary mode, too fashionable with some gentlemen of this House. It has certainly however relieved the debate from some embarrassment, when gentlemen who argue in opposition to the measures recommended have at length given some character to their arguments; for although the gentleman last up, did a few days ago very much insist on the entire futility of the first resolution then, as now, the subject of debate, he to-day is willing to admit that he discerns in the measure consequences of the utmost and most substantial importance to our country.

The leading position stated in the report has certainly a strong claim, if true, on the serious attention of this House, and of the nation; it is, that those principles recognised by the civilized world under the name of laws of nations, which heretofore controlled belligerent Powers, regulated the duties of neutrals, and protected their rights, are now avowedly disregarded or forgotten by Great Britain and France. Each of these two nations capture and condemn all American vessels trading with her enemies or her enemies' allies, and every European Power having become a party in the contest, the whole of our commerce with Europe and European colonies becomes liable to capture by either one or the other. Is this statement founded in fact, sir? Has the able illustration which follows it been contradicted? No sir, no part of the vast accumulation of injury exhibited in support of this assertion of the committee, has any gentleman ventured to deny. Sir, it is a fact, that the Milan decree of December 17, 1807, was, as in its terms it purports to be, a complete rejoinder to the orders of the British Government, closing every point of commercial right contended for by neutrals; in technical language it tendered an issue, which, for us it seems, has been too fatally accepted by the opposite party.

Permit me, sir, to occupy a small portion of the time of this House, in placing in as obvious a point of view as I am able, the effects upon our prosperity of those injurious violations of rights. This has indeed been already done by other gen-

tlemen most ably, and I shall now only so far concisely notice the subject, as may be necessary to the introduction of my argument. It was true, indeed, that antecedent to the late blockade of some of the West India islands, which we have seen advertised by a British admiral, there was left to us a few of the crumbs of commerce, not, however, worth picking up; but in the present complete state of exclusion, either positive or virtual, there is nothing left for the commercial enterprise of this country, but certain loss and destruction, should it be permitted to venture on the seas. France, as active as the crippled state of her marine will allow her to be, consigns to the flames our vessels if met with on the ocean, and truly, in the spirit of that retaliation which both nations avow as the rule of their conduct, thus destroys our vessels lest they should fall into the hands of her enemy. Even as the Briton served the Dane, so has the American to a lesser extent suffered under the most outrageous and aggravating system of violence which has ever disgraced the annals of civilization. It is admitted on all hands, that unless the produce of our soil can find its way to the continent of Europe, it is in vain that the raisers of it may expect a price adequate even to its freight across the ocean. It is therefore only urged, sir, either from a want of consideration, or from a disposition to delude and deceive the people of the United States (that part of them I mean who are not conversant in commercial affairs) that it is insisted that the tobacco, and other heavy articles of our produce, may still be transported with any chance of profit to any part of Europe. If to England, it has been ably shown that the superabundant supply would so far overstock that market as to reduce it below the price of its freight, even if it could be insured against French risks; but if bound directly to France, it is proved to us, sir, not by speeches in Parliament, or ministerial pamphlets, but by the examination on oath of men all their lives conversant in trade, that the risk is considered as equal to ninety per cent. since the emanation of the British orders of blockade of November the 11th, 1807. To go directly to France or the ports of the Continent under her control, is out of the question. England has forbidden it, and she has the physical means, the mechanical force which carries her orders against us into effect to almost an absolute certainty.

The only practical course left open for our commerce is a transportation of its articles in the first place to England, and then, sir, we are condescendingly told, and it is said to be yielded, as a mitigated measure of strict justice on the part of His Britannic Majesty, that we may, on the payment of a tax and an acknowledgment of his right to tribute, proceed to a nation where we might find a demand for our products. Let us suppose then, that there is an American who could be found base enough, in the pursuit of gain, thus to make a formal unqualified surrender of everything which pertains to the honor and dignity of his country. He pays a tax to England, and under the royal license he departs from the British port

into which he has been forced. No difficulty will follow with such men, I know, sir, in using the arts of fraud, perjury, and corruption, to put on the false show of having made a direct voyage. Indeed, the mean spirit which could stoop to dishonor the flag of its country, is in my opinion past other censure. He arrives in a continental port, and under the mask of deception, puts off his polluted wares; he receives in return a cargo of the products of the country which has afforded a high price for his tobacco, or other article of American growth; he takes a clearance for the United States, but again when at sea, upon the calculation of ninety per cent. against his safe return to America, he is compelled again to visit and pay his tribute to England; independent of the disgraceful surrender of the sovereignty of his nation. Where are the profits, which under such circumstances could insure to the agriculturist a price equal to the freight even of the article? The estimate of taxes has been already made by other gentlemen, who have had the patience or curiosity to make a calculation on the subject, and it has been proved, that on the score of profit, no inducement would be offered for such a prostitution of character.

Thus, sir, we find that such has been the actual state of all our commerce in the products of our country, ever since the British and French decrees have been in operation, that neither the fair and honorable conduct of the American merchant, nor yet the mean and corrupt submission of those who would barter for gain all sense of the independence and dignity of their country, would secure a price for our commodities. No doubt can exist on the mind of any man who will take a candid view of the real situation in which our external commerce was placed by the conduct of the belligerents, but that the embargo has from a particular operation, and the state of sentiment among our merchants, had the effect of keeping up the prices of our produce, beyond what they would have been, had we permitted our commerce to be exposed to the capture of foreign nations.

I have been compelled to take this short notice of the situation of things produced by the British orders of November 11, 1807. And, before I proceed, give me leave to say that to my astonishment I have heard the gentleman from Virginia, last up (Mr. RANDOLPH,) assert more than once on this floor, that this state of things was not known to us, and that we were not informed of the British Orders in Council at the time the embargo was laid. It is a fact, sir, that those orders were understood at that time, or might have been so by every gentleman in Congress; for, by a recurrence to a newspaper (the *National Intelligencer*) printed in this city, on the 18th of December—the day I believe on which we received the President's Message—it will be found, that in no less than three extracts from British papers, two I think from London, and one from Liverpool, those orders were said to have issued on the day they are now found to bear date, and their import and effect are as well defined in those pub-

lications as I believe they have since any where been. The paper I allude to was read by gentlemen of every description of political opinion, and indeed by those of no description, if we have such in Congress, and I recollect some gentleman did in debate urge the weight of this intelligence. I well remember, that many, and myself among others, did insist on the probability of those retaliatory measures on the part of England, as soon as it was known there that France meant to act on the decree of November, 1806, against American commerce; but I do not pretend to say that the gentleman heard this, or any other argument used on that occasion.

It appears to me, sir, far from improbable that our Government might have information at that time, although not of so authentic a nature, or perhaps of too delicate a one to disclose it, that the British orders would certainly issue; when we recollect that our Minister who had been resident at London, and at his own request had returned, did actually leave England from the 10th to the 14th, I believe, of November, and was on the 18th of December, either at this place, or somewhere in the United States; where he had an opportunity of corresponding with the members of the Government, I think the probability of a pretty certain intimation of their existence, very much enhanced.

The debate on the subject of the embargo, I have always considered, sir, as disorderly in the present discussion. The time will come when it will probably not be so; it will then be in time to see whether this measure has had its expected effect; but I have felt myself compelled to notice so much of the statement of the gentleman last up, lest false impressions might be made on the minds of others, as to the whole ground which influenced the measure. The Message, and so much of the documents accompanying it, as the reading of has been called for, I also admit were important in forming a decision, but I do not acquiesce under the charges so often here and elsewhere repeated, that this House was solely governed by the reasons assigned in the Message for the measure.

I beg the pardon of the House for having suffered myself to be led from the subject of discussion before us. I shall now proceed to consider the system of measures recommended by the committee; it is time indeed, I admit, to adopt some course which shall be strongly calculated to produce an effect on our enemies; and whatever may be the construction put by different persons on the character of the embargo, and whether that was a measure of coercion or otherwise, I do not hesitate to avow that we should now pursue a course of policy avowedly retaliatory, having reprisal for its direct object. Neither our interests nor our honor permit us longer to hesitate. The measures indicated by the second resolution, are in my opinion wisely designed, and eminently calculated for this purpose. Even the gentleman from Virginia sees in them a strong and energetic character; they are indeed of a distinct description from the embargo. That was perhaps a

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measure of a mixed character, intended for immediate self-preservation, and with a probable ulterior design of coercion on our enemies. The one of those effects has been realized to a most salutary extent. The other I believe, sir, would have been so, had not the means of counteraction, which have been so painfully and so often dwelt on, been resorted to, by the unprincipled part of the mercantile community, often in combination, I believe, with a foreign Power.

If Mr. Canning is correct in the assertion contained in his letter of the 23d September, that the ruin of the commercial prosperity of Great Britain must annihilate her existence, the contemplated inhibition of commerce with that kingdom will have a direct effect, and act coercively upon her. When we reflect upon the situation of Europe, and find that there remains no place of importance to which England can export the articles of her manufactures, upon which her people depend for subsistence and life; and when we recollect that from the estimates before us, since the occlusion of British goods from the European continent, the importations to this country have increased in one year fifty per cent., the effect of a total non-importation cannot be misapprehended. It must, it will, retort upon her the most aggravating part of her system of outrage on this country; it will affect her interior relations, as she has attempted to affect ours.

I hazard nothing, sir, by asserting that whatever may be the result, the measure is calculated to have a most powerful effect, on both France and England.

But, were it not a call which the honor and independence of our country has made on us, to offer some means of retaliation and reprisal, it must be notorious to every man of reflection; that the safety of our own country; and its real resources call for an immediate suspension of intercourse. I have shown that so long as the present state of things continues in Europe, it is impossible the heavy articles of our produce can find a competent market. If the manufactures, however, of those countries are continued to be imported, our merchants will continue to make remittances. Those remittances can be in nothing but money, and thus we shall be drained of the little specie which, under the disadvantages of our commerce, has yet been left among us; our own safety, therefore, not less than the desire which must actuate the bosom of every American, prompts the contemplated measure.

It is not to principles of reasoning alone, however strong and imposing they are, that we may resort for the support of the course recommended. There is an example, sir, an illustrious one, one which I trust will ever be of high authority on this floor; it is the example of the House of Representatives of the session of 1793-4. Then, as now, harassed by a superior naval Power, and our produce alike intercepted by the hostile grasp of an European nation, a non-importation law was determined on by a great majority of the popular branch of the Government; the resolution of Mr. Clark was introduced and supported

by names of the highest authority in this country. We find among them a Madison, a Dearborn, and others, some of whom I have now the honor to stand on this floor with, and to think, and, I trust, to act with, on this subject. Had the measure, at that day, been carried into effect, as was the wish of this branch of the Government, we should not now be obliged to detail the humiliating insults and injuries we have received. The adherence to that system of policy would have taught our enemies that we did not prize their gold more than our own independence—another course was, however, pursued which has never failed to produce vexation and loss upon the community.

Sir, in recurring to transactions of former times, would it not have been more profitable to us, as well as more laudable for the gentleman last up, (Mr. RANDOLPH,) to have searched for an example, somewhat applicable to the present great crisis, rather than industriously hunting up fanciful charges against the man who has so lately triumphed in the hearts of the people? I had hoped the occasion had now passed by, when a resort to such attempts would be thought necessary. Indeed, sir, it was little to be expected that any gentleman would, at a period even less ominous than the present, have made before this body another charge against a man, high in office, unless it was grounded on something better than a production ushered on the community under an anonymous authority, and the strongest suspicion of falsehood. The source of this production is supposed to be understood, and give me leave to ask of gentlemen who act upon it, as the ground of crimination, whether it is intended by the author that he should have another appeal to the people? Sir, the people have at this day decided. What is next to be done? And how many cruisers against reputation are we now to have fitted out in this House?

The gentleman has indulged himself by repeating to this House some of the predictions of a very great man who was a member of the Virginia Convention, which ratified the United States Constitution. Great, sir, as were the talents of the deceased patriot alluded to, his foresight had not enabled him to look forward to a crisis like the present. He has indeed expressed an opinion, that America would never have anything to fear from Europe; that as to dangers from that quarter, we might go to sleep, were the emphatic expressions of this most eloquent man. Had his capacious mind comprehended a state of things like the present, it is obvious, we should not have seen him so zealous in opposing the new system of Union. Had he been able to foretell that in twenty years from the time he urged this argument, against the increase of power in the federative Government, the state of Europe could be so completely changed, that a single monarch was to wield the empire of the Continent, while Great Britain was at the same time to command an entire and undisputed sovereignty over all the seas of the world—he would not willingly have afforded an argument to be used, when these evils are realized against America, in order to

destroy the union of her councils, or impair the confidence in her rulers, much less indeed for the purposes of deterring, by the fear of pecuniary expenditure, this nation from submitting again to be taxed by Great Britain. If I have truly learned the character of that great man, he was among the first to resist the right of taxation from England. Could he have lived to behold this day, when his arguments are quoted for the purpose of paralyzing our resistance against her renewed attempts of taxation, by forcing our vessels into British ports, there to pay a tax on the products of our soil, how extreme would have been his anguish!

But, sir, to return to the subject of discussion. Considering the course recommended by the committee as it must be, and ought to be avowed to be, adopted for the direct purposes of coercion and serious action upon the interests of our commercial enemies, I would not determine to carry it into immediate and unconditional effect, if any hope still remained of amicable adjustment; but where can such a hope be supposed to exist? The two great belligerents, each propose a relaxation only in case their enemy should do so. Let us examine, then, what are the hopes of relaxation from either?

As to France, if the doctrine of the British Minister be correct, and England is vitally dependent on commerce, this is the very state of things most to be desired by France; the campaigns of 1805 and 1806, were not more fatal to the Governments of the coalition, than the maritime campaign Great Britain is now waging against commercial rights is fatal to herself, and must be ultimately triumphant to her enemy.

As to England, such has been her conduct, and so many impediments has she heaped in the way of adjustment, that although ruin and destruction should be yawning to receive her, it seems extravagant to hope for a voluntary restoration of our rights.

The considerations which forbid the hope of a change as to England, independent of her positive refusal, are numerous. In the first place, sir, it is proven by the conduct and declarations of her own Cabinet, that the evils we now suffer from her are the result of a system, long meditated and now matured, for the monopoly of the commerce of the world. We need no other proof of this than the incautious mode of reasoning adopted by Mr. Canning, in defence of the conduct of his Government, on the ground of French aggressions. In his letter to Mr. Pinkney of the 23d September, 1808, he tells us, that "the mitigated measure of retaliation announced by His Majesty in the Orders in Council of the seventh of January, and the further extension of that measure, (by the Orders in Council of November, which he calls an extension in operation, but not in principle, of the orders of 7th of January) are founded on the right of retaliation." If this be the case, sir, and those two orders are indeed of such kindred principle, I would ask of the British Minister, how the order of May, 1806, is to be applied? The order of blockade of the Continent from Brest to the Elbe, from the Bay of Biscay

to the North Sea, of which our Minister resident at London was notified on the 16th of May, 1806, is in its terms and principles precisely similar to that of January 7th, 1807. It has in it these words, "and the said coasts, rivers, and ports, are, and must be considered as blockaded." An exception is then extended to neutral vessels, not laden with goods, the property of the enemies of Britain; subject however to the following provision: "Provided, the said ships and vessels so approaching and entering," (except as to the ports from Ostend to the river Seine, which are declared in a rigorous state of blockade,) "shall not have been laden at any port belonging to or in the possession of any of His Majesty's enemies, and that the said ships so sailing from the said rivers and ports (except as aforesaid) shall not be destined to any port belonging to, or in the possession of any of His Majesty's enemies." Here then, sir, we find the commencement of the principle now said to have been adopted, in retaliation of the Orders of France of the 21st November following. The proclamation of May, 1806, and the Orders of January, 1807, are the same in terms, both but parts of that system of monopoly which Great Britain has so obviously determined to enforce. Let us hear no more then, sir, of His Majesty's retaliation in his just defence. It is not pretended by Mr. Canning, or any one for him on this side the water, that France had commenced her present career of aggression by blockade, prior to May 1806. The truth is, sir, and it did not require a warning voice from the other side of the water to inform us of it, that Great Britain is determined to make, if she can, all nations tributary to her maritime greatness. From the time of the Revolution, this policy has been decided on by the British Cabinet, and it has accordingly made itself appear, whenever an apt occasion has called for it. Let us attend for a moment to the course she has pursued. The doctrines of Sheffield were about to be enforced upon us, and were indeed in actual operation, when the renovated union of the States, under the new Constitution, gave us sufficient strength, and enabled us to afford sufficient security to mercantile enterprise to counteract them, and to defeat the hopes of supplanting us, in our natural share of commerce. But soon an occasion offered, when America might, in the opinion of the British Cabinet, be again reduced to a colonial system of commerce; and in March, 1793, we find, from the collection of State papers of that date, that Great Britain had entered into a confederation with Russia, to prohibit the exports of neutral produce to France. This determination was followed up by the British orders of June and November, 1793. I do not wish, sir, by tracing so far back the system of aggression on the part of England, to go in pursuit of an inquiry, futile indeed at this day, as to the priority of aggression from France or England; but I mean, by noting at different periods the same appearance of hostility to the maritime rights of this country, to show that it has been the effect of system and design, and not of accident or justifiable necessity, as now contended.

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We have already seen how the system of aggression of 1793 was checked; in 1799 the same disposition we find renewed in the British Cabinet; and by authority emanating from the King, a principle is attempted to be enforced, which was to destroy the neutral rights of America. Several condemnations had taken place in her maritime courts, when on the representation of our Minister the attempt was again relinquished, and in April, 1801, the most formal recognition of our rights officially made.

Sir, it may be useful to pause, and compare those times with the present. In 1798 and 1799, differences as now existing between the French and American Governments, Great Britain is anxious to force us into the war, by distressing our commerce and sowing the seeds of discontent among our citizens. In 1801, when there was a most decisive expression of the public will in favor of the independent rights of this country, when an Administration was introduced into this Government which it was known would neither be driven or persuaded to compromise its interests, the hopes which were raised of success in the British Cabinet were again dissipated, and they hasten to renounce the principles they acted on. Let the history of that time be now a useful lesson to us; if hopes of a division and a strong British interest in this country have been falsely cherished, let them now be dissipated by the vast preponderancy which has not ceased to increase, and has so lately, on so warmly contested an occasion, been amply manifested to the world. In 1805, Britain resumed the maritime principles she had formerly abdicated in 1801. The cases of the *Essex*, the *Enoch*, and the *Mars*, were signals to their cruisers; as the correspondence laid on our tables last Spring informs us, our commerce was swept from the ocean in the little space of a few weeks. When the gentleman from Massachusetts (Mr. QUINCY) tells us of the effects of an embargo for twelve months, and goes on to estimate the cost, why has he forgotten that in one fortnight our commerce suffered more from the injuries of a foreign Power than, by a measure calculated to prevent a repetition of that injury, it could suffer from many years operation?

But, sir, we have reason to fear, that not even the renewed evidences of union which have lately been exhibited in this country, can now have the effect of averting the evils of this threatened maritime tyranny. And another cause to destroy our hopes of accommodation exists in what we hear of the necessities of England. Great indeed they must be, if the accounts of her own writers are correct, and more perhaps than the plunder of the world can satisfy. If instead of twenty millions of annual supply, as was required at the commencement of the war of 1793, she now requires an annual supply of about fifty millions to carry on her contest with the Continent, and if instead of a permanent debt requiring the payment of an annual interest of fourteen or sixteen millions of pounds sterling, her permanent debt is so magnified as to require an annual supply for the discharge of interest alone, of thirty-five

or forty millions of pounds sterling, we may indeed conceive something of the necessities of that Kingdom, and find in other considerations, independent of a natural jealousy and hatred towards us, sufficient ground for her piratical exactions. If the commerce of all the nations of the world is to be made to pay tribute to her superior naval strength, and thus feed the monster that devours them; if America is indignantly to subscribe her quota of immense taxation to support entire the vast expense of this dominion claimed over all the waters of the earth, I confess it is possible the grand plan of universal monopoly may succeed, and the countless accumulation of the British national debt will form no obstacle to her grandeur, or the ease and happiness of her people. But this is a question which addresses itself to the honor, to the patriotism, and the virtue of every American. On this question, I believe, sir, there is no division among us; we all profess to emulate the genuine spirit of 1776.

I fear, indeed, there are other obstacles to fair and honorable adjustment with England, which will be difficult to overcome. Many are the items of injury which we have been baffled in all our attempts to obtain redress for.

The article of impressment stands in importance at the head of the list; it is a claim too degrading to freemen, too insulting to the sovereignty of this nation, ever to lose sight of. I hope for the honor of our country that we shall never yield the right of civility to a nation who attempts to enforce it on us; it was properly made the condition precedent to any treaty our agents at the British Court were authorized to form; nor, sir, should we be content with a supposed relaxation of the practice so long as the principle is claimed. We have, indeed, a noted evidence of relaxation in this practice in the famous note of November 8, 1806, so much relied on by our Ministers in London, but in which experience has shown no faith could be placed; for by a recurrence to the document with which we have been furnished very lately on the subject of impressments, we find that from the date of that note to the time when it was probable the rejection of the treaty was known in England, a number of our citizens, equal to any number in the like length of time in any former period, were subjected to impressment into the British service. Indeed, for my own part, sir, I never could construe that note to mean even an insinuation that the practice was to be desisted from, but rather a new avowal of the principles of it.

Another item in our accounts, which must have an honorable adjustment before a pacific understanding can ever return, is the outrage committed on our sovereignty by the attack on the Chesapeake. Whatever the apologists of England may say, no American will venture to pronounce, in the candor of his mind, that our claims to satisfaction have not been completely sustained on our part, and most shamefully and dishonorably evaded by England. Sir, it is no secret now, and dare say it has been avowed at St. James's, that the person sent here for the pur-

pose of making satisfaction to this nation, was neither authorized or intended to heal the wound the feelings of America had sustained. Who is there, on this or the other side of the Atlantic, who has ever heard what were the specific propositions of redress intended to be made? There may be some who hear me, who know more of the secrets of foreign Governments than I do, who could tell us what that person came to this country for. From everything I have seen or heard, if I was asked to-day what he had come for, I know of no answer I dare give. Perhaps he came, sir, to learn us the art of bowing, to teach us kindly something of the *etiquette* of a European Court. He has, indeed, attended our national levee, and, after presenting himself to the presiding personage, turned upon the surrounding crowd, has taken this man by the elbow, to that he has whispered, and with a third may perhaps have transacted some little matter of business, and in due time, seeming to protest, with an *honi soit qui mal y pense*, has taken his leave.

There are other subjects of minor importance, for the settlement of which we have a right to look. Neither the fair principles of our commerce, as connected with the colonial trade, have been adjusted, or compensation for the losses we have sustained by depredations on our property on the seas, been made.

But, were these questions of claim settled, or did they not exist, we have, I fear, too satisfactory evidence of the determined hostility of the British King, to permit us to hope that we can longer avoid measures of a strong character and quality, such as I admit those under consideration to be. For this ground of support to the measures recommended, I refer, with indignation, to the proclamation of the British King issued some time in the last Spring. Sir, in my estimation, it is scarcely possible to conceive of an act of hostility more insulting, or of a character more obviously inimical than that instruction published in our gazettes, in which the British King has proclaimed immunity to the violators of our embargo laws. Has he not thus, in open, flagrant, and the most undistinguished terms, offered rewards for insurrection among the people of the United States, erected the standard of rebellion for them? Has he not appointed, as the rendezvous of American treason, the quarter-decks of his navy? And is it, sir, for George III, or his minions, to encourage in the people of the United States a disobedience of the laws they themselves have made? For him who once endeavored to command obedience to laws, in making which they had no participation? It might, indeed, have been expected that, before His Majesty had attempted this insidious act against our interior peace, he would have recollected his cause, or only ostensible cause, of the war of 1793, against France. France, he said, had attempted to alienate the obedience of his people, and stir up insurrection; if this was true, it would have been certainly a just and indispensable cause of war. Where a man is attacked by conspiracies and combinations, carried on with

his own domestics, it is time to defend himself; and, sir, if ever there was a time, in my opinion, when a call of this body would have justified an order to repel insult and injury, it was when our Government was informed of this insidious attempt upon our internal peace and safety.

The conduct of the Court party in Great Britain, however evincive of hatred to us, is what we have no right to complain of. Let them stimulate their own nation by what false means their Ministry may think fit, either in or out of Parliament, to a spirit of hostility against us; they have a right to do so; and it is for us to watch the working of that sort of machinery, and be prepared to meet its stroke. Of hostilities, so strongly indicated in that way, I therefore say nothing, except that, as a new evidence of a determined spirit of war, they ought to warn us of our situation.

Among the last, and surely not the least of the indignities offered to the Government and people of this country, Mr. Canning's letter to Mr. Pinkney, of the 23d of September, is certainly to be ranked. It could not, indeed, have been expected, sir, in candor, after the earnest and honorable endeavors of our Government to reconcile our disputes with England, that we should be told, by an official character of that kingdom, that we had entered into the universal combination against His Majesty. That this echo of a miserable party, I do not mean that party composed of a respectable body of American politicians, (of them I will not doubt the integrity, nor can their patriotism be questioned:) but, sir, I speak of a *party*—an unprincipled foreign faction—which had fixed a mercenary interest among us. It is the spirit of this poor, contemptible, and already dreadfully appalled set of miserable miscreants, on whom the patriotism of the country is frowning indignantly at this moment, of which I speak, when I say a British Minister has dared to return the echo of French influence upon our Government itself; and has told us, in a tone of insolent exultation over what he falsely supposed a state of division among us, that there was a universal combination against His Majesty, and that our embargo did come in aid of France, when, if her measures could have succeeded at all, this interposition of the American Government would have most effectually contributed to its success.

I have thus, sir, in the most concise manner I was able, without taking the wide range the subject would have justified, endeavored to show the little probability that exists, without resorting to the strong measures contained in the resolutions before us, ever to effect an adjustment of our differences. The interest of France, perhaps her disposition—the disposition of the King of England, and a false calculation of his interests—the systems in which both these Governments seem to be unchangeably fixed, require the measures proposed. I believe those measures to be ten times better calculated, for all the purposes of any annoyance we are capable of, than war would be, if formally declared, and at the same time, however inconvenient to ourselves, less so than war.

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I therefore am willing to consider the second resolution as proper to be adopted in its broadest terms, and as intended for a retaliation of injury, we ought to adopt a part of the measures of reprisal.

At the same time, sir, let it be understood, by the modification which a select committee may make on the subject of importation, what is to be the permanent, as well as the temporary plan. Let it be understood to what articles prohibitions or prohibitory duties are, as an ultimate regulation, to extend. Nor, sir, would I hesitate to discourage the immense importations in times of pacific intercourse which have, and ever will, so long as they remain unrestricted, drain our country of its real riches, and make an unprofitable barter of our valuable exports, for the luxuries which enervate, while they impoverish us by throwing an immense balance of trade against America.

These, sir, are the ideas which appeared to me to be applicable to this subject. When we come to consider the question of the embargo alone, it will then be in time to make the inquiry, whether the barren kingdom of Sweden, which the gentleman from Virginia (Mr. RANDOLPH) had said, was open to our commerce, would form a sufficient vent for our vast products, to authorize a hope of benefit to us, from permitting our vessels to go there. I believe, however, it will be found, that so small is the consumption of the produce of our agriculturists, hunters, or fishermen, that a single warehouse of an American exporter would be more than sufficient to glut her; and as to the idea of the gentleman, that through Sweden we can get to the Continent with our freights, I ask if he has not heard that the navy of Great Britain infests the seas of the north as well as the south of Europe; that her ships cover the Baltic, and surround the coast of Sweden and Denmark? Will England allow us to go to the Continent, and thus directly and effectually evade her blockade? No, sir; nor is there a hole or corner of the waters of the earth, through which we can now creep to a competent market. Sir, whatever may be the views of aggrandizement which merchants might have on this subject, they would find themselves mistaken. They may, indeed, in the vast labyrinth of orders, decrees, and regulations, perceive some crooked course to steal along with a disgraceful smuggled trade, but I can, with confidence, tell the gentleman from New York (Mr. MUMFORD) that, if once we open our ports by a general regulation, while the orders of France and England continue, this commerce will no longer enjoy immunity from the permission even of a foreign nation; when our property shall again be fully exposed upon the sea, a general grasp will be made at it; is not the enemy now hovering round you, the hungry birds of prey? Let, then, the gentleman send again his vessels to sea, and he will find only an addition to his great and heavy losses, already stated to be sustained, by the tyranny of France and England. The scene will again shift when our property is put afloat to so great an amount as it would be,

and capture and condemnation would succeed to fraud and connivance. Sir, it is time to think more of resistance, and less of refinements in the acts of submission. I hope we shall have the question, and that I shall have the pardon of the House for having contributed to-day to delay it. The House adjourned, without taking a question, at 3 o'clock.

TUESDAY, December 6.

Ordered, That the Message from the President of the United States, communicating a report from the Surveyor of the Public Buildings in the City of Washington, which was read and ordered to lie on the table on the second instant, be referred to the Committee for the District of Columbia.

Mr. SMITH presented a petition of Edward Livingston, of the Territory of Orleans, stating his claim to the lots or parcels of land called the "Batture," in the vicinity of the city of New Orleans and praying that the title in fee simple to the said lots or parcels of land, may be confirmed to the petitioner, or such other relief afforded in the premises as to the wisdom and justice of Congress shall seem meet.

Mr. G. W. CAMPBELL presented petitions from sundry citizens of the Territory of Orleans, in opposition to the prayer of the foregoing petition, and suggesting that the right to the said lots or parcels of land hath not been relinquished by the former Sovereigns of the country, but is now vested by the act of cession in the Government of the United States, and that it would contribute to the benefit of the petitioners and others, to preserve the Batture as a common, open and unbuilt upon by any person or persons claiming the same.

The said petitions were read, and severally referred to the Attorney General, with instructions to examine the same; and report his opinion thereupon to the House.

FOREIGN RELATIONS.

The report of the Committee on Foreign Relations being again before the House, and the question still on the first resolution—

Mr. GHOLSON said: Mr. Speaker, were I to yield to my embarrassment on the present occasion, I should not trespass on your indulgence. But when I reflect upon the great national importance of the question now before the House, and upon the high responsibility which its decision must attach to me as one of the Representatives of the people; I am impelled, from considerations of duty, to assign to you the reasons by which I am influenced.

It has been said, sir, with great truth, that the present is an extraordinary crisis. It seems indeed to have been reserved for the age in which we live, to witness a combination of political events unparalleled in the annals of time. Almost the whole civilized world has been within a few years convulsed by wars, battles, and conquests. Kingdoms and empires have been revolutionized; and we behold a vast continent assuming a new aspect under a new dynasty. Those laws which from time immemorial have prescribed and limit-

ed the conduct of nations, are now contemptuously prostrated, innocent neutrality is banished from the ocean, and we hear a grim tyrant asserting himself the sovereign of the seas. Thus the most essential part of the globe is attempted to be partitioned between two domineering rival belligerents. Sir, it would have been a subject of the sincerest felicitation if our happy country could have been exempt from this universal concussion. But we are fated to share evils in the production of which we have had no participation. In inquiring, Mr. Speaker, into the causes of these evils and the policy by which we are to be extricated from them, I am conscious of two things—of my utter incompetency to the elucidation of so great, a subject, and of the unavoidable necessity of touching upon ground already occupied by gentlemen who have preceded me in this debate.

When, sir, I recur to the resolutions reported by the Committee of Exterior Relations, I find one which proposes resistance to the edicts of Great Britain and France; and another which recommends a system of non-intercourse between the United States and those countries.

In hearing the first resolution treated as an abstract proposition, my astonishment has been not a little excited. I have always understood an abstract proposition to be the assertion of some general principle without any specific application. Here is a distinct position with a direct reference to particular orders and decrees. The resolution therefore is itself specific and appropriate, to use the apt terms of the gentleman from Connecticut (Mr. DANA.) But before we can determine upon the propriety or impropriety of the resolutions, to me it appears indispensable that we should examine attentively and minutely, not only the situation of this country in relation to France and Britain, but also the injuries and aggressions they have committed upon our neutral rights.

In doing this I regret extremely that I shall wound the delicate taste and exquisite sensibility of my learned colleague (Mr. RANDOLPH) who addressed you yesterday. I shall take no pleasure in the retrospection which seems so much to disgust that gentleman; but I do not know how else to find justification for the measures we, I trust, shall pursue, and to expose the profligacy of our enemies. The regular discussion of the first resolution would seem naturally to lead us to a review of the edicts of Great Britain and France. When we say, we will not submit to their edicts, it cannot be amiss, although I acknowledge, sir, the undertaking is an unpleasant one, to inquire into the nature and extent of those edicts. I therefore will endeavor, within as narrow limits as possible, to exhibit to the view of the indignant American, the various wanton aggressions which have been committed by both these Powers upon his commercial rights. And, sir, whenever we look for the chief source of our difficulties, we must turn towards Great Britain. Then let us examine the principal items in her account.

On 8th June, 1793, the British Government issued an Order of Council to stop and detain for condemnation, vessels laden with corn, flour, or meal,

and bound to France, whose people were then almost in the act of starving, and of course we were deprived of an excellent market for those articles.

On 6th November, 1793, an order issued to stop and detain ships laden with the produce of, or carrying provisions to, the colonies of France.

On 21st March, 1799, she issued a proclamation declaring the United Provinces in a state of blockade, and thereby excluding neutral commerce without any actual investment.

On 16th May, 1806, a proclamation declaring the blockade of the coast from the Elbe to Brest, inclusive.

On 7th January, 1807, an order prohibiting neutral vessels from trading from one port to another of the enemy or his allies.

On 11th May, 1807, a proclamation declaring the blockade of the coast between the Elbe, Weser, and Ems.

On 11th May, 1807, a proclamation declaring the blockade of the Dardanelles and Smyrna.

In October, 1807, a proclamation, ordering British officers to impress from American vessels all such of their crews as might be taken or mistaken for British subjects.

On 11th November, 1807, Orders in Council were issued interdicting all neutral commerce to any port of Europe from which the British flag was excluded; directing that neutrals should trade to such ports only, under British license and with British clearances—that all ships destined before the issuing of the orders to any of the said ports, should go into a British port, and that all vessels having "certificates of origin" should be lawful prize.

On 11th November, 1807, an Order in Council was issued, declaring void the legal transfer of vessels from the enemies of Britain, to neutrals or others.

In 1808, various acts of Parliament have been passed, carrying the orders of the 11th of November, 1807, into execution. They impose a specific tax on a variety of articles of American merchandise allowed to be re-exported to the continent of Europe, for example, on tobacco, 12s. 6d. sterling per cwt.; on indigo, 2s. per lb.; pork, 17s. 6d. per cwt.; cotton, 9d. per lb.; and on all other articles not enumerated in the act, a duty of forty per cent. is exacted on re-exportation.

On 8th January, 1808, a proclamation issued declaring the blockade of Carthage, Cadiz, and St. Lucar, and all the ports between the first and last of these places.

In the Autumn of 1808, in order that plunder might commence from the very moment of the expected repeal of the embargo, the French West India islands were declared in a state of blockade.

I will forbear, sir, at this time from commenting on the habitual impressment of American citizens, by Great Britain; the illegal condemnation of American vessels under what they call the rule of 1756; the spurious blockades of British commanders, and the consequent spoiliations on our commerce. Nor will I detain the House by relating the story of Captain Bradley, commander of the Cambrian, who in the face of the

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city of New York, and in contempt of the civil authority of the United States, dragged your citizens into slavish captivity. The case too of the British ship *Leander* may remain untold—the enormity of that transaction is written in indelible characters, with the blood of our countrymen. The invitation of the British Ministry to your merchants to violate the embargo, and the burning of a friendly ship of war (the *Impetueux*) in your own waters, are circumstances too light to be noticed. I feel no disposition, either, to portray the affair of the *Chesapeake*. The ghost of the murdered are yet unavenged for that horrid and perfidious deed!

I will now advert, sir, to the principal injuries committed by France on the neutral commerce of the United States. They consist in the execution of three decrees, to wit:

The Berlin decree of the 21st November, 1806, declaring the British islands in a state of blockade, and that no vessel having been at or coming directly from England or her colonies, shall enter at a French port.

The Milan decree of the 17th December, 1807, declaring lawful prize every vessel that has suffered the visit of an English vessel, submitted to an English voyage, or paid duty to the English Government; and also, every vessel coming from the ports of England and her colonies.

The Bayonne decree of April, 1808, which subjects, as it is said, and I believe not doubted, all American vessels found upon the high seas since the embargo, to capture and confiscation.

Here, Mr. Speaker, I will end the black catalogue of iniquitous outrages and restrictions upon neutral commerce—restrictions which are acknowledged to depend for their support upon no other ground than that of retaliation. Whilst I protest against the principle of retaliating upon an enemy through the medium of a friend, yet these orders and decrees have no claim even to that principle. Because France and Britain both agree that the right of retaliation does not accrue before the neutral has acquiesced in the aggressions of the enemy. We have never acquiesced in the aggressions of either, and therefore, upon their own reasoning, ought not to be liable to the operation of the principle for which they unjustly contend. But, sir, can we quit this subject without looking more particularly at the consequences which result from this series of injuries?

In reviewing the conduct of Great Britain towards this country, we perceive a continuation of encroachments, designed only for the utter destruction of our commerce. This disposition is manifest in every order and proclamation she has issued since the year 1793. If this were not her object, why such a continued system of illegitimate blockades? Why so many vexatious restrictions upon neutral trade, tending to destroy competition on our part in the continental markets? I might trace the scheme a little further back and ask, whence the outrages? the orders of June and November, 1793, which produced Jay's treaty? A treaty which I am sorry to say, did not guarantee to us mutual and reciprocal rights, and

which was no sooner ratified than violated by British perfidy. But, sir, I will not speak of trivial matters like these; they are of no consequence when we reflect upon other topics. The pretended blockade of almost every port upon the Baltic; the blockade of the eastern and southern coasts of the North Sea, unaccompanied by any naval force; the nominal investment of the ports on the south of the British channel, and on the European coast of the Mediterranean sea; the occlusion of the Black Sea, by the blockade of the Dardanelles and Smyrna, and in fine the blockade of all the places from the Straits of Gibraltar to the Arctic Ocean, are acts which, notwithstanding their unexampled enormity in themselves, sink into perfect insignificance, when we consider the base attempts meditated by the orders of November, 1807, and the consequent statutes of Parliament, to reduce this country again to a state of colonial slavery! Sir, at the very thought of these infamous orders and acts of the British Government, I feel emotions of indignation and contempt, to repress which would be dishonorable. What, sir? American vessels to be arrested in a lawful commerce, upon "the highway of nations;" to be forcibly carried into British ports and there either condemned, or else compelled before they can prosecute their voyage to take British clearances and pay a British tax! And if the owner of the cargo shall be unable to pay the amount of tax, he has the consolation left him of seeing his property burnt! Sooner would I see every vessel and every atom of our surplus produce make one general conflagration in our own country. For what purpose was the Revolution, in which the blood and treasure of our ancestors were the price of independence, if we are now to be taxed by Britain? The highest authority in the Union cannot constitutionally tax the exports, which are in part the products of the labor of the American people; yet the British Government has presumptuously undertaken to do it. I, sir, for one must protest against anything like submission to this conduct. But let us see what we should get by submission. So far from gaining, it will be easy to demonstrate, that if we were to submit, we should be only remunerated with disgrace and ruin.

I will take the ground of the gentlemen in the opposition. The embargo shall be repealed and our trade renewed, subject to the existing orders and decrees of Great Britain and France. What will be the consequences? We are told that we need not trade to France and Britain, and thereby involve ourselves in a disgraceful acquiescence in their edicts; and it seems admitted that on account of the ascendancy of the British navy, we cannot visit the ports of that part of Europe which is under the dominion of Napoleon. But, say gentlemen, we may trade to Sweden, and our produce will find its way to the rest of the Continent. This doctrine is chimerical in the extreme. What amount have you heretofore annually exported to Sweden? To the value only of about \$50,000; and the truth is, that there is very little market in that country for American articles. Can it, therefore, be seriously believed that there is to be

such an instantaneous translation of capital to Sweden, and that she is suddenly to become so commercial as to afford an entrepot for the whole of our commerce? Will Stockholm and Gottenburg furnish you a market for more than one hundred millions of merchandise? The idea is entirely delusive. Admitting, however, we were to carry on a commerce of this sort, I will ask if it would not be complete submission so Great Britain? Would it not be confining ourselves to the humble, pitiful course she has been pleased to chalk out for us? It certainly would. No, sir, if we trade at all (unless we were to trade in armed ships, the propriety whereof it is not my present purpose to examine) we must go through British ports, and subject to the orders and acts of Britain. Her navy is sufficient either to capture vessels going to the Continent contrary to the Orders of Council, or otherwise to compel such vessels to pass through her ports. Then it seems clear, if the embargo were at this time removed, we should be compelled to trade with or through Great Britain, or else our vessels and property would be subject to confiscation. I will, therefore, proceed to count the effects of such an intercourse.

In the first place, that a commerce of this sort would be a complete abandonment of every principle of national honor, cannot be denied; unless it be contended that to obey the mandates of, and pay tribute to, another Government would not be dishonorable. But we will for a while dispense with the question of national disgrace, and calculate the profit and loss. In this estimate it will be easy to prove, that by a commerce subject to the Orders of Council, and such as is contemplated by some gentlemen, we should annually pay an actual and unconstitutional tax into the British treasury, of more than twice the amount of our own revenue. Upon the articles of cotton and tobacco only, we should be compelled to pay a tax of upwards of seven millions of dollars, according to the rates imposed by the late acts of Parliament. We export annually, 62,000,000 lbs. of cotton, all of which would go to or through Britain for a market, because our cotton is not wanted at any of the uninterdicted places. It appears from documents published in Great Britain (and the correctness of which, I believe, cannot be questioned) that she does not consume more than one half of our cotton. She is stated to have manufactured, per annum, before the orders of November, American cotton to the value of about 3,900,000*l.* sterling, which sum would purchase at the English prices, but one half of our exports of that article. Hence, the residue of 32,000,000 lbs., in passing through England to some other market, would be subject to the tax levied by Parliament of 9*d.* sterling, per pound. This duty on 32,000,000 lbs. will amount to \$5,333,333 33 cents.

We export 85,000 hogsheads of tobacco. Admit, what is a large allowance, that 10,000 hogsheads would be sent to Sweden and other uninterdicted ports, and that 13,000 hogsheads, one-fifth of the remaining 75,000, will be consumed in Britain;

then we should by the Orders of the Council, and acts of Parliament, pay a tax at the rate of 12*s.* 6*d.* sterling per cwt. on 60,000 hogsheads which would pass through England to a market. This tax, admitting each hogshead to weigh only 1,200 lbs., would amount to \$2,000,000, which added to the cotton tax, will give you the sum of \$7,333,333 33.

Upon recurring to the act of Parliament carrying into effect the orders of November, it will be found that all such articles as are specified in the act and subjected to particular stated taxation per lb., cwt., bbl., &c., pay about forty per cent. on their value. This position is confirmed by the fact that on all articles not enumerated, forty per cent. is the duty imposed. Now let us see what this duty of forty per cent. will produce on the remainder of our exports, tobacco and cotton being excepted.

From the report of the Secretary of the Treasury for the year 1807, it seems that the total amount of our exports for that year was \$108,343,150. From this amount I will deduct the exports to Great Britain, the exports to places not interdicted by the Orders in Council, and the value of the cotton and tobacco, the tax on which is already calculated, and then the balance will be the sum on which the transit duty of forty per cent. will be paid.

Total amount of exports	-	-	\$108,343,150
Deduct exports to Britain,			
per Secretary's report	-	\$31,015,623	
Do. exports to places not			
interdicted by Orders in			
Council, amounting, per			
Secretary's report, to not			
quite	-	7,000,000	
Deduct one half the value of			
cotton, and four-fifths the			
value of tobacco exported,			
amounting per the Secretary's			
report, to	-	11,679,333	
			49,694,956
Balance subject to duty on re-export-			
ation	-	-	\$58,648,194
On which calculate tax of 40 per cent.			
and it will amount to	-	\$23,459,266 70	
To which add tax on tobacco and			
cotton	-	7,333,333 33	
Making the sum of	-	\$30,792,600 03	

Thus, Mr. Speaker, it most manifestly appears that in the prosecution of a trade subject to the existing restrictions we should be compelled to pay a tax of upwards of \$30,000,000 per annum to England, for the exercise of our natural and unequivocal right to navigate the ocean. But can any one believe that a commerce oppressed in this manner would be profitable. What is the opinion of the most eminent and respectable merchants in both Britain and America on this point? They tell you that after the cargo has paid import duty, a tax for clearance, export duty, the expenses of separate shipments, first to England, and

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then to the place of consumption, together with all the charges attending such circuitry, the exporter will be found in debt, and that such a trade will not pay costs. No, sir, if you resume your trade upon these conditions you will barter national honor for inevitable bankruptcy and ruin.

I trust, Mr. Speaker, I have succeeded in showing that a commerce of this sort would involve in it the basest submission, mercantile ruin, and the payment of millions of tribute. I will now proceed to inquire what effects a system of non-intercourse with the two great belligerents would produce on them and on ourselves.

As to France, since the embargo, has already cut off communication from this country to that, and inasmuch as the superiority of the British navy prohibits adventures from France to America, it is true a non-intercourse-law in its operation will be but little more than nominal so far as it respects France. But as France has injured us, although I acknowledge her aggressions bear no parallelism with those of England, yet I am in favor of expressing, either by a suspension of intercourse or in any other way, the resentment of the nation for such aggressions; and when the injuries of France shall equal the injuries of Britain, I will go the same length for redress against the one as against the other.

But, sir, a non-intercourse measure will be attended with very different consequences, in relation to Great Britain. If such a measure were rigorously executed in this country, what effects would it produce in the first place upon the British manufactures? Five-eighths of the cotton manufactured in Britain, both for home consumption and for exportation, are carried from America. This important fact is proved by the import and export statements published in that country. How then is Britain to be supplied with that necessary article, without which her cotton manufactures must cease? The remaining three-eighths of cotton which she gets from other countries will not, I presume, more than clothe her own people, and of course there will be nothing left for exportation. It is idle to talk of supplies from Africa and South America, where there is scarcely any cotton raised.

From whence is Great Britain supplied with the essential articles of grain and meal, pot and pearl ashes, pitch, tar, turpentine, flax and linseed, and wool? More than two-thirds of the total amount of these articles consumed by her, she receives from the United States.

The loss of revenue, sir, which England must experience by non-intercourse with this country will be enormous, and would be felt by her at this time with peculiar severity. She would also dislike to see London no more the banking place for American merchants, and would feel the loss of a balance of trade in her favor, of upwards of five millions sterling annually; and which is so much boasted of by her merchants upon the exchange. But, Mr. Speaker, the greatest injury to which Britain will be subjected is that which will result from the non-importation part of the system, from the entire exclusion of all her sur-

plus manufactures from the American market. She is at this time almost shut out from the continent of Europe; and if her dealings with her customers in this country are cut off, what sale will she be able to make of her merchandise? Such a state of things, sir, must inevitably tend to the universal impoverishment of Great Britain, and may bring her perhaps to a sense of justice.

The evils and privations which we ourselves shall experience from a system of non-intercourse are, I acknowledge, much to be regretted, but from the nature of the times they are unavoidable. That there is now and will be a diminution of circulating medium, I am ready to admit. That the sources of the revenue will likewise be in a great measure dried up is equally true. But, sir, I contend that these inconveniences are alike inevitable whether we have embargo or not. Would war have bettered our situation in these respects? Would such a trade as has been mentioned by gentlemen, or a trade trammelled by the existing belligerent restrictions, fill your public coffers and enrich your citizens? It has been shown clearly it would only reward you with dishonor.

But, Mr. Speaker, if we have privations to encounter, we have already received incalculable benefits from the embargo, and shall, I have no doubt, derive many advantages in a political point of view from a suspension of imports. The embargo has saved from seizure and confiscation more than one hundred millions of American property, and has rescued from foreign imprisonment thousands of American citizens. Non-intercourse will still protect our property and citizens until we can acquire other means of protection. It will render the country more independent by encouraging internal manufactures. We have ample means of support at home, and should therefore avoid an habitual dependence on others for many of the comforts of life. Non-intercourse will moreover promote frugality and economy by banishing foreign superfluities—and here Mr. Speaker, I will notice one circumstance, which is entitled to great weight. We export necessities to Great Britain, we get in return, from that country, but little else than luxuries.

But, sir, if we should be compelled by the injustice of our adversaries to persevere for any time in this policy; our fellow-citizens of the East, who have been accustomed to employment at sea, may become manufacturers for their agricultural brethren of the South, and in return may procure such necessary supplies as they may wish. Thus that traffic which has been carried on between New and Old England may be converted into a new channel of beneficial commerce between the Eastern and Southern States. Our own manufactures will by these means soon fill our storehouses, give activity to capital, and restore the circulation of money. The grower of cotton too will be benefited by finding a market for that article.

By prohibiting, sir, the importation of all foreign liquors, the corn and wheat farmer might also be greatly relieved, notwithstanding the embargo. We import annually \$16,096,613 worth of liquors, to make which, or their substitutes, would require

the distillation of five millions of bushels of grain ; we only export about seven millions of bushels, so that we should find at home by a disuse of foreign spirits, a market for five-sevenths of our surplus grain.

It is asked, Mr. Speaker, whether the embargo is to be perpetual ? and the General Government is charged with the design of annihilating commerce. I wish, sir, to give to the embargo, or rather to a non-intercourse policy, which I should have preferred in the first instance to an embargo, a fair experiment ; and if, after the rigid enforcement of its provisions, for a reasonable time, it be found ineffectual, then the magnanimity of Congress will require that some other expedient be adopted in its stead. So far from a perpetual embargo, which I believe is not thought of by any one, I would resume the commerce of the country the very moment it can be done with safety or credit to ourselves, or as soon as we can acquire strength to protect our rights upon the ocean. But I am opposed to having any course of conduct dictated by the avarice and cupidity of merchants ; but for whose shameful violations of the embargo that measure would, in all probability before this, have produced the end for which it was intended. If there are merchants who suffer more than the rest of the community, I am sorry for it. There is, however, one consolation left them ; they can, while prevented by the exigencies of the country from pursuing their ordinary profession, betake themselves to the loom or plough—occupations as respectable as they do now, or can follow. And, sir, if many of those powder-headed gentry who infest your towns, and sap their very existence out of the honest planter, were under the necessity of resorting to some laborious avocation for a livelihood, society would sustain no injury from it.

To the charge that Congress or the Government meditate the destruction of commerce, I answer that such an accusation is totally unfounded, and therefore I positively deny it—I deny it, because it is contradicted by the whole course and tenor of Congressional and Executive proceedings. Congress have uniformly devoted more attention and given more encouragement to commerce alone than to every other object of national jurisdiction collectively.

It has been said that the Eastern States only suffer by the embargo ; and the tonnage of Massachusetts has been compared to that of Virginia as five to one. When we look at the estimates of domestic exports, we find that the principal amount is composed of articles the exclusive production of the Southern States. The proper and actual exports of all New England do not equal those of Virginia alone. I wish to make no comparisons ; they have not been introduced by me. If, notwithstanding, we are driven into acts of this sort, the Eastern people, in a commercial point of view, are principally the carriers for the Southern ; and the present suspension is only a suspension of their carrying trade. But, sir, we are all one political family, and no matter what part enjoys most the benefits of commerce. I am willing

to go any length, within the resources of the nation, for its maintenance and protection. If embargo and non-intercourse shall be found inefficient restraints on our adversaries, to insure us justice, I will unite in making the last appeal of nations.

Permit me, now, Mr. Speaker, to occupy a few moments of your attention in noticing some of the arguments advanced by my colleague, (Mr. RANDOLPH)—a gentleman of whose talents and patriotism I have long entertained the most exalted opinion, but with whom it is my lot to differ. That gentleman has asked, for what purposes was the General Government created ? He has told us that commercial regulations were the objects of its organization. The authors of the Constitution inform us that that instrument was ordained “in order to form a more perfect union, establish justice, insure domestic tranquillity, provide for the common defence, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity.” The regulation of commerce is not stated as a specific object of the compact of the States ; and, although it is very justly enumerated amongst the powers of Congress, and is certainly highly entitled to their consideration, yet there are other duties enjoined on Congress which are paramount even to the protection of commerce.

The gentleman has discovered great solicitude about State rights, and affirms that the man who is likely to wield the destinies of the United States has long thought the State sovereignties ought not to exist. He asks, also, if it is not now proposed to extend the powers of the General Government, at the expense of the State governments ?

What connexion can exist between this latter question and the subject now before us, I am unable to perceive. I shall have no objection to meet the question, when that part of the President's Message to which the gentleman alludes shall come fairly before the House. Were I, however, to express an opinion, it would be, that, instead of attempting to excite distrust and apprehensions respecting the present Executive, sentiments of gratitude should be inculcated for the innumerable political blessings which the people of these States have experienced at the hands of the best Administration which the world has ever seen.

In regard, sir, to the charge against “the man who is about to wield the destinies of the Union,” I will only remark, that I felt not a little astonishment at hearing my worthy colleague make a newspaper publication, evidently intended for electioneering purposes, the basis of so serious an accusation before this body. The very circumstances under which the publication of Judge Yates' notes has been made, prove that it deserves no sort of credit. Would it not have been more patriotic and honorable to have exhibited the charges contained in that publication at a time which would have afforded an opportunity for their investigation before the decision of the Presidential election ? If it were necessary, upon this charge, I would refer to the archives of Virginia, for the year 1799, where would be found the most

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signal testimony in behalf of the illustrious person to whom allusion has been made. But his character is fortified by too many distinguished deeds of patriotism to suffer by such an assault.

Mr. Speaker, there is one part of the gentleman's argument which I know not how he can justify. It is that in which he accuses the Americans with cowardice, asserting that we "will show our heels to the enemy."

[Here Mr. RANDOLPH explained, and observed that he had not made use of the words in that sense; that he had intended to use them only hypothetically, and did not insinuate that the Americans were deficient in bravery.]

Mr. GHOLSON proceeded. I am happy at the explanation of my colleague. It is very far from my intention to misrepresent him. My inference was from the words as I had noted them. I however will add, that the Americans will be ever ready to repair with enthusiasm to the standard of their country, when its liberty shall be assailed.

The gentleman reminds us that we have engagements to fulfil; that you cannot dispense with your revenue; and that Sweden is still free to your ships. I hold the public engagements to be sacred, but, if the imposts are not to be dispensed with, I should be glad if that enlightened gentleman would show how the income resulting from them can be continued. Would war, sir, have supplied you with funds, or would the Exchequer find resources in a trade with Sweden? I repeat, again, that the idea of Sweden's furnishing a market for our produce is perfectly visionary. A poor, barren, frigid climate; more the resort of wolves and birds of prey, than of commerce!

The same honorable gentleman has said that property has fallen to nothing, and that the present system will end in the demoralization of the people. I affirm, sir, that if the embargo had not been laid, the prices of produce (which always regulate the value of property) would not have been better than they are now. Our produce in our warehouses is worth something, but, devoted to seizure and confiscation, would be worth nothing, except to our adversaries. Were prices better during our differences with England in 1793, and with France in 1799, than at present? At the former period, tobacco was not higher than two dollars and fifty-three cents; and at the latter, I believe, not more than four dollars per hundred weight. As to the demoralizing tendencies of the embargo, I must be permitted to observe, that, if the habits of frugality and economy which it has produced; if the banishment of luxuries, and consequently in some degree of vice from the nation, will demoralize the people; then that deplorable effect may justly be attributed to the present system.

I have now, Mr. Speaker, concluded the remarks which I intended to make. I am very sensible that I may have taken an incorrect view of this all-important subject. I know, even those who are infinitely my superiors in political science do frequently err. We may say, *humanum est errare*. When I shall be convinced that I am in error, I shall have no hesitation in acknowledg-

ing it, and in contributing my feeble support to another and better system. My deepest solicitude is to pursue that course which shall redound most to the honor and welfare of my country.

Mr. G. W. CAMPBELL said it might have been expected that he should before this time have risen to notice some of the objections made to this resolution and the report of the committee on foreign relations, in order to rescue them from the unqualified and general, though in some instances, very weak and inconsistent censures attempted to be thrown upon them. He had hitherto waited patiently to hear some of those gentlemen who oppose the report state some specific ground of objection, either to the principles assumed in it, to the facts therein stated, to the reasoning upon those principles and facts, or to the conclusions drawn from them. He had expected when gentlemen so very liberally censured the report, that they would at least fix on some definite objections as the foundations of those censures; that were capable of being comprehended, of becoming the subject of investigation, and receiving some specific answer. He had, however, waited in vain. We have heard some general objections taken, but gentlemen have not attempted to deny a single principle assumed in the report; nor to show the incorrectness of a single statement of facts made in it; nor have they yet ventured to deny any part of the reasoning, or to dispute the correctness of the conclusions deduced therefrom. The gentleman from Massachusetts, (Mr. QUINCY,) who bestows his censures so very liberally, and in terms so very elegant and peculiar to himself, has not pointed to a single part of the report to which he objected in particular. His censures were general and indefinite, and, it might be added, most of them inconsistent and incomprehensible. Some of his objections will be noticed, so far as they relate to the subject under discussion; others of them are of a character not to be noticed for the purpose of investigation. They ought not to stain the page of debate; if noticed at all, it will be only for the purpose of showing that they are totally inapplicable to the subject, and that the public may see the wretched shifts to which gentlemen are put to support their opposition.

Sir, after the House has been nearly two weeks engaged in a discussion in which gentlemen have indulged themselves in such a range that the subject which produced it is almost entirely lost sight of, it is high time to bring our minds back to the real question, which we are about to decide. The debate seems, indeed, to have had no bounds assigned to it; every subject of domestic as well as foreign affairs has been embraced by it. This desultory kind of declamatory discussion, censuring every measure, either adopted or proposed, without offering any substitute, can only be designed for the popular ear, to amuse the public mind, and divert it from perceiving the real course which gentlemen are pursuing, and to cover the abject submission to which that course would lead. The public must see that those gentlemen in the opposition can have no other object

in view in exaggerating the distresses of this country under the embargo, in calling it submission, in painting in the highest colors the unavenged wrongs of this country, without proposing any measure of redress, but to turn away the public attention from the real causes of our present difficulties, and prevent the people from perceiving the gulf of disgrace into which the course pursued by those very gentlemen would plunge the nation. These gentlemen must be sensible, that to do nothing but remove the embargo, would be submission of the most humble kind; and, in order to conceal the deformity of such a proposition, they seem desirous to anticipate the public sentiment, and make an impression abroad that the measures pursued by your Government, which were charged, last session, as likely to produce war, are now submission, mere submission, and nothing else. They tell the people, "Your rights are sacrificed by those whom you have intrusted to manage your affairs; everything is going wrong; turn them out and put us (the minority) in power, and we will heal all your wounds; we will set all things right." What other object than this can be ascribed to those speeches we have heard. I have, sir, been unintentionally hurried into these remarks, which have carried me, in some degree, away from the course I meant to pursue. I will return to the subject immediately before you. I cannot, however, avoid first expressing my astonishment at the line of conduct pursued by the gentleman from Virginia, (Mr. RANDOLPH.) He favored us with two eloquent speeches of some length, partaking in a great degree of a war spirit, and breathing great indignation at foreign aggressions, and censuring temporizing, submissive conduct at home. Much of these speeches amused us, and some parts of them I was really happy to hear, as I was thereby induced to believe, that he was about to assume, with us, a higher ground than that we had hitherto occupied; but when I heard the gentleman descend from the climax to which he had arisen, of avenging his country's wrongs, as it would seem, to the very bathos of doing nothing, worse than nothing, of taking off the embargo, and trading with Great Britain, thereby submitting to her orders, I was, sir, astonished; my very blood chilled in my veins, and so must that of every American who heard him—[Mr. RANDOLPH said that was not his ground.] I will state, said Mr. C., what the gentleman said, and what I considered his ground: If I misunderstood him, I am willing to be corrected. He said, "Will you go to war? will you increase the taxes? No," the gentleman answers—"I will not increase the taxes, I am for opening your trade with both those Powers"—meaning as I understood him, Great Britain and France. If I am not correct in this statement of what he said, I am always willing to have any explanation which any gentleman wishes to make as to facts. [Mr. RANDOLPH.—Does it become me to correct that gentleman? Does it become me after the very candid ascription of motive which he has made, which was as foreign from myself as others, that I should explain

what I did say?] Mr. CAMPBELL said, he had given the floor in order to permit the gentleman to state or explain what he had said, not to argue the point. [Mr. RANDOLPH.—The gentleman has abdicated the floor; sir, he has surrendered it to me, and, under the correction of the Chair, I will keep it. I deny that the ground which I am charged with having taken is my ground. It has been put under me by another. It is not improbable, sir, under the circumstances under which I addressed you yesterday, that I may not have at all times, in every sentence, in every minute particular, expressed myself with great precision. But certainly this House, and every one who heard me, must know, that I did not take the ground of submission to the two belligerents, or of trading with them on their own terms.]

Mr. CAMPBELL.—We are now precisely where we were before the gentleman explained. The words which I have stated as having been used by him are not denied, and they justify the statement I have made. I feel no disposition to distort or exaggerate anything that gentlemen say; nor to ascribe to them motives different from those by which they are actuated, or other objects than those they really have in view; but I must be permitted to make such deductions from plain and explicit language as it will fairly warrant. Now, to open your ports and trade with both those Powers, without adopting any other measure, under existing circumstances, I consider a direct and unconditional submission; hence I feel myself strictly authorized by the gentleman's language to say, that the course suggested by him would be the most humble of all submissions, and without even an apology for national disgrace. And what object can gentlemen have in view in making speeches that breathe the spirit of resistance and war, and at the same time refusing to take a single measure calculated to vindicate the injured rights of their country; telling you in plain terms they will do nothing, unless indeed it be to conceal from the public eye the humiliating condition to which their course would bring the nation? I can see none. These are my deductions from what has been said on this floor. The gentleman from Virginia (Mr. RANDOLPH) says his plan was not submission. If so, it is extremely easy; sir, for that gentleman, who every one knows can express his sentiments as clearly and distinctly as any man in the nation, (and in saying this I am not paying any compliment to the gentleman,) it is very easy for him, sir, to tell us precisely what is his plan, what are his objects. But, sir, I will pursue this part of the subject no further at this time, but return to the course I proposed to pursue, and, in the first place, notice some of the objections made to this report.

The House must excuse the want of methodical arrangement in the remarks which I may make. It will probably be impracticable, if not totally impossible, in noticing the inconsistent, and, in many instances, contradictory objections, made to the measure before you, to pursue any regular system.

The style of the report, and the mode in which

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the subject is treated, which seem to be particularly objectionable to the gentleman from Virginia, for he says it is not served up with such exquisite taste as it might be, will not be examined here. The report is before the public, who will decide no doubt impartially on those points. In their decision I shall very willingly acquiesce. These objections, however, whether well or ill founded, cannot affect the substance of the report. This will rest on its own merits. The facts stated in it are supported by documents, the truth of which will not be denied. The principles assumed are such as I presume it would not suit gentlemen to deny before the American people; they have not denied them. These, together with the reasoning upon them, and the conclusions drawn therefrom, are calculated to show the unprovoked wrongs, and to vindicate the injured rights of the people of this country; it may not, therefore, answer the purpose gentlemen have in view, to deny these directly, or to specify the particular part to which they are so much opposed. They have hitherto declined doing this, and have contented themselves with making vague and general objections to the whole measure, and, at the same time, they tell you, with one exception only, that they will vote for the resolution, while they consume the time of the House in arguing against it. Gentlemen tell you the first resolution under consideration is perfectly useless; that it is so clear it cannot be disputed; and yet, sir, we have not been able to get a question upon it for ten days. Some say they have no objections to it; others do not like it, but still they will not vote against it. One gentleman (Mr. GARDENIER) considered it so extremely clear, so self-evident, that he must vote against it. That is, he must, in order to show his consistency, record his vote against a proposition that was too self-evident to be denied. This kind of logic is to me incomprehensible. The gentleman says, we cannot, or ought not, to submit to anything. He will, therefore, vote against the resolution declaring that we cannot, &c., submit to the edicts of Great Britain and France; the effect of his vote therefore, must be, that we can and will submit to those edicts; as the negative must be the converse of the positive, and all this because the question is too clear to admit of doubt. Yes, sir, because the sun shines into your Chamber at noon day, that no reasoning can be necessary to establish the fact; the gentleman will tell you that it is so self-evident, that he must solemnly affirm, by his vote, that it does not shine at all. I shall not pretend to answer this kind of reasoning.

Some gentlemen object to this resolution on the ground that it is an abstract proposition, and that no bill is to be founded upon it. It has been correctly stated by the gentleman from Virginia, (Mr. GHOLSON,) that it is not, strictly speaking, an abstract proposition. It is, in fact, expressing the sense of the House on the subject of submission as applied to the existing state of things; it may contain an acknowledged truth, but that is applied to the present state of our foreign relations, and so far it is specific. But suppose it

were as abstract as gentlemen choose to consider it, still it would be parliamentary, and perfectly consistent with the practice and usages of deliberative bodies, and of this House to adopt it. I need not remind the House of the case when the right of deposit at New Orleans was interrupted. A declaration was then made, asserting our right to the navigation of the river Mississippi, and to the privileges consequent of that right, and our determination to maintain that right and those privileges unimpaired. What is the case now? The privilege of carrying your produce to its usual market is interdicted, and you are called on to declare that you will not submit to this infraction of your rights. I wish the gentleman to point out the difference in principle between declaring that you will not submit to an interruption of the right of deposit for your produce, as was the case at New Orleans, and a declaration that you will not submit to the interdiction of the right of carrying your produce to market, which is the present case. In the one case, the right of deposit is interrupted; in the other, the right of transit or of pursuing your lawful commerce, is interdicted; the principle in both cases is precisely the same. Many other instances of a similar nature might be introduced, if thought necessary, to show that this course is perfectly consistent with parliamentary usage. But I had supposed, sir, the few remarks I made when this subject was first taken up, would have prevented, or at least rendered unnecessary, the objections taken to this resolution. It was then stated to the House as a proposition so clear and self-evident, that I could scarcely bring myself to think it necessary. That it was fixed upon as a rallying point at which all would unite, and short of which no one would wish to stop, and it was supposed no objections would be made to it. It was not proposed as a measure upon which a bill or law was to be founded, and the objections taken on this ground are futile beyond description. It was intended, and will have the effect of showing to the American people who are willing to maintain their rights against foreign aggressions, and who are prepared and willing to submit tamely to those aggressions, and to admit that those edicts, violating your commercial and neutral rights, are perfectly correct, and therefore ought not to be resisted. The vote on this resolution may determine this point. Those who vote against the principle contained in the resolution, to wit: that we cannot submit to those edicts, must of necessity vote in favor of its opposite or contrary, that we can and will submit to them. There is no middle course between the negative and the positive, that I am acquainted with, that will enable gentlemen to vote against this resolution, and yet evade voting for submission to the edicts of Great Britain and France.

The gentleman from Virginia reminds us that we have been four weeks in session, being the fourth part of the time assigned by the Constitution for our deliberation and inquiries—what have we done? What progress has been made in public business? I regret the loss of time, sir, as much as any gentleman; but when we are re-

mind of its rapid progress, and that we have not improved it, it would seem reasonable that those who complain should inform us what we ought, in their opinion, to have done, what they themselves have done, or what they would wish to do.

If they would point out the course they wish to pursue, we might possibly go with them, and thus hasten the progress of public business. None of the gentlemen has explicitly stated his plan. So far as they have divulged their project, it amounts to unconditional submission, that would plunge the nation into an abyss of disgrace. You are told to retrace your steps; to abandon the only measure for resisting foreign aggressions to which you have resorted; to acknowledge your error; that is, to announce to the world that we were totally wrong in opposing the Orders in Council of His Most Gracious Majesty, King George III, and the decrees of the Great Emperor of the French; and that we are willing to remove the embargo, and take just what little commerce they are pleased to assign us. If this be the gentleman's plan, I beg leave to enter my protest against it, and to declare that it never shall, with my consent, stain the page of your Journal.

Being in some measure called upon by the gentleman from Virginia, to explain some pretended inconsistency he has discovered in this report, I shall briefly notice some of the objections he has made to it. I could have wished that he had specified his objections so as to be capable of becoming the subject of investigation, that their merits might be ascertained, and that they might be susceptible of a specific answer. He has not done so; his censures and objections are vague and in general terms, not definite, nor, indeed, consistent or distinctly comprehensible. He says you must have something better than this report to extricate you from your present difficulties, but he does not tell you what that must be; nor does he offer any substitute for it. He observes that reports of committees, and correspondences of Ministers, and instructions of Secretaries of State, will not protect your rights or secure your independence; and seems to regret that the Secretary of State can write so well, because he says, whilst you have the best of the argument, you have the worst of the battle. I do not, sir, perceive any force of reasoning in all this, nor can I comprehend what object the gentleman had in view, unless it be to make known to the public his disapprobation of everything that was done, without assigning even a plausible reason for it. Certainly, our having the best of the argument cannot be the cause of our having the worst of the battle; and if we have, as he says, the worst of the battle, it could be no consolation to us to have also the worst of the argument, nor would this better our situation. Why the gentleman should seem to regret that your statesmen can so successfully show the justice of your cause, is indeed incomprehensible; as it never can, by any possibility, add to the number of aggressions committed on your rights. They would remain the same, whether the subjects of them were well or

ilily discussed. It may be thought by some, but surely, I trust, not by that gentleman, a most unfortunate circumstance, that Mr. Madison can write so well, as it has thrown the diplomatic corps of George III in the back-ground; for, with all their Court intrigue and diplomatic address, they have certainly been foiled in the late discussions. It cannot, however, be pretended, that this brought the nation into its present difficulties.

With regard to the first resolution, now under discussion, the objections taken to it by the gentleman are extremely inconsistent, and some of them appear to me in direct contradiction to each other. He first says, "the resolution is weak, feeble, and useless;" and in another part of his speech, he asks, "whether this resolution is intended as a declaration of war." How the gentleman can consider the same resolution feeble, and therefore useless, and also as a declaration of war, is to me incomprehensible. But this kind of reasoning is in perfect consistency with the course pursued by gentlemen for the last two or three years. We were told last year that the embargo was war against Great Britain; now, we are told by the same men, that it is submission to her. In 1805, we were told the non-importation act was war, in the strongest terms, against the same Power; you were told that, by it, you were about to put the match to the train which would explode throughout the United States; you are now told that with the non-importation act commenced your career of submission. Surely, sir, what was war in 1805 and 1806, cannot since have become submission; nor can what was war in 1807, be now turned into submission. The gentleman, with all his eloquence, will not be able to reconcile to the people of the United States such inconsistencies, or induce them to believe in them.

The gentleman asked for some explanation respecting what he considered an inconsistency or anachronism in the report. I presume he must have been mistaken in the dates to which he alluded, or he would not have made this inquiry, as nothing is necessary to show that there is no inconsistency in that part of the report to which he alluded, but to examine and understand it.

The paragraphs which the gentleman read are these: The first in the fifth page of the report:

"The Milan decree of 1807 can still less rest for its defence on the supposed acquiescence of the United States in the British Orders of the preceding month, since those Orders, which have not certainly been acquiesced in, were not even known in America at the date of the decree."

The other paragraph was in the eighth and ninth pages:

"This, (the instruction of the Council of Prizes, &c.) was received on the — day of December; and a copy of the decision in the case of the *Horizon*, having at the same time reached Government, the President, aware of the consequences which would follow that new state of things, communicated immediately to Congress the alteration of the French Decrees, and recommended the embargo, which was accordingly laid on the 22d of December, 1807; at which time it was well understood, in this country, that the British Orders of Council, of

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November preceding, had issued, although they were not officially communicated to our Government."

Now, sir, the statements here made, are, that, at the date of the Milan decree, the Orders of Council of 11th of November, were not known in America, and that when the embargo was laid, it was well understood that they had issued. The Milan decree is dated on the 17th of December, 1807, the embargo was laid on the 22d of that month—five days afterward. The assertion, therefore, in the report is, that those Orders of Council were not known here to have issued on the seventeenth day of December, but that, on the 22d of that month, it was well understood they had issued. This is perfectly consistent, involves no anachronism, and was in fact the case, as I shall show the House. It may, however, be proper here to observe that, in such a document as that now before you, it would not have been correct to state that those orders were known here, so as to require, on our part, any measure of resistance to be taken in regard to them, in order to avoid a charge of acquiescence in them being made by a third Power, until they were officially communicated to our Government. This is the ground taken in the report. It states that "the Milan decree of 1807, can still less rest for its defence on the supposed acquiescence of the United States in the British orders of the preceding month," &c.; and to prove, beyond a doubt, that France had no such pretext to justify her decree, we say that, so far from having acquiesced in those orders, they were not even known here at that time. The knowledge of them here meant would properly be considered that which would result from an official communication of them to the Government. This might, with propriety, be considered the meaning of the report; and in that sense we were not made acquainted with the orders until the 28d of February, 1808, when they were officially communicated by Mr. Erskine. But, in the present instance, it is not necessary to resort to this construction to justify the statement in the report. For, according to the ordinary meaning of the term, the existence of those orders was not known to us (at least to me) on the 17th of December, 1807, and it was known to us, though not officially, on the 22d of that month. To show this, I beg leave to read to the House a short paragraph from a paper printed in this city, the *National Intelligencer*, of the 18th December, 1807, stated to be taken from a London print, it is as follows:

"A proclamation is now, we understand, in readiness for His Majesty's signature, declaring France and the whole of her vassal kingdoms in a state of siege, and prohibiting all intercourse with her or them, all entrance of vessels into their or her harbors, except of such as have cleared last from a British port, either home or foreign."

This is the first information, as far as known, received here, of the existence of those orders, and proves the correctness of the statement in the report—it being subsequent to the 17th, and previous to the 22d of December, 1807. This paragraph also fully answers another objection

taken by the same gentleman to a statement in the report. He told you that, although it was asserted in the ninth page of the report, at the time the embargo was laid, it was generally understood here, the Orders of Council had issued, yet that in fact the British proclamation respecting seamen; and the injurious construction given the Berlin decree, were the real causes of laying the embargo, and that the Orders of Council did not constitute any part of the ground of this measure. We assert that the existence of these orders was known here, though not officially, when the embargo was laid. This fact is proved beyond a doubt by the paragraph which I have just read to the House, which shows that, on the 18th December, four days before the law passed, the information alluded to was published in this city.

This is the knowledge of those orders, alluded to in the report, which, connected with the note of the British Commissioners, annexed to the famous treaty of Mr. Monroe, so often noticed in this House, was, in my mind, conclusive evidence that the Orders in Council had issued, or at least were prepared to be issued. That note declared, in express terms, that if France did carry into execution the Berlin decree; &c., and if neutral nations did not effectually resist such execution, His Majesty might probably be compelled to adopt measures of retaliation, &c. We were apprized that the execution of the Berlin decree had been determined upon and carried into effect; we were, therefore, authorized to conclude that the British Government would carry into effect the threatened measures of retaliation; and we were further informed by the public prints of that country, as already shown, that such orders were actually in a state of preparation, and about to be officially published. What stronger proof could be required of the existence of those orders? I cannot judge of the motives which actuated other gentlemen, or of the grounds upon which they voted for the embargo. For myself, I can say that this information, in regard to those orders, had with me considerable weight, and when connected with the note alluded to, did induce me to vote precisely in the same manner I would have done if the Orders in Council had been officially laid on your table.

We are told, by the gentleman from Virginia, that we ought to have more of action and less of argument. This kind of memento has been so often repeated in this House, showing not what you ought to do, but that you ought to do something, that it has become the stale phrase in every one's mouth. It is a sufficient answer to those who use it, to ask them, as already, what they have done, or what they wish to do, to relieve the nation from its present difficult situation? They cry out, all is wrong; but not one of them tells you what would be right. They insist you are lost in a wilderness of difficulties; but they do not even point to the way that will lead you out. It is, sir, much easier to find fault with existing measures, than to propose such as would be better, in their stead. So long as human nature is

so much under the control of capricious passions, and the malignant spleen of disappointed ambition, the most correct measures that can be devised will be censured, cavilled at, and found fault with, by certain men. We now call upon those gentlemen who exclaim against everything that has been done, or proposed to be done, to give us their project; to tell the nation what they would do, what plan they wish to follow. Until they do this, the public must and will consider their objections as unfounded, and as being the mere offspring of a captious disposition, or rancorous spleen. I do not wish to be understood as impeaching the motives of those gentlemen; they may possibly think their conduct is correct; but their object cannot well be mistaken. It is evidently an effort of the outs to get in. The common cry is, that everything is going wrong—the measures of the present Administration have brought you into all your difficulties—have brought you to the verge of ruin—there must be a change of measures to save you! What conclusion is to be drawn from all this? Why, sir, it is plainly this: That those gentlemen call on the people to turn out those who now manage their public affairs, and put them in. They say, “all is going wrong,” and may plainly be understood to mean, “put us in, and all will go right—we will not tell you what course we will adopt until we are in the full possession of power; we will then tell you what we will do.” Yes, sir; and what would they do? The same they did before, no doubt. They would tighten the cords upon the people, and make them more submissive to their superiors; they would have a strong Government, possessing much energy, supported by navies, armies, and hosts of civil officers. But there would be no surplus money in your Treasury. Instead of this, you would have direct taxes and excise laws to keep the people in order and give your Government energy. This appears to me to be fairly deducible from the conduct of those gentlemen.

It is not my intention, in the remarks which I shall make at this time, to take up the whole subject of the report. I shall notice some of the objections made to the several resolutions; and when I come to observe upon the general subject, shall confine myself principally to the first part of the report, which regards the aggressions committed on our rights by foreign nations, and on which the second resolution is founded; and also notice the nature of the measures we have already adopted in consequence of those aggressions.

It has been stated, that the first resolution is unnecessary and useless; that the second is submission, as it gives up all your trade, when only a part of it is affected by the edicts of the belligerents; and the third is said to be like the first, useless, as it only speaks of defence, &c. The objections to the first resolution have already been noticed, and may be adverted to again in another place. Those made to the second will be substantially answered, in the remarks that will be made in regard to the embargo, to show that it was not submission, and, of course, that this step,

which is pursuing the same course, and may be considered as an extension of the same measure, cannot be submission. The objection to the third resolution, that it only proposes to prepare for defence, would naturally induce a belief that the gentleman who made it (Mr. RANDOLPH) wished us to prepare for, and adopt measures of offence. Such, however, does not seem to be the case—if it were, offence or war is one of the alternatives presented in the report, and would meet the gentleman's wishes; but he seems disposed to do nothing, as far as we can understand him, but take off the embargo and open a trade with those Powers, which, in my view, is abject submission, and nothing else. But, sir, if we prepare for defence, do we not, at the same time, prepare for offence? Is it usual or proper for a nation to declare that she is making preparations in order to make war on another nation? Is there to be found an instance of such an extraordinary and impolitic declaration? No, sir, there is not; until she is prepared to make war, she will not announce to her enemy that she intends to do so. Preparations for defence are calculated also for, and of the same nature with those used in offence. They are made for defence, but, should the occasion require it, they are used for both, for offence as well as defence. We do not wish for war—it is our interest as well as our desire to avoid it—we are threatened from abroad—we determine to make the necessary preparation for defence; and, should such a state of things occur as may require it, we can and will use them also for the purpose of offence. But it is, indeed, extraordinary that the objection should come in this shape, from a gentleman who proposes no measure himself, and is opposed to every one that has been suggested. He is against raising an army, against continuing the embargo, against a non-intercourse, objects to preparations for defence; and it may be asked, what is he for? The answer may be, submission. There is no other inference can be drawn from such conduct.

At the same time, sir, you are told, that the submissive, temporizing, missionary policy pursued by your Government has brought the nation to the brink of ruin. These general and unqualified assertions, without any reason given to support them, do not merit, and, indeed, cannot receive any other answer than a general and direct denial, until some proof be given of the facts alleged. It cannot be expected that we will go into proof, to controvert every vague assertion made on this floor. That the Government has used every means in its power to keep the nation out of difficulties; that it has pursued an impartial, firm, and dignified line of conduct toward foreign Powers; and that it has resorted to every honorable expedient, and used every power with which it was vested, to extricate the nation from its present difficulties, brought on by foreign aggressions, will not be denied by any one who examines and understands the whole grounds of the late negotiations, who gives reason fair play, and is not blinded by prejudice, or deluded by party considerations. The official documents relative to

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those negotiations are now before the public, and those whom they will not convince of the correctness as well as the impartiality of the conduct of our Government, would not be persuaded by any argument that could be advanced on this floor. No; they would not believe an angel, though he should come down from Heaven, to sound these truths in their ears.

The same gentleman (Mr. R.) has asserted on this floor, in opposition to a statement made in the report, that an answer has been received from France, which is sufficient to satisfy every one who has seen or heard it. On what authority he founds this assertion, I cannot pretend to say. I have attended to the documents laid before Congress this session, both public and private; and I feel myself authorized, to state expressly, that no answer has been received from France on the point in question; that is, on the proposition under the authority of the law of last session; relative to withdrawing her decrees. In support of this you have the Message of the President; and Mr. Armstrong's last letter, bearing date the 28th of August last, in the public documents, shows that, so far from France having given a final answer, that he did not even renew the discussion on this subject with that Government, as he was authorized to do; and there is no document laid before this House which will show that any such answer has been received. I will not at present pursue these objections further. What has been already said is sufficient to show that they are rather the offspring of a spirit of opposition than founded on any substantial grounds of either fact or reasoning.

I shall now briefly notice the report itself, for the purpose of presenting the House with that view of such parts of it as relates to the question really before them, as I entertain, and which may possibly assist us in forming a correct opinion on the subject. The report may be considered as consisting of two parts. The first relates to, and states the injuries we have received; the aggressions committed on our commercial and neutral rights by foreign nations, and on this is founded the first resolution. The second part relates to the measures to be pursued, in order to resist those aggressions, and on this are founded the second and third resolutions. The first part is that which is immediately before the House. In it are briefly stated the orders and proclamations of Great Britain and the decrees of France, which infract and violate the lawful commerce and neutral rights of this country. Those edicts of the belligerents, and the manner in which they have been adopted and executed, are considered as aggressions of the most aggravating kind, and involving the best rights and dearest interests of the United States. Taken in the aggregate, they are considered and stated to amount to a maritime war against this country. They are also stated to be unprovoked and unauthorized on the part of both those nations, by any act on our part, of injury to either, or of voluntary acquiescence in the unjust violations on our rights by the one to the prejudice of the other. Hence it is concluded

ed and insisted, that this nation ought not and cannot, consistently with its true interest and honor, submit to those aggressions; but is bound in duty and justice to itself to resist and oppose them. There can be no ground that would justify a nation (having the power) in not repelling, or at least resisting, an injury received, except such injury be of so little importance as not sensibly to affect its interest, and therefore not to merit public notice; or unless it be authorized or justified by the previous conduct of such injured nation. Neither of these is the case in the present instance. No one pretends to say, that the aggressions committed on our rights are trivial or unimportant; on the contrary, they are admitted to be of the most enormous kind; and it cannot with truth be pretended that there has been any act on our part that could, in justice, either provoke or authorize them. With this view of the subject the first resolution was presented to the House, in order to ascertain if there was any difference of opinion respecting the fact that those edicts of the belligerents, were a violation of the rights of this country, and ought not to be submitted to—to see if there was any one who would justify them, who would tell the American people that they must submit to the regulations of a foreign Power; and also to give the nation a solemn pledge that this House was determined not to abandon its best interests. Sir, it was supposed that no doubt could exist on this part of the subject. No one has been hardy enough to deny the violations committed on our rights by the edicts of the belligerent Powers. No one has denied the enormity and injustice of those violations, nor has it yet been asserted, on this floor, that they were provoked or authorized by any act on the part of this Government. Under what pretext, therefore, can gentlemen refuse to resist them? Why hesitate to vote for this resolution? Why detain the House debating it for ten days? Do they mean to justify those aggressions? to submit to them tamely? to acknowledge the right those Powers have to give laws to the people of this country? If so, let us know it; it is high time the public should be informed of it. Those, however, who admit the proceedings of the belligerent Powers to be violations of our rights, as stated in the first part of the report, (and the correctness of that statement has not been brought in question,) will not hesitate to vote for this resolution. They will not hesitate to declare that they will not abandon the best rights of the people, that they will not submit to foreign aggressions.

When this is once determined, the question of submission will be at rest. The resolution to resist will have been taken, and the next inquiry will be in relation to the measures of resistance most proper to be adopted. This part of the subject, as already noticed, constituting the second part of the report, and giving origin to the second and third resolutions, will come more properly in discussion when those resolutions are immediately before the House. I shall not, therefore, at this time enter at large into the discussion of this

part of the subject. But, as gentlemen who have gone before me, have introduced into this discussion the measures pursued by the Government for some time past, and have in particular attacked the conduct of the majority in laying the embargo, I shall find it necessary to notice some of their arguments, on this part of the subject, in order to rescue that measure from the very unjust odium attempted to be thrown upon it. Gentlemen ascribe all your difficulties and misfortunes to the embargo; they say it has destroyed your commerce, and brought the nation to the verge of ruin; that it is submission; that you might have considerable trade, if it were not for the embargo, and that, therefore, it ought to be repealed, &c. By way of answering these arguments, and, in order to lay before the House as briefly as possible the view which I entertain of that measure, I shall endeavor to show—

1. That it was not the embargo, but the Orders in Council of Great Britain, and the decrees of France, which destroyed your commerce, produced the pressure that is now so much complained of, and placed this country in its present critical situation.

2. That the embargo was not submission to those Powers; that it was taking a firm and dignified stand in opposition to their aggressions and in vindication of our rights.

I shall also attempt to show, in the third place, that when the embargo was laid any other measure that could have been adopted, except war, would have been submission to one or both of those Powers. And, further, in the fourth place, that if you had not laid the embargo, but had even submitted to those aggressions, the trade you could have enjoyed, subject to those restrictions, would be of little or no real value in the great scale of national commerce, could scarcely claim any serious notice, and could not possibly be considered an adequate compensation for national degradation and dishonor.

With regard to the first point proposed to be shown, that it was not the embargo but the orders of Great Britain and decrees of France, which destroyed your commerce and placed the nation in its present critical situation, it may be necessary, in order to remove the delusion which has prevailed on this subject, to notice the condition in which those orders and decrees had placed your commerce previous to laying the embargo. For want of attending to this circumstance, the public mind has been imposed upon. It has been erroneously represented that you could have enjoyed commerce to a considerable extent if it were not for the embargo, that it alone has destroyed your trade, and brought the nation to the verge of ruin; and this impression, aided by repeated misrepresentations, has been attempted to be fastened on the public mind, contrary to the real truth and state of the case. It is high time this delusion should be removed. Sir, it must and will dissipate when the people are correctly informed of the real source from which spring all the difficulties and cause of privations they now experience; when they are convinced that,

in the orders of Great Britain and decrees of France, is to be found the real cause of all these difficulties; when they clearly perceive that those orders and decrees had opened a gulf to swallow up all your commerce; that the embargo intervened as a shield and saved it from certain destruction, and, at the same time, saved the nation from the bloody scenes of war: when the people are convinced of this, as they undoubtedly will be so soon as they are correctly informed on the subject, they will then cease to be deluded and led astray by misrepresentations; they will see the measure in its proper point of view, and duly appreciate the conduct of their Government.

Sir, what was the situation of your commerce when the embargo was laid? By the orders of Great Britain you were prohibited from going to any country on the Continent of Europe, except Sweden—the poor, barren country of Sweden, as it is emphatically called by an English writer, to which country you export about \$56,000 worth of your own domestic produce. You were not permitted to export thither the produce or manufacture of any other country. Of course this was all the trade left open to this country by those orders on the Continent of Europe. If you carried on any other trade to Europe, it must be directly with or through a British port. In order to show the correctness of this statement, and also to show what was considered in England the operation of those Orders in Council, and in what condition they placed the commerce of this country with Europe, I will refer to the production of a late writer of the first respectability, whose authority, for the purpose I have in view, will not be denied. I mean Mr. Baring's pamphlet on the subject of these orders. In the 12th page of which is stated what was considered there as the practical construction of them.

"All trade directly from America to every port and country of Europe at war with Great Britain, or from which the British flag is excluded, is totally prohibited. In this general prohibition every port of Europe, with exception at present of Sweden, is included, and no distinction whatever is made between the domestic produce of America, and that of the colonies re-exported from thence."

"The trade from America to the colonies of all nations remains unaltered by the present orders. America may export the produce of her own country, but that of no other, directly to Sweden.

"With the above exception, all articles, whether of domestic or colonial produce, exported by America to Europe, must be landed in this country, from whence it is intended to permit them re-exportation under such regulations as may hereafter be determined.

"By these regulations, it is understood that duties are to be imposed on all articles so re-exported, &c.

"Any vessel, the cargo whereof shall be accompanied with certificates of French consuls abroad of its origin, shall, together with the cargo, be liable to seizure and condemnation," &c.

Thus, sir, we see that according to the construction given those orders, by the English themselves, (for this Mr. Baring was a member of Parliament,) at the time the embargo was laid, your commerce was prohibited from every coun-

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try on the Continent of Europe, except Sweden alone, poor and barren in trade as already stated, to which your trade, as has been observed, is of no importance, being confined to your own produce, of which you send there only about the value of \$56,000; an amount too inconsiderable to deserve material notice in the great scale of American commerce. On the other hand you were, by the decrees of France, prohibited from trading to Great Britain, or to any other country occupied by British troops. About this time it is believed there were British troops in occupation of Sweden; if so, you were totally excluded, and shut out from all Europe; there was not a single port to which you could go with safety. But, sir, it is altogether immaterial for my purpose, whether Sweden was occupied by British troops or not; the trade with her is not worth naming, and would afford no sufficient inducement to keep open a commerce that would probably involve the destruction of a hundred times its value of your property under one pretext or other; and would also compromise your honor and independence as a nation; for if you voluntarily surrendered all your trade as far as forbidden by Great Britain and France, and continued the small precarious scraps, if any, that they chose to assign you, you at once acknowledged their right to regulate your trade at their own pleasure, and in fact to give laws to this country. If this view of the subject be correct, and I call on gentlemen, if they deny it, to show the contrary, what trade could you have pursued or enjoyed when the embargo was laid? Your trade with all Europe was totally cut off, as has been already shown, (that with Sweden whether permitted or not would not sensibly affect the general result,) your only trade that remained was that with the colonies. Let us inquire what this trade would be. With the British colonies you have no permanent trade; she never opens the ports of her colonies to your ships, except when forced by necessity to do so. Your whole trade, then, to the colonies would have been in domestic produce only somewhat more than \$6,000,000 worth. This would have been all the trade you could carry on; your trade with those colonies in foreign articles would cease, because you could not procure the foreign goods that constituted that branch of trade. When, therefore, the embargo was laid, your whole commerce, amounting to more than \$108,000,000 of exports, was liable to capture and confiscation, except the small amount of somewhat more than \$6,000,000. When your trade was in this situation, when those orders and decrees were about to sweep your commerce from the ocean, the embargo was laid, and like a shield intervened and saved it from certain destruction. Yes, sir, I venture to affirm, without the hazard of a contradiction from any well informed merchant of candor, as my information is derived from the most respectable authority, that the embargo has saved the American people more than \$100,000,000, that would, if it had not been laid, most undoubtedly have fallen into the hands of the bel-

ligerent Powers. No man will be so wild as to say that those Powers, after solemnly declaring that they would capture your vessels, trading to their enemies, would, notwithstanding, refrain from taking them if they came in their way. There is not the slightest pretext for this; there was then no security for your commerce, but to withdraw it from the ocean. This was done, and it has been saved. The edicts of the belligerents left no alternative with your Government, but to leave your commerce to be entirely destroyed, or retain it within your own limits—the latter was resorted to, and was rendered indispensable by the conduct of those Powers. There is not, therefore, any foundation in fact for the assertion that the embargo destroyed your trade; the contrary is shown beyond a doubt. Yet, sir, unfounded as this assertion is, it has been industriously circulated throughout the nation; has imposed upon and deluded many honest, well meaning men, and aided by constant misrepresentations, equally unfounded, which are constantly spread from one end of the Union to the other by the opponents and enemies of the present Government, has been made the hobby-horse upon which they have indulged the hope for the last year of riding into power. In this hope, however, they may probably be disappointed. So soon as the people are correctly informed, the delusion which has been produced by misrepresentation will vanish and disappear. [Mr. SOUTHWARD here observed, that as the gentleman who was speaking appeared somewhat exhausted, and was not probably near the conclusion of his remarks, and it being now a late hour, he would, with his consent, move to adjourn, which was agreed to.]

On the next day, [December 7.] Mr. CAMPBELL said when he closed the remarks which he had the honor of making on yesterday, he had just submitted to the House some observations with the view of showing that it was not the embargo that destroyed our commerce, or brought on the nation the pressure which is now so sensibly felt, and so much complained of. I had stated to the House, said he, that the orders of Great Britain, and the decrees of France, were the real cause of all the difficulties which are now experienced by this country. That they, and not the embargo, had cut up your trade by the very roots, and rendered a total suspension for a time indispensable for its salvation from inevitable destruction. This is a truth supported by facts that cannot be denied; remove the embargo, and you expose your trade, naked and defenceless, to certain destruction—the same that would have taken place if it had not been laid. Fortunately for the merchants, (but unfortunately it would seem for the Government, if the misrepresentations that are circulated abroad should be believed,) your commerce did not feel the destructive scourge that was prepared for it. The embargo intervened and saved it from the devouring jaws of the great Leviathan of the ocean that were already open to receive it. If the embargo had been postponed a few weeks longer, until your trade

had felt a partial destruction, until a few hundred more of your ships had been swept from the ocean, and condemned by Great Britain and France under their orders and decrees, your merchants and the people of the United States generally would have been more sensible of the salutary effects of this measure in saving the property of the nation. They would then have been convinced of the real cause of the present suspension of trade, and ascribe it to its true source, the edicts of the belligerent Powers. They would have seen that nearly all their property on the ocean was seized and sequestered or condemned by those Powers, and that the residue, if it had been suffered to go out, would have shared the same fate. That this would have been the case there can be no doubt. It is proved by the fact, that of the vessels that left this country for Europe, shortly before the embargo, scarcely one arrived safe at their intended market. A fact of the strongest kind in support of this position is well known, and has already been stated; that of nine vessels that went out of one of the Eastern ports, immediately previous to the embargo, not one of them arrived safe at the place of destination. It is a fair calculation, that if your commerce generally had been permitted to go on the ocean, it would have shared the same fate. Hence the conclusion is inevitable that this measure, so far from destroying your trade, has saved it from certain destruction.

Entertaining this view of the subject, and being convinced of its correctness, I confess I have been much astonished that it has been so often repeated in this House, and also in the party prints in different parts of the country, that the embargo has brought the nation to the verge of ruin; when it is undoubtedly true, that if it had not been laid, property to a vast amount, which is now within the country, and in your own possession, would have been captured, condemned, and added to the resources of your enemies. You would have been stripped, I may say robbed, of more than one hundred millions of property, and that would have been added to the common stock or funds of Great Britain and France. This is precisely the situation in which you would have been placed by the edicts of the belligerents, if the embargo had not been laid. Will gentlemen say that this would be a more desirable situation than you are in at present? Will they say that your own people being deprived of their property, while it is thrown into the hands of their enemies, would render their condition more eligible, relieve their distresses, or add to the money in your Treasury? Is it better, sir, that Great Britain should have the greater part of your vessels and merchandise, and a great proportion of your seamen, and make use of them against you, whenever the occasion should occur, than that they should remain in the country in your own possession, and add to the resources of the nation? There can be no doubt on this subject; no one will assert this. I might pursue the inquiry further. Is it not better and much more honorable for this country that your produce should even

rot in your warehouses, than it should be enjoyed by your enemies, and used by them for your destruction? The people of America cannot entertain a doubt on this point. If they know what is the fact, that there was no alternative but either to leave it in their warehouses to rot, or throw it into the hands of their enemies, they would not hesitate to say with one voice, "we will suffer it to moulder and rot in our warehouses rather than supply our enemies with it to our own destruction." This is the precise question which was presented when the embargo was laid, and which is still to be decided. That those Powers would have captured all your property which they could find upon the ocean cannot be doubted by any one who has attended to their conduct, and is in any degree acquainted with their proceedings.

It may not be improper here to notice some particular instances in the conduct of those Powers on this occasion, in order to ascertain whether we had anything to expect from their friendship or justice; whether on the contrary they did not seem to prepare deliberate plans to entrap and destroy your commerce.

It will be recollected that Great Britain, in the famous note of reservation, which was annexed to Monroe's Treaty (so often noticed here) lately rejected by our Government, expressly stated, that "if, however, the enemy should carry these threats (meaning the Berlin decree) into execution, and if neutral nations (contrary to all expectation) should acquiesce in such usurpation, His Majesty might probably be compelled, however reluctantly, to retaliate in his just defence, and to adopt, in regard to the commerce of neutral nations with his enemies, the same measures which those nations shall have permitted to be enforced against their commerce with his subjects." From this it appears that the two requisites necessary in the opinion of the British Ministry themselves to justify retaliation, are the execution of the decree and the acquiescence of neutral nations in such execution. This note was calculated to lull into security the people of America, and induce them to believe there was no danger to be apprehended from Great Britain, unless France should carry her decrees into execution, and there should also be an acquiescence on the part of this country. But what was the result? After this public declaration, without waiting to ascertain either of these facts, without knowing whether France would execute her decree, or the United States acquiesce therein—nay, in less than eight days after such declaration Great Britain issued her retaliating orders of the 7th January, 1807, which, contrary to the acknowledged law of nations, and in direct violation of the note that had been officially communicated, declared as good prize vessels of the United States sailing from the ports of one belligerent to a port of another belligerent. This was spreading a net, in which would probably be taken a great part of your commerce then afloat upon the ocean.

In the next place, a Minister Extraordinary, Mr. Rose, was sent to this country, to adjust ex-

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isting differences between the two nations; it was announced that he was the messenger of peace; this was also calculated, to quiet the apprehensions of your people, to lull into security the councils of your nation, and produce an impression that nothing hostile or unfriendly was intended by that Government. He gave you no information respecting the existence or intended publication of any orders violating your commerce; mark the result. At the very time he left England, those Orders in Council of the 11th November, 1807, had issued, and another scheme was thereby laid, more deep and much more extensive than the former, to sweep the whole of your commerce from the ocean, and put an end at once to all rivalry of British trade by that of America. Can the object of this measure be mistaken or misunderstood? Will gentlemen close their eyes against the strongest proof? This Minister Extraordinary did not mention those orders to your Government; he did not even know of their existence, as was pretended; yet they had actually issued before he left that country. A fact may be mentioned here, which I have received from such authority as induces me to believe it, that may throw some light on this subject, and show the effects it was there expected the measure would have. Bets were offered in England immediately after those orders issued, that in a few months the United States would not possess one hundred merchant vessels; so confident they were that their plan was so well laid, that they would sweep from the ocean the whole commerce of the United States! And it was not so important to Great Britain, whether this was effected by herself or by France, so as it was done. Her great object was to destroy your commercial importance; if she effected that, she gained the great point she had in view. Again, it so happened, that in some parts of this country there was a great outcry made against the embargo; misrepresentations were numerous, and industriously circulated, (principally by the enemies of this country and the friends of England,) and its pressure on the people was exaggerated, and its evils highly colored, beyond all reason, and without the least regard to truth. These misrepresentations and false coloring of facts reached England, and there probably gained some credit. That Government was induced to believe that when Congress met, they must and would remove the embargo. The session had hardly opened, the members had scarcely taken their seats, when this great Leviathan of the ocean, hungry for the prey, of which she had been deprived by the embargo, again opened her avaricious jaws to engulf your defenceless commerce the moment it floated upon the seas. But unfortunately for her, (though fortunately for your own merchants,) she was again disappointed. She had declared the French West India islands in a state of blockade about the time the session commenced, in order to be prepared, in case the embargo was removed, to seize and destroy your trade whenever it was committed to the ocean; and had your embargo been taken off,

every ship which would have left this country would, undoubtedly, under one pretext or other, have fallen a prey to British cruisers. These are three honorable instances of British consistency, friendship, and candor. I have thought proper to notice them to the House, to show that we have nothing to hope from the friendship of Great Britain, who has now the entire command of the seas. That, so far from having any disposition to favor us, she has deliberately laid one plan after another to seize your vessels and destroy your trade; so that if your commerce had been permitted to go out, it would most undoubtedly have been annihilated. Further, sir, experience has proved that almost the whole of the vessels that went out about that time, and shortly before, have either been seized and condemned, or made to pay tribute by Great Britain, or sequestered, or condemned by France. If your trade had generally gone out, it must, therefore, all have shared the same fate. And yet, sir, you are told that, by laying the embargo, and saving your commerce from certain destruction, you have brought this country to the verge of ruin.

From this view of the subject I feel myself authorized to say, that the embargo when it was laid, was not only a wise and proper, but also a fortunate measure. This has been proved by events which afterwards took place, that could not have been foreseen, in their full extent, or in all the points of view in which they afterwards presented themselves. The result has shown it to have been more important, as well as more fortunate, than it could fairly have been estimated at the time it was imposed. How long it may be proper to persevere in the embargo, in preference to war, is a question of quite a different nature; a question which I do not intend at this time to investigate. But, sir, if gentlemen consider the embargo, aided by a non-intercourse law as proposed, inefficient and too weak a measure, the committee, whose report is now under consideration, has presented to the House another alternative—war. If gentlemen prefer this course, and are willing to adopt it, let them come forward and say so; we have not said that we will not join them in it; we have not said that we will not go every length to vindicate the injured rights of our country. Let the gentlemen therefore declare to the nation the ground they are willing to take to resist aggressions.

I propose to show that the embargo, when laid, was not submission to those Powers, (as has been asserted and often repeated;) that it was taking a firm and dignified ground in opposition to their aggressions and in vindication of our rights.

Nothing could give the least appearance of plausibility to the assertion, that the embargo was submission, but the situation in which we were placed, in regard to the two great belligerent Powers, who were at war with each other, rendering it necessary that we should resist both at the same time. When the measure is considered, as it certainly ought to be, as applied to each of them separately and distinctly; and as if adopted and operating first against one alone,

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in consequence of its conduct towards us, and then against the other in like manner; its true character will be manifested, and no doubt can exist on the subject. First, then, as it regards France; by her decrees she declares, you shall not trade to Great Britain or any of her dependencies. To resist this aggression on our rights, we say to France, "you have violated our lawful commerce, we will therefore shut up our ports as to you. If you do not permit us to trade with other nations on fair terms, we will not trade with you at all; we will keep our commerce at home, and show you and the world, that we can do better without your manufactures, than you can subsist without our produce, so essential to your support." Surely, sir, this cannot be called submission to France—and although not a hostile measure, it is a measure of firm and decided resistance. In the first place you save your own trade from threatened destruction, you deprive her of supplies, and the advantages she derived from your commerce; and next you say to her, "although we have not as large a navy, or as many soldiers to fight as you have, yet we will be independent; we will remain within our own limits, live on our own productions, and protect our own soil; we will not hold intercourse with you on your own terms, nor submit to go to those ports only which you point out, and to no others."

On the other hand, apply the measure to Great Britain. She, by her Orders in Council, has declared "you shall not trade with France or with any of her dependencies," that is, "you shall not sail to a single port on the Continent of Europe, (except perhaps those of Sweden,) if you do, my cruisers are authorized to seize you and carry you into my ports, where you shall either be condemned, or made to pay a tribute, a heavy tax for license to go, where you will most undoubtedly be condemned for having such license." To this outrageous aggression on their best rights, the United States have said—in the first place, "we will cut off our export trade from you altogether; if you do not suffer us to trade with other nations on fair terms, we will not trade with you at all. We know we have not a navy to protect our commerce against your thousand ships of war, upon the ocean; we will therefore withdraw our commerce from that element, and retain it within our own limits; you shall not receive supplies from us, or be furnished with our produce. We will, in the next place, cut off all intercourse with you, until you agree to do us justice; you will feel much more sensibly the loss of our trade, than we shall the loss of your custom." This sir, is not submission. It is a firm and manly resistance though not of a hostile nature, and the only measure that could at the time have been adopted consistent with the honor and interest of the nation. We do not pretend to have as many ships of war as Great Britain, to protect our commerce on the ocean; we do not wish to have them; such an establishment would be inconsistent with the genius of our Government; but we do know that our produce, being the necessities of life, is much more important to her than her gaudy fa-

brics are to us; that the balance of her trade with us is nearly twenty millions annually in her favor; that we receive of her manufactures annually, about twelve millions sterling, nearly equal to sixty millions of dollars, being about one-third of her whole exports; and knowing these facts, we must know, that by a suspension of our commerce with her, she must be a loser in proportion to the advantages she usually derived from it. We have a right fairly to conclude that a nation will do what is best for her own interest, and what will most promote the benefit of her people. If Great Britain is blind to, and regardless of the best interests of her people, it is no proof that our measures are not correct, or that they were not the best for this country that could at the time have been adopted.

It is however said, sir, that this measure is an abandonment of commerce. I do not profess to have any practical knowledge in commercial matters, but I apprehend it will not be difficult to show, without much of such knowledge, that this assertion is totally fallacious and unfounded. That, on the contrary, the measures pursued by Government have been taken in support of the commercial rights of this country, and are persevered in to maintain the same unimpaired. What occasioned the passage of the non-importation act? The numerous petitions of your merchants, complaining of aggressions committed on your trade by Great Britain, and violations of your neutral rights on the ocean. They alone complained in this case—and they were principally interested. The Government attended to their complaints—a stand was made in favor of commerce—a step was taken to maintain and vindicate the mercantile interest of the nation. The measure taken pledged the Government at once to support those commercial and neutral rights which we claimed as an independent nation. Was this abandoning commerce? It was not, sir. Again, who were likely to suffer most by the orders of Great Britain and the decrees of France? Certainly the merchants, whose property was exposed to ruin, almost inevitable. It is true the other classes of society would feel the effects of those foreign aggressions sensibly; but it would only be through the merchants, who would suffer first and most materially. This produced the embargo, in order to save the property of your merchants, and maintain unimpaired the commercial rights of the country. In this instance the nation gave another pledge not to suffer those rights to be encroached upon, and hazarded all the consequences of throwing back as it were on the hands of the farmers their produce, to remain dormant, or be sold for very low prices—of having the sources from which their revenue was chiefly derived, in a great degree dried up, rather than see those rights trampled upon and the vital principles of the mercantile interest openly violated; and yet we are told that in all this we are abandoning commerce. It is scarcely possible to believe, that gentlemen who have any tolerable knowledge of the substantial and real interests of commerce in a national point of view, can be serious in making those as-

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assertions—or, if they are, they must be blinded by prejudice or deluded by mistaken views of the subject. What would be the consequences of pursuing your trade under the restrictions imposed upon it by foreign Powers? It would be acknowledging the right those Powers had to regulate and circumscribe your commerce at pleasure—to cut it up by piece-meal, until you were stripped of the whole of it. I say, sir, this would be abandoning commerce, and they must be totally ignorant of the great principles of national commerce, or inimical to them, who wish to pursue this course. Yet, sir, it is the course insisted upon by those who pretend to be the advocates of commerce. They say, although Great Britain has cut off your trade with France and the Continent, and France has interdicted your trade to Great Britain, there is still some trade left, which you might enjoy. This would be submitting to the right which Great Britain and France claim, to fix the precise places to which we shall be permitted to go. You agree not to go to France because Great Britain has so required. You do not go to Great Britain because France has so directed—but you go to some of the islands because both have permitted it. This would be submission to both those Powers, and that of the meanest kind; and it would also be surrendering at once the vital principles of the great commercial interests of this country.

If you relinquish your commerce by piece-meal, as the belligerents choose alternately to interdict it, will it not soon be wholly destroyed? For they have as good a right to cut off our trade with the whole world, as with that part of it from which they have already interdicted it. There can be no difference. The Government of this country has considered our commercial rights as forming our whole or aggregate system, which, as a free nation, we had a right to enjoy; and have determined not to surrender any part of these rights—not to suffer any encroachments upon them, to rally round and maintain them unimpaired, to enjoy the whole as a free people, or not enjoy them at all. For there is no ground upon which you could surrender any part of those rights that would not equally justify the surrender of the whole. In this view I understand this subject; and those who oppose the present measure, must be considered as willing to surrender a portion of those rights—to submit to foreign aggressions—in order to be permitted to pursue the scanty trade that may be left them at the pleasure of those Powers. This ought to be known. The people should be informed that in this way a portion of their best rights is proposed to be surrendered, and probably forever abandoned. I am not, sir, for giving up any portion of our rights—I am not for abandoning commerce—I consider the measures we have adopted a stand made in support of commerce. I am not for retracing our steps; if we must move, I am for advancing. So far as commerce is consistent with the great interests of agriculture, so far I am willing to go in support of it; but when it is attempted to oppress or sacrifice the agricultu-

ral interest of the whole country, in order to extend commerce beyond its natural bounds, or when those two interests come in collision, the one with the other, I shall consider it my duty to support the interests of agriculture in opposition to that of commerce. It may be proper here to remark, that there is not the slightest pretext for the allegation that we are about to pursue a Chinese policy, or that the embargo is to be perpetual. These are the mere chimeras of a feverish imagination, or the alarm-cries of those whose constant endeavor has been to misrepresent in order to mislead the public mind. The committee have presented to the House two alternatives, the one is a continuation of the suspension of commerce for a season, the other is war. If the time has not yet arrived to resort to the last alternative to obtain justice, persevere for a time in the embargo; but if you do, strengthen its ties, and execute its provisions, and do not permit a few of the most corrupt and degenerate individuals in society to enrich themselves at the expense not only of the honest part of the community, but of the dearest and best rights of the nation.

I come now to show in the third place, that any other course which could have been pursued when the embargo was laid, would be war or submission. If you attempted to trade to those places from which you were prohibited by the edicts of the belligerents, you came in direct collision with them; your vessels were of course captured and condemned, and this must produce war. If you traded to those places only to which you were permitted to go by those edicts, (the only remaining course that could be pursued,) it was submission to both those Powers. Many of the remarks already made in showing that the embargo was not submission, are applicable to this point, and sufficiently support it; a few additional observations only will be made. Suppose you were to pursue such trade as was left unrestricted by those edicts, what would be its extent, and what its character? You were totally excluded from Europe, as already shown, except that you might possibly carry your own produce, but that of no other country, to Sweden, amounting as already stated only to about fifty-six thousand dollars, and this very doubtful. But suppose you were suffered to go there unmolested, what would, what ought the world to say of your conduct? That you were the submissive, humble slave of Great Britain and France; that you obeyed their edicts, and submitted to trade to the precise country to which they permitted you, and surrendered up all the rest of your commerce at their pleasure. Each of those Powers may, with equal justice, prevent you from exercising any other of your rights appertaining to a free people, as to say, that you shall not trade with certain ports or places not under its control. In going to that precise place to which they permit you, and to no other, you submit to both, and you acknowledge their right to give you laws. Yet this is the only course proposed to be pursued by those gentlemen, and it would reduce the nation to a state of foreign vassalage. Gentlemen have said

that the West India islands are not included in those edicts, and that you might carry on a commerce with them. This trade, sir, falls under all the objections just stated, and would be pursuing as humble a course as trading to Sweden alone. But what is the situation of this trade to the islands? Great Britain does not permit any regular trade with her West India colonies; you are never suffered to go there, except when she is forced by necessity, by scarcity, to open her ports for your produce, and then it is under such restrictions that her own merchants derive the greater part of the benefits from the trade. The British orders, according to their general tenor, include the other West India islands, but His Majesty, as a matter of favor, is graciously pleased to permit you for the present to carry on your trade with them. This is announced officially to your Government by Mr. Erskine, in the same note by which he communicated those orders. There it is stated expressly that His Majesty might justly exclude you from all the colonies of France and her allies, but that through favor, as a matter of mere grace, your trade to them was left open. He would not press too severely on you at once, lest the spirit of the nation might be roused into indignation, and they should determine to avenge at once those aggressions and insults; (and it is hoped the day of retribution may not be far distant.) He chose, in order to soften the measure, to suffer this small portion of your trade, not exceeding seven millions of dollars, as shall be shown hereafter, to be carried on, but under his express permission, which he might withdraw at pleasure. This is the trade which the nation has been told might still be pursued; and these are the terms on which it would be enjoyed. Is there, sir, a soul that warms an American breast so degraded as to be willing to accept of such a boon upon such conditions? I had supposed there was not? I had supposed that every American would recoil with indignation from such a proposition; but in this I was mistaken. A proposition made by a gentleman from Massachusetts, (Mr. LIVERMORE,) during the last session, had for its object expressly to pursue such part of your commerce as Great Britain had assigned you, by her orders, and no more, and to relinquish all she had prohibited.

A gentleman from Maryland, (Mr. KEY,) in a long speech, recommended, and strongly advocated the same measure in substance. He told you your fish would be carried to one market, and your produce to another, to a considerable amount, without being exposed to danger from those edicts; and how did this appear? Because Great Britain had permitted you to go to those places, he would therefore carry on so much commerce as she was pleased to permit, and by which she might conceive herself likely to be benefited, and abandon the rest. If His Majesty, George the Third, had an advocate on this floor, whose business it was to carry into effect his Orders in Council, he could have proposed no measure more effectual for that purpose than this would have been. Nothing could more completely ex-

ecute those orders, than confining your trade to those ports, and within the precise circle which these orders prescribe. It is acknowledging, what I am told, some British agents and advocates in this country avow, that Great Britain has conquered the ocean, and has therefore a right to regulate commerce upon it as she pleases. We have been told something about pursuing a Chinese policy; but I venture to affirm that this would be the most effectual mode to destroy your foreign commerce, and establish this kind of policy. If you acknowledge the supremacy of Great Britain, the right she has to limit, circumscribe, and regulate your commerce, when, and how she pleases, you at once sap the vital principles of foreign commerce, and necessarily lay the foundation for a Chinese policy. If, to-day, she cuts off all your trade, except to the West India islands, in a few days, months, or years, she may on the same principle cut you off from them also. This might probably open the eyes of those who are most deeply interested in commerce; and I cannot help feeling the strongest conviction, that if the merchants in the Eastern States saw this subject in its true light, they would be amongst the first to support at every hazard the measures already adopted and proposed. They are deeply interested in preserving unimpaired foreign commerce in its full extent. In the bold and daring violations of it by those orders and decrees, they must see a fatal blow aimed at its vital principles; which, if submitted to, may be repeated, and finally complete its total destruction. They are therefore now seriously called upon to determine whether, in order to avoid this catastrophe, and maintain unimpaired the great principles of national commerce, they will not rally round their Government, who have put everything to hazard for this important object, and support not only the embargo and non-intercourse, so long as the same are thought proper and necessary, but also war with all its calamities, should that be the result. If they do not act thus, through whatever delusion it may be, they will most certainly repent when they are undeceived, for they must and will be convinced, in a short time, that the real objects of those measures, and of the Government in adopting them, were, and still are, the protection of national commerce; and that the effects of the course proposed by the opposition party would be to sap its very foundations, to endanger its existence, to surrender the fairest portions of it to Great Britain, and fritter it away to a mere skeleton—a name without substance. If gentlemen interested in commerce will persevere in this course, let them beware of, and be prepared to abide by, the consequences.

I come now to show, as I proposed, in the fourth place, that if you even submitted to carry on the miserable pittance of commerce that was left you, and which could be enjoyed if the embargo had not been laid, it would only amount to a mere trifle, not sufficient to merit any serious notice, and could not be considered as any compensation for national degradation and dishonor.

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You were shut out from the continent of Europe. I will not mention again your trade to Sweden; she is now a mere speck in the political horizon, and scarcely known in the political world. The conditions upon which you would obtain permission to trade to any other place on the Continent, are too degrading to be passed in review here. I will not go through the odious task, for the purpose of exciting your indignation, of repeating the tribute or tax imposed on your commerce, and even on your own produce in British ports, in order to obtain a license to carry it elsewhere; I will not rouse indignant feelings, by telling the people of this country that they may send their cotton to the Continent, by carrying it first to Great Britain, and there paying a duty of 17 cts. per lb. on it, and receiving a license, as a badge of vassalage to George III, which would certainly procure its condemnation at any port on the Continent to which it could go. Nor will I enter into a calculation of the duty to be paid on that portion of your produce consumed in Great Britain, after it is forced into her ports; neither shall I pursue the regulations by which you are compelled to take your cotton and other articles out of the warehouses for the purpose of home consumption on payment of duties, unless exported within fifteen months after you have been compelled to carry them there by their cruisers; and in case your cotton will not sell for a sufficient price to pay the charges and duties, you are graciously permitted to burn or otherwise destroy it, in order to avoid paying duties. These odious impositions need not be announced to the American people, to rouse resentment already sufficiently excited; but in order to show what trade you could pursue, subject to those humiliating restrictions of the belligerents already mentioned, I have made out, though with some reluctance, as I do not conceive the question before you to depend on calculations, a brief statement of your commerce with those countries and places to which you were permitted to go. This statement, taken from official documents, will present the House with the amount of trade during the last year, ending the 30th of September 1807, to the respective countries and places to which which we were permitted to go by the orders of Great Britain, and were not prevented from going by the decrees of France.

A statement of the countries, and value of domestic produce exported.

Turkey, Barbary, Africa, China, South seas, and Northwest coast of America -	\$480,286
Not interdicted by France, and permitted by Great Britain:	
Spanish colonies - - - -	2,817,344
French colonies - - - -	3,046,763
Dutch East Indies - - - -	79,880
	\$6,424,273

If we should add to these the colonies of Sweden and Portugal, though they would, most probably, be considered as subject to those edicts, the amount would be—

Colonies of Sweden - - - -	416,509
Colonies of Portugal - - - -	570,303
	\$7,411,085
And if to this be added our exports to Sweden herself - - - -	56,187
The amount will be - - - -	\$7,467,272

The whole trade, therefore, that could be pursued by the special permission of Great Britain, and not interdicted by France, when the embargo was laid, would be less than seven million and a half of dollars, out of more than one hundred and eight and one-third millions, the amount of your foreign trade for the same year. This, sir, is a correct statement, and cannot be controverted by any authentic documents; and it will show how falacious the statements were, which a gentleman from Maryland (Mr. Key) made at the close of last session, and which were calculated to impose on the public mind. I know, sir, we exported during the period mentioned, to the same countries, foreign produce and manufactures to the amount of about sixteen millions and a half of dollars; but this cannot be included in the commerce we could pursue; because we could not procure the articles which constituted this branch of our exports, being prohibited from going to those countries where they could be obtained. It is proper here also to remark, that your imports from the same countries are less than your exports, which can be shown from the most correct information on the subject. But, whatever they may have been, they must in such case depend entirely on your exports, as they would depend on the means you had to pay for them. We could not, therefore, export from those countries more than they received from us, because we would not possess the means to pay for such overplus. This leaves the estimate precisely as already stated, and confines the amount of commerce you could pursue to the sum before stated, of about seven and a half millions, out of one hundred and eight and one-third millions of dollars, the amount of your lawful commerce. And this paltry, inconsiderable portion of your trade, which would be entirely confined to a few particular States of the Union, you are seriously called upon to pursue, at the expense of, and to accept as the price for, national degradation and dishonor; and it has also been used as the stalking-horse to divert the public mind (which would always decide correctly, if properly informed) from the real situation in which their commerce was placed by the conduct of the belligerent Powers. And we are now told, because we did not sell our honor, our independence, our birth-right, for this petty morsel of (commercial) bread, we have brought the nation to the verge of ruin.

But some gentlemen have said, there are countries which have not passed any orders or decrees violating your lawful commerce, you ought to force a trade with them, notwithstanding you are prohibited from going to them by edicts of the belligerents. This is the only other propo-

sition suggested of opening a trade, and, at first view, possesses some plausibility. The objections to this course, however, are insurmountable. It is not pretended such trade could be pursued without arming. If you arm your merchant vessels, with authority to capture, it is immediate war with the belligerents. If you arm them only for defence, you expose them to almost certain destruction, without the chance to reimburse the loss by retaliating on their enemies. For they would not generally be attacked except by vessels of superior force, to which their resistance would be ineffectual—and they would not be authorized to attack in their turn, and by way of retaliation, vessels of inferior force. This would, therefore, lead directly to a war of depredation on your commerce, in which it would be exposed to inevitable ruin, and in which your merchants would certainly have everything to lose and nothing to gain.

But suppose you were to pursue this trade in opposition to those insuperable objections, its amount would be so inconsiderable as to afford the country no sensible relief; it would not claim the public attention, and could in no point of view be considered as any compensation for the hazard you would incur of a ruinous and predatory war. I have made another brief statement from authentic sources, to show the value of this trade to the respective countries, that had not, on the 22d December, 1807, passed edicts violating our commerce. This statement relates to the exports of the year ending the 30th September, 1807.

DOMESTIC PRODUCE.

<i>Countries.</i>	<i>Exports.</i>
Russia - - - - -	\$78,850
Sweden - - - - -	56,157
Colonies of Sweden - - - - -	410,509
Portugal - - - - -	829,313
Colonies of Portugal - - - - -	570,303
Turkey and Barbary - - - - -	12,878
African western coast - - - - -	369,724
China - - - - -	74,022
South Sea and Northwest coast of America - - - - -	14,162
In all - - - - -	<u>2,422,918</u>

These are all the countries which, at the time the embargo was laid, had not passed orders or decrees violating your lawful commerce, and with which you had carried on any trade. Hamburg and Germany are not mentioned, being in possession of France. The whole amount of the commerce that could be carried on with those countries, therefore, is as stated less than two millions and a half of dollars. For it must be confined to the exports of your own produce. I know there has been exported to the same countries, of foreign produce, during the same period, about \$3,361,917. But this amount cannot be taken into the calculation, for the reason already given relative to the former statement, that we could not obtain the foreign goods which used to supply this branch of trade. It is also to be remarked here that our

imports would be governed by our exports, and would exceed them for want of means to pay for the surplus. But some gentlemen have lately said you can now go on the same terms to Spain and her colonies. There is no sufficient ground to believe that the ports of Spain are open to us; so far as she is controlled by France, her former decrees are still in force, and so far as she is governed by the new Order that has lately arisen there, the Juntas, we have no assurance whatever from them on the subject; and what is still more important, our vessels sequestered in their ports have not yet been released. But suppose you could now go to Spain and her countries, your exports to them in domestic produce are short of four millions of dollars; so that the whole trade you could pursue even at this time on the most extended plan proposed; and at the hazard of fighting the navy and privateers of Great Britain, as well as those of France, would be less than six and a half millions of dollars; which certainly would not, even if we were to be guided by mercenary views—which I hope will never control the councils of this nation, when its best interests and rights are at stake—be any adequate object for national humility and disgrace, or even for the danger to which you would expose your commerce, of becoming a sure and easy prey to the cruisers of both those Powers.

But it is difficult to comprehend what precise object gentlemen have in view, on the subject of arming for defence. No specific proposition has been brought forward for arming your merchant vessels, that designated what gentlemen meant by the term, or what authority they contemplated giving them. To send out your commerce without arming, would be submission of the meanest and most humble kind. If you permit them to arm, what is the consequence? If they are authorized to capture vessels belonging to the belligerents, this is war at once, and ought to be understood; and if gentlemen are serious in the determination to go to war, let them say so, and we may probably join them. But if you do not authorize your merchantmen to capture, you send out your commerce to become a prey to both Great Britain and France, you expose your merchants to be plundered without a chance to retaliate. This would result in the destruction of your commerce, and would be almost as degrading to the nation as unconditional submission.

I have presented those statements which I have made, in relation to the amount of commerce that could be enjoyed according to any plan suggested, and the probable result of pursuing any such commerce, not so much with the expectation of being able to give the House much new information, as with the view to correct misrepresentations which have been made on this floor, and have gone abroad on this subject. I shall compress the additional remarks I have to make within as narrow a compass as may be in my power. It was observed in regard to the embargo, that it has been approved of by France, and not complained of by Great Britain. This is a question which I feel no disposition to exam-

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ine in this place. Whether this assertion be correct or not, I should presume could not affect the decision of the question before you. If it be correct, however, if those Powers are satisfied with the embargo, it proves beyond a doubt that those who announced it as a war measure last year were totally mistaken, and that all their objections to it on that ground (and that was the principal ground on which it was then opposed) were altogether unfounded; this it would seem might silence them on this subject. But it may be proper to observe that those Powers have no right to object to it, however hard it may press upon them. It is a municipal regulation, a measure we have an undoubted right to adopt, without being considered just cause of complaint to any foreign nation. But, sir, so far as regards the fact as stated, I am not disposed to believe it; there is no substantial proof to support it. The best information shows the embargo has made a very serious impression on the people of Great Britain, and has had a powerful effect there, though it may not have produced the desired result. Facts speak a stronger language than anything in official letters from Secretaries, or announced in newspapers. The insurrections of the starving mechanics, the high price of provisions, the alarms throughout that whole country on account of apprehended famine, are strong proofs of the operation of the embargo. But if it did not produce the effects in that country which might have been expected, we cannot be responsible for that. We are not accountable for the conduct of foreign nations; and the circumstance of their not feeling a measure as strongly as might have been expected, is no sufficient reason why we should not persevere in it, if it is a wise and proper measure, productive of good effects at home. It has certainly saved our property, and hitherto kept us free from the calamities of war. If it has not, however, produced all the good effects that were expected, there are many strong reasons which can be assigned for it, that could not have been foreseen and were not within the control of those who passed it; among these may be mentioned the numerous evasions of it in certain parts of the Union, which were shamefully countenanced by many whose standing in society gave just grounds to expect from them a different line of conduct. By these means the measure was deprived of much of its coercive efficacy; many of the most corrupt and profligate characters enriched themselves at the expense of the honest part of society, and at the same time to the great benefit of the enemies of their country. In saying this I do not mean to apply the remark to any general section of the country, but to the individuals concerned in the violations of the law, and those who encouraged or countenanced them; their conduct will stain their characters and names with reproach for ages to come. It is a kind of treason against the State, of the most insidious and dangerous kind; like murder produced by poison, it corrodes the vitals of the body politic in so secret a manner that the perpetrator most generally evades the punishment his crime

so justly deserves. Such characters, and those who countenance them, ought to be detected if possible, and severely punished; they ought to be marked as enemies to their country; in particular they ought to be distinguished as enemies to the commercial interest of the nation; having, at the expense of the honest merchant, aided those who have endeavored to extinguish the vital principles of your commerce. They have robbed their own country to befriend and support its enemies; and so in effect do all those who at this awful crisis oppose and revile their own Government, and justify or excuse the aggressions of foreign Powers. But let them remember the day of retribution is probably near at hand, when they may have to account for their conduct in a summary way; when they must determine to which side they belong, to America or Great Britain; when they must take their stand in the ranks of their own country or declare for its enemies. The time must soon arrive when this distinction will be made, and then, I trust, it will appear who are the real friends of their country, and who are rotten-hearted foreigners.

Other circumstances contributed, no doubt, very much to prevent the embargo from producing that effect on foreign nations which might have been expected; of these may be noticed the numerous misrepresentations that were industriously disseminated abroad in regard both to the pressure of it on the people here, and to their disposition to submit to and support the measure. Its pressure was exaggerated, and painted in the most extravagant colors, without regard to truth; the spirit of the people was misrepresented, as being in general hostile to the law, and disposed to resist its execution; when, in fact, the discontents were confined to a very small section of the Union, and excited there by the leaders of a small faction, many of whom are evidently the agents or warmest friends of Great Britain, and all of whom are the bitter enemies of their own Government, and have for years opposed every measure calculated to promote the interest of this country. Your public prints teemed with falsehoods, and misstatements on this subject; insurrections were announced in some quarters of the Union as likely to take place, and dreadful distress stated to prevail everywhere. These groundless misrepresentations, circulated for party purposes alone, went abroad, and had, no doubt, considerable influence on the conduct of foreign nations; they gave credit to them, and were induced to believe that the people of this country would not endure a continuance of the embargo; that they would soon force the Government to repeal it. Those Powers, encouraged by such publications, determined, notwithstanding they were sorely pressed by the embargo, to persevere in their aggressions, under the hope that we would not long continue this measure, and that we would ultimately submit to their terms. To this shameful conduct of a portion of your own people, sir, this country owes, in a great degree, the continuance of its present difficulties, and the inefficacy of the embargo. The great outcry

made with regard to the distress and pressure produced by this measure at home, is in a considerable degree unfounded; your people do not suffer in any part of the Union for want of the necessities of life; they have a superabundance of them; there is no such thing as suffering for want known in this country; there is only a temporary pause in the rapid acquisition of wealth; a cessation of profits only. I do not mean to be understood to say that the American people do not feel the embargo; I know they do feel it sensibly; and they must have expected to feel any measure that would be likely to press hard on those who violate their rights. But the great difference between its effects on us, and on them, is this: among our people it occasions a superabundance of all the necessities of life, and the only ground of complaint is, the want of a market for the surplus; while their people suffer and complain aloud for want of enough of the necessities of life, essential for their subsistence, and which they cannot obtain from any other quarter. No one will hesitate on deciding whose situation is most eligible, and least to be complained of, that of those who have too much, or of those who have not enough to subsist upon. Another reason may also be assigned, why we could not anticipate the precise effect of the embargo on foreign Powers; we could not foresee that the Governments of those Powers would not regard the distress and sufferings of their people; that France would suffer her West India colonies to be almost desolated with famine, and to be compelled to apply to their inveterate enemy, to save them from actual starvation rather than revoke her decrees; nor could we know that the Government of Great Britain would be regardless of the complaints and representations of her manufacturers, and a respectable portion of her merchants; that it would lend a deaf ear to the hungry cries of the starving mechanics, and silence their just and loud complaints with the thunder of their murdering guns, and quench their hunger with a shower of balls instead of bread. We cannot be culpable for not anticipating such events.

It has been said by the gentleman from Massachusetts, (Mr. QUINCY,) that the people of New England will descend upon the ocean; that they will not bear this measure. If this be intended as a threat; if the gentleman meant that the people of New England are determined to resist the laws of the Union, let him say so; let us know it, and we will act accordingly. [Mr. QUINCY said, he did not mean or think that they would resist the laws.] Mr. CAMPBELL continued: I am happy to hear the gentleman explain his expressions in the manner he has done; it will render unnecessary some remarks I intended to make on that point. I hope, sir, these people will not oppose the laws of their country. I feel a confidence that the genius of liberty has not deserted New England, and that a large majority of the people there would rally round the standard of their Government when the occasion required it. From the best information I have been able to obtain, the people of one of those States, (I mean

Connecticut,) which has generally differed in political sentiments from the present Administration, still retain the spirit of independence, and a sense of the value of their Constitution and civil liberties, and would be among the first to put down any open opposition to the laws; to crush in embryo the demon of insurrection. This, sir, I hope is true; it breathes the surviving of the spirit of seventy-six; it is highly honorable to those people; it proves them to be honest in their sentiments and good citizens. While the laws passed by a Constitutional majority are in force, they will support them; still they may justly claim the right, if they do not think them wholesome, to disapprove of them, and use all Constitutional means to procure their repeal. I would, sir, still indulge a strong hope that a large majority of the people of the very State from which the gentleman (Mr. QUINCY) comes, would, when called upon, support the laws of their country, and punish the lawless wretches who dare openly set up the standard of opposition. If gentlemen acknowledge that this is the case, I trust we shall not again hear the language of menace on this floor. On this subject I concur perfectly in sentiment with the gentleman from Virginia, (Mr. RANDOLPH,) that if any portion of the people oppose a public law, they must be reduced to submission, and I would be among the first to compel obedience to it; and I would, also, as stated by the gentleman from Maryland, (Mr. NELSON,) if the disease required bleeding, use the lancet, and that promptly too. Yes, sir, whoever would attempt to raise the standard of insurrection, should be made a public example of, as the enemy to independence and civil liberty; as the agent or tool of a foreign Power.

It has been repeatedly said, the people of New England will not bear this measure; that there will be a separation of the States. Such sentiments cannot be entertained or countenanced by any true American—by any friend to his country. They may be cherished by the agents and tools of Great Britain; by the enemies of our Constitution and independence, and by them alone. A separation of this Union, sir, can never be contemplated or countenanced by any portion of the people, even of New England, who are real Americans. Such a disposition can only exist among a few unprincipled and restless spirits, who, regardless of the general good, wish to become the petty tyrants of the people in that quarter, to lord it over them, make them groan under heavy taxes, and finally strip them of their liberty and independence; and, probably, to render their object more certain, would throw themselves under the fostering care of Great Britain, and become openly, what they now are secretly, her very minions and humble tools.

To enable them to effect this object, they may endeavor, under false pretences, to spirit up the people there to a severance of the Union, in order to withdraw them from the protection of the General Government and Constitution, which guarantees to every State a republican form of government, and is to the people their strong shield

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against tyranny and oppression. . . To this group, however, this little insignificant group alone, must be confined any intention or disposition whatever to oppose the laws or sever the Union. The great body of the real Americans of New England, who descended from the illustrious heroes of 1776, and who hold dear the liberty and independence for which their fathers fought and bled, will not endeavor to stab the very vitals of their own country; they will not enlist under foreign banners; they will not, in the day of danger, be arrayed against their country; they will be found in the ranks, who dare to fight and shed their best blood for their country. But if the people of that quarter were to consider this proposition of a separation from the Union correctly, even in a pecuniary point of view, and as regards their own interest alone, they must reject it without hesitation. A great proportion, at least four-fifths, of the shipping of New England, find employment in carrying to market the produce of the Middle, Southern, and Western States. The whole produce of their own soil does not exceed in value seven or eight millions of dollars, out of forty-eight millions exported by the United States, while the single article of cotton, in the Southern and Western States, exceeds in value fourteen millions of dollars. They are, therefore, the mere carriers for the Middle and Southern States. Cut off their connexion and commerce with them, and where would they find employment for their immense tonnage of which they so much boast? What would become of it? Where would they get employment for their seamen? Their ships would rot at their wharves, or float empty upon the ocean; they could not furnish them with cargoes, and their boasted commerce would soon dwindle away into a mere trifle compared with its present flourishing condition. Have gentlemen who make these insinuations about a separation of New England from the Union, seriously considered the subject in these points of view, and fairly weighed the consequences? If they have not, it is high time they should. These remarks are made to show that New England cannot possibly have any interest in such a measure; that, on the contrary, it would be ruinous to the best interests of the people, and cannot, therefore, unless they are totally deluded, be countenanced by them.

It is with some reluctance I come to notice some remarks made by a gentleman from Massachusetts, (Mr. QUINCY,) with respect to the report under consideration; that abstract legislation generally proceeds from ignorance, or wickedness, or—[Mr. QUINCY requested to explain; he said his remarks were intended to apply to the doctrines recommended, and not to the style of the report or the committee who made it.] Mr. C. proceeded—I shall, sir, generally be willing to take gentlemen's explanations of the meaning of what they have said. I had intended to make some observations in answer to the remarks of the gentleman on this point, as I understood them, as relating to the report; but, as it is now stated, they were not intended to apply to the commit-

tee or the report itself, I shall omit those remarks and say nothing on that point. The gentleman, however, in another place, observed, that the principles contained in the report were loathsome. I do not, sir, profess to comprehend his meaning very distinctly when he applies the term loathsome to the principles of the report. A principle may be incorrect, or improper, to be supported, but how it can be loathsome, is not very obvious. [Mr. QUINCY said he had alluded to the course, not the principles.] I will take the gentleman's explanation, said (Mr. CAMPBELL,) though I took his words down as I have stated them; the course proposed is loathsome; this amounts to the same thing; the course proposed is founded on the principles assumed, and the facts stated in the report, and consists of the resolutions annexed thereto. How these can be called loathsome, is rather difficult to comprehend. But it seems there was a loathing produced; perhaps the appetite was vicious, and not the food presented impure or unwholesome; or, are we to understand that the resolution before you, which has been called weak, and so self-evident as not to admit of a doubt, has become so strong as to operate on the gentleman's delicate political stomach as an emetic, and occasion the discharge of that envenomed gall of rancorous enmity to the Government, which seems to exist in such abundance, and which is so liberally bestowed on most occasions by that gentleman and others? Should this be the case, the result may be a favorable one, and less of these bitter invectives may be expected for the future than has been usual. But those kinds of objections to the report must arise from one of two causes; either from defects in the report itself, or from a bluntness of mental optics in those who make the objections, if indeed they are sincere. The report, however, is now before the public, and they will decide, and no doubt correctly, to which of these causes we ought to ascribe all the unqualified censures we have heard against it. I shall willingly acquiesce in their decision. It may not be improper here to remark, that notwithstanding the hard names by which the gentleman has called the principles of this report, he has not ventured to deny the correctness of one of them; he has not denied the aggressions therein stated to have been committed on our rights by the belligerents, nor has he attempted to show that there is any other course which we could pursue, better calculated to resist those aggressions than that presented in the report. This renders it unnecessary for me, at this time, to enter into a further investigation of this part of the subject. When gentlemen specify their objections to the course we propose, or present us with their project, we shall endeavor to answer the one and examine the other.

Gentlemen appear so anxious and determined to produce, if possible, a conviction among the people, that they are oppressed by the embargo; that no matter what question is before the House, their constant theme is the pressure of the embargo, the distress it produces, and the ruin it will bring on the country. This mournful tale is re-

peated on every occasion, and painted in the highest and most extravagant colors. One gentleman, (Mr. RANDOLPH,) at the close of one of those exaggerated representations, inquires what he shall do with his third crop of tobacco? The answer to this will equally apply to many other inquiries of a similar nature, made during this discussion. What would he do with it if the embargo was at this moment removed? You could not send it to the Continent, because you are prohibited by the British Orders in Council. If you should even submit to Great Britain, and, at the expense of national disgrace, send your tobacco there, she consumes less than 10,000 hogsheads of it out of about 80,000, which is annually exported, and the price that could be obtained for that portion at a market so glutted, would not pay the freight. What, then, would you do with it, supposing the embargo was off? The same you do now; keep it in your warehouses until there is a market open for it. The gentleman intimated you might carry it to Sweden, and find a market for it at Gottenburg, and that it would find its way from thence to the Continent; on what ground this last assertion is made, I cannot comprehend. It is well known that Sweden is at war with Russia, and it may be said with all the Powers on the Continent; that she has no communications with them, and that all their ports are shut against her. Produce of any kind could not, therefore, find its way to the continent of Europe through her ports; and she herself consumes but a very small quantity of tobacco. Taking off the embargo, therefore, would not furnish a market for this article; until the Orders of Council are revoked, you can have no market for tobacco.

But another ground has been taken and much relied upon, that the Treasury is drained by the operation of the embargo, and the sources of your revenue dried up. This argument, like most others which have been made against this measure, rests entirely upon ascribing effects to the wrong cause. They ascribe to the embargo what is really produced by the orders and decrees of the belligerents; and all that has been already said to show that those orders and decrees, and not the embargo, destroyed your commerce, will apply in this case, and show that they, in fact, and not the embargo, drained your Treasury, and dried up the sources of your revenue. For it is certain, that so long as your revenue depends upon your commerce, whatever destroys your commerce, of course, cuts up your revenue. It has already been shown, that if your commerce went upon the ocean, it would be captured; and it surely cannot be pretended that the capture of your vessels and property by Great Britain would increase the receipts in your Treasury, or open for you new sources of revenue. It must be much better to have your Treasury empty and your property at home, than to be deprived of the latter and have the former drained; nor can it be pretended that, for the sake of a commerce worth only three, or even six, millions of dollars, you ought to surrender your best rights, or haz-

ard the calamities of a predatory war on your own merchants. The revenue to be raised from such a commerce would be inconsiderable, and I trust that, on a question involving the independence of our country, we shall not be governed by mercenary views alone, or by the effect it may have on our finances. If the only inquiry was, how we should replenish the Treasury, the case would be different; the effect of measures on the Treasury ought to be the principal point to be ascertained. But at such a crisis as the present, the questions of maintaining your independence and increasing your revenue, ought to be kept separate and distinct. You ought to protect and preserve unimpaired the rights of your people, whatever the effect on the Treasury might be. So long as the people have their property and rights secure, and are independent, you are safe; a rich people and an empty treasury, is much better than a poor people and an overflowing treasury. They will always support their Government so long as it acts correctly. Should direct taxes become necessary, they will cheerfully pay them, because they would be on their own account and for their own interest—though there is no ground to believe that such will be the case; and it is chimerical, it is a mere slander upon the good sense of the people, to suppose that such a measure would either produce a separation of the Union, or lead to a consolidation of the State authorities into the General Government. There can be no pretext for such alarms. But, sir, the Treasury is at this time more abundantly filled than it has been at any former period, and there are reasonable grounds to expect we shall be able to replenish it before it is entirely exhausted. But surely the nerves of gentlemen must be of a very delicate texture when they tremble so much for the fate of the nation, because our revenue may not have been as productive the present year as it was the last. There can be no good ground for such extraordinary palpitations on this subject. The American people will always furnish the means to maintain their rights and support their Government, if those means are properly applied.

I shall close the remarks I have to make at present on this subject, by calling on those gentlemen who oppose the present course, to give us the plan they wish to pursue, and let us know the grounds upon which they act. Do they deny the aggressions stated to have been committed on our commerce and neutral rights by the belligerents? If they do, let them inform us which of those Powers they consider justifiable in her conduct. If, on the contrary, they do not; if they admit those aggressions were committed on our rights, are they willing to resist them? Are they determined to vindicate the rights and independence of their country? If they are we wish to know in what manner. If they are not willing to pursue the measures of resistance we propose, of a total interdiction of intercourse with those Powers, will they assume a higher ground? Will they prefer war? If they do, this is one of the alternatives presented in the report. We wish to

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know what measures they are willing to adopt for the safety of the nation. The crisis is awful. The time has come to unite the people of America; we join issue with the gentlemen as to temporizing policy; we are for decisive measures; we have not, we will not, now temporize. We say there is no middle course. We are, in the first place, for cutting off all intercourse with those Powers who trample upon our rights. If that will not prove effectual, we say take the last alternative, war, with all its calamities, rather than submission, or national degradation. This is the time for every man to take his stand in the ranks on one side or the other. There can no longer be but two denominations of characters in this country—friends and foes. Dangers thicken around, and threaten us from abroad; it is therefore high time for domestic differences to cease. The period has arrived at which every man in the nation must be called upon to rally round the standard of American freedom; when he must declare whether he will be for his country, or against his country; whether he will be an American or a traitor!

When Mr. CAMPBELL had concluded, the House adjourned.

WEDNESDAY, December 7.

Mr. SAY presented memorials from sundry late officers in the Pennsylvania line of the Revolutionary army, stating that, from the peculiar circumstances of the memorialists, they have been compelled to dispose of the certificates of pay and commutation granted them for military services rendered to the United States; and praying such relief in the premises as to the wisdom and justice of Congress shall seem meet.

Mr. WHARTON presented a petition from sundry late officers of the Massachusetts, Pennsylvania, Maryland, Virginia, and North Carolina lines of the said Revolutionary army, to the like effect.

The said memorials and petition were read, and ordered to lie on the table.

Mr. DURELL moved that the House do come to the following resolution:

Resolved, That it be the duty of the Clerk of this House to furnish the Representatives in Congress from each State in the Union, for the time being, and the Delegates from each of the Territories thereof, with one copy of every public document, including the laws and journals printed by order of the House, to be by them transmitted to the principal seminary of learning in each State and Territory, respectively.

The resolution was read, and, on motion of Mr. BACON, ordered to lie on the table.

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The House then resumed the consideration of the first member of the first resolution reported on Thursday last, from the Committee of the Whole, which was depending yesterday at the time of adjournment, in the words following, to wit:

“Resolved, That the United States cannot, without a sacrifice of their rights, honor, and independence, submit to the late edicts of Great Britain.”

Mr. G. W. CAMPBELL concluded his observations of yesterday, as given entire in preceding pages.

Mr. QUINCY.—Mr. Speaker, I offer myself to the view of this House with very sensible embarrassment, in attempting to follow the honorable gentleman from Tennessee, (Mr. CAMPBELL)—a gentleman who holds so distinguished a station on this floor, through thy blessing, Mr. Speaker, on his talents and industry. I place myself with much reluctance in competition with this, our great political Æneas, an illustrious leader of antiquity, whom, in his present relations, and in his present objects, the gentleman from Tennessee not a little resembles; since, in order to evade the ruin impending over our cities—taking my honorable colleague (Mr. BACON) by one hand, and the honorable gentleman from Maryland (Mr. MONTGOMERY by the other, (little Iulus and wife Creusa)—he is posting away into the woods with Father Anchises and all the household gods.

When I had the honor of addressing this House a few days ago, I touched this famous report of our Committee of Foreign Relations perhaps a little too carelessly; perhaps I handled it a little too roughly, considering its tender age, and the manifest delicacy of its constitution. But, sir, I had no idea of affecting very exquisitely the sensibilities of any gentleman. I thought that this was a common report of one of our ordinary committees, which I had a right to canvass or to slight, to applaud or to censure, without raising any extraordinary concern, either here or elsewhere. But, from the general excitement which my inconsiderate treatment of this subject occasions, I fear that I have been mistaken. This can be no mortal fabric, Mr. Speaker. This must be that image which fell down from Jupiter, present or future. Surely, nothing but a being of celestial origin would raise such a tumult in minds tempered like those which lead the destinies of this House. Sir, I thought that this report had been a common piece of wood—*inutile lignum*—just such a piece of wood as any day-laborer might have hewed out in an hour, had he health and a hatchet. But it seems that our honorable chairman of the Committee of Foreign Relations, *maudit esse Deum*. Well, sir, I have no objections. If the workmen will, a god it shall be. I only wish, that when gentlemen bring their sacred things upon this floor, that they would blow a trumpet before them, as the heathens do, on such occasions, to the end that all true believers may prepare themselves to adore and tremble, and that all unbelievers may turn aside, and not disturb their devotions.

I assure gentlemen that I meant to commit no sacrilege. I had no intention, sir, of canvassing very strictly this report. I supposed, that when it had been published and circulated, it had answered all the purposes of its authors, and I felt no disposition to interfere with them. But the House is my witness that I am compelled, by the clamor raised on all sides by the friends of the Administration, to descend to particulars, and to examine it somewhat minutely.

My honorable colleague (Mr. BACON) was pleased the other day to assert:—Sir, in referring to his observations, on a former occasion, I beg the House not to imagine that I am about to follow him. No, sir; I will neither follow nor imitate him. I hang upon no man's skirts; I run barking at no man's heel. I canvass principles and measures solely with a view to the great interests of my country. The idea of personal victory is lost in the total absorption of sense and mind in the impending consequences.—I say he was pleased to assert that I had dealt in general allegations against this report, without pointing out any particular objection. And the honorable chairman (Mr. CAMPBELL) has reiterated the charge. Both have treated this alleged omission with no little asperity. Yet, sir, it is very remarkable, that, so far from dealing in general allegations, I explicitly stated my objections. The alternatives presented by the report—war or suspension of our rights, and the recommendation of the latter, rather than take the risk of the former, I expressly censured. I went further. I compared these alternatives with an extract from an address made by the first Continental Congress to the inhabitants of Great Britain, and attempted to show, by way of contrast, what I thought the disgraceful spirit of the report. Yet, these gentlemen complain that I dealt in general allegations. Before I close, sir, they will have, I hope, no reason to repeat such objections. I trust I shall be particular, to their content.

Before entering upon an examination of this report, it may be useful to recollect how it originated. By the third section of the second article of the Constitution, it is declared that the President of the United States "shall, from time to time, give to Congress information of the state of the Union, and recommend to their consideration such measures as he shall judge necessary and expedient." It is, then, the duty of the President to recommend such measures as in his judgment Congress ought to adopt. A great crisis is impending over our country. It is a time of alarm and peril and distress. How has the President performed this Constitutional duty? Why, after recapitulating, in a formal Message, our dangers and his trials, he expresses his confidence that we shall, "with an unerring regard to the essential rights and interests of the nation, weigh and compare the painful alternatives, out of which a choice is to be made," and that "the alternative chosen will be maintained with fortitude and patriotism." In this way our Chief Magistrate performs his duty. A storm is approaching; the captain calls his choice hands upon deck; leaves the rudder swinging, and sets the crew to scuffle about alternatives! This Message, pregnant with nondescript alternatives, is received by this House. And what do we? Why, constitute a great Committee of Foreign Relations, and, lest they should not have their attention completely occupied by the pressing exigencies of those with France and Great Britain, they are endowed with the whole mass—British, Spanish, and French; Barbary Powers and Indian neighbors. And what does

this committee do? Why, after seven days' solemn conclave, they present to this House an illustrious report, loaded with alternatives—nothing but alternatives. The cold meat of the Palace is hashed and served up to us, piping hot, from our committee room.

In considering this report, I shall pay no attention to either its beginning or its conclusion. The former consists of shavings from old documents, and the latter of birdlime for new converts. The twelfth page is the heart of this report; that I mean to canvass. And I do assert, that there is not one of all the principal positions contained in it which is true, in the sense and to the extent assumed by the committee. Let us examine each, separately:

"Your committee can perceive no other alternative but abject and degrading submission, war with both nations, or a continuance and enforcement of the present suspension of our commerce."

Here is a tri-forked alternative. Let us consider each branch, and see if either be true, in the sense assumed by the committee. The first—"abject and degrading submission"—takes two things for granted: that trading, pending the edicts of France and Great Britain, is submission; and next that it is submission, in its nature, abject and degrading. Neither is true. It is not submission to trade, pending those edicts, because they do not command you to trade; they command you *not* to trade. When you refuse to trade, you submit; not when you carry on that trade, as far as you can, which they prohibit. Again, it is not true that such trading is abject and disgraceful, and that, too, upon the principles avowed by the advocates of this report. Trading, while these edicts are suspended over our commerce, is submission, say they, because we have not physical force to resist the power of these belligerents; of course, if we trade, we must submit to these restrictions, not having power to evade or break through them. Now, admit, for the sake of argument, (what however in fact I deny,) that the belligerents have the power to carry into effect their decrees so perfectly; that, by reason of the orders of Great Britain, we are physically disabled from going to France; and that, by the edicts of France, we are in like manner disabled from going to Great Britain. If such be our case, in relation to these Powers, the question is, whether submitting to exercise all the trade which remains to us, notwithstanding these edicts, is "abject and degrading."

In the first place, I observe, that submission is not, to beings constituted as we are, always "abject and degrading." We submit to the decrees of Providence—to the laws of our nature. Absolute weakness submits to absolute power; and there is nothing in such submission shameful or degrading. It is no dishonor for finite not to contend with infinite. There is no loss of reputation, if creatures, such as men, perform not impossibilities. If then it be true, in the sense asserted by some of the advocates of this report, that it is physically impossible for us to trade with France and Great Britain and their dependencies, by reason of these edicts, still there is nothing "abject

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or degrading" in carrying on such trade as these edicts leave open to us, let it be never so small or so trifling; which, however, it might be easily shown, as it has been, that it is neither the one nor the other. Sir, in this point of view, it is no more disgraceful for us to trade to Sweden, to China, to the Northwest coast, or to Spain and her dependencies—not one of which countries is now included in those edicts—than it is disgraceful for us to walk, because we are unable to fly; no more than it is shameful for man to use and enjoy the surface of this globe, because he has not at his command the whole circle of nature, and cannot range at will over all the glorious spheres which constitute the universe.

The gentleman from Tennessee (Mr. CAMPBELL) called upon us just now to tell him what was disgraceful submission, if carrying on commerce under these restrictions was not such submission. I will tell that gentleman. That submission is "abject and disgraceful" which yields to the decrees of frail and feeble power, as though they were irresistible; which takes counsel of fear, and weighs not our comparative force; which abandons the whole, at a summons to deliver up a part; which makes the will of others the measure of rights, which God and nature not only have constituted eternal and unalienable, but have also endued us with ample means to maintain.

My argument on this clause of the report of the committee may be presented in this form: either the United States have or they have not physical ability to carry on commerce in defiance of the edicts of both or of either of these nations. If we have not physical ability to carry on the trade which they prohibit, then it is no disgrace to exercise that commerce which these irresistible decrees permit. If we have such physical ability, then, to the degree in which we abandon that commerce which we have power to carry on, is our submission, "abject and disgraceful." It is yielding without a struggle; it is sacrificing our rights, not because we have not force, but because we have not spirit to maintain them. It is in this point of view that I am disgusted with this report. It abjures what it recommends; it declaims, in heroics, against submission, and proposes, in creeping prose, a tame and servile subserviency.

It cannot be concealed, let gentlemen try as much as they will, that we can trade, not only with one, but with both these belligerents, notwithstanding these restrictive decrees. The risk to Great Britain against French capture scarcely amounts to two per cent.; that to France against Great Britain is unquestionably much greater. But, what is that to us? It is not our fault, if the power of Britain on the ocean is superior to that of Bonaparte. It is equal and exact justice between both nations for us to trade with both, as far as it is in our power. Great as the power of Britain is on the ocean, the enterprise and intrepidity of our merchants are more than a match for it. They will get your products to the Continent in spite of her navy. But, suppose they do not; suppose they fail, and are captured in the attempt; what is that to us? After we have given

them full notice of all their dangers, and perfect warning, either of our inability or of our determination not to protect them, if they take the risk, it is at their peril. And, upon whom does the loss fall? As it does now, through the operation of your embargo, on the planter, on the farmer, on the mechanic, on the day-laborer? No, sir; on the insurer—on the capitalist—on those who, in the full exercise of their intelligence, apprized of all the circumstances, are willing to take the hazard for the sake of the profit.

I will illustrate my general idea by a supposition. There are two avenues to the ocean from the harbor of New York—by the Narrows, and through Long Island Sound. Suppose the fleets, both of France and Great Britain, should block up the Narrows, so that to pass them would be physically impossible, in the relative state of our naval force. Will gentlemen seriously contend that there would be anything "abject or disgraceful," if the people of New York should submit to carry on their trade through the Sound? Would the remedy for this interference with our rights be abandoning the ocean altogether? Again; suppose, that instead of both nations blockading the same point, each should station its force at a different one—France at the mouth of the Sound, Britain at the Narrows. In such case, would staying at home, and refusing any more to go upon the sea, be an exercise of independence in the citizens of New York? Great philosophers may call it "dignified retirement," if they will. I call it, and I am mistaken if the people would not call it, "base and abject submission." Sir, what in such a case would be true honor? Why, to consider well which adversary is the weakest, and cut our way to our rights through the path which he obstructs. Having removed the smaller impediment, we should return with courage, strengthened by trial and animated by success, to the relief of our rights, from the pressure of the strongest assailant. But, all this is war; and war is never to be incurred. If this be the national principle, avow it; tell your merchants you will not protect them; but, for Heaven's sake, do not deny them the power of relieving their own and the nation's burdens, by the exercise of their own ingenuity. Sir, impassable as the barriers offered by these edicts are in the estimation of members on this floor, the merchants abroad do not estimate them as insurmountable. Their anxiety to risk their property, in defiance of them, is full evidence of this. The great danger to mercantile ingenuity is internal envy—the corrosion of weakness or prejudice. Its external hazard is ever infinitely smaller. That practical intelligence which this class of men possesses, beyond any other in the community, excited by self-interest—the strongest of human passions—is too elastic to be confined by the limits of exterior human powers, however great or uncommon. Build a Chinese wall, and the wit of your merchants, if permitted freely to operate, will break through it, or overleap it, or undercreep it.

"mille adde catenas

"Effugiet tamen, hæc sceleratus vincula Proteus.

The second branch of the alternatives under

consideration is equally deceptive—"War with both nations." Can this ever be an alternative? Did you ever read in history, can you conceive in fancy, a war with two nations, each of whom is at war with the other, without an union with one against the other immediately resulting? It cannot exist in nature. The very idea is absurd. It never can be an alternative, whether we shall fight two nations each hostile to the other. But it may be, and if we are to fight at all, it is a very serious question, which of the two we are to select as an adversary. As to the third branch of these celebrated alternatives, "a continuance and enforcement of the present system of commerce," I need not spend time to show that this does not include all the alternatives which exist under this head—since the committee immediately admit, that there does exist another alternative, "partial repeal," about which they proceed to reason.

The report proceeds. "The first" (abject and degrading submission) "cannot require any discussion." Certainly not. Submission of that quality which the committee assume, and with the epithets of which they choose to invest it, can never require discussion at any time. But, whether trading under these orders and decrees, be such submission, whether we are not competent to resist them in part, if not in whole, without a total abandonment of the exercise of all our maritime rights, the comparative effects of the edicts of each upon our commerce, and the means we possess to influence or control either, are all fair and proper subjects of discussion; some of which the committee have wholly neglected and none of which have they examined, as the House had a right to expect.

The committee proceed "to dissipate the illusion" that there is any "middle course," and to reassert the position before examined, that "there is no other alternative than war with both nations, or a continuance of the present system." This position they undertake to support by two assertions. First, that "war with one of the belligerents only, would be submission to the edicts and will of the other." Second, that "repeal in whole or in part of the embargo, must necessarily be war or submission."

As to the first assertion, it is a miserable fallacy, confounding coincidence of interest with subjection of will; things in their nature palpably distinct. A man may do what another wills, nay, what he commands, and not act in submission to his will, or in obedience to his command. Our interest or duty may coincide with the line of conduct another presumes to prescribe. Shall we vindicate our independence at the expense of our social or moral obligations? I exemplify my idea in this way. Two bullies beset your door, from which there are but two avenues. One of them forbids you to go by the left, the other forbids you to go by the right avenue. Each is willing that you should pass by the way which he permits. In such case, what will you do? Will you keep house forever, rather than make choice of the path through which you will resume your external rights? You cannot go both ways at once, you

must make your election. Yet, in making such election, you must necessarily coincide with the wishes and act according to the commands of one of the bullies. Yet who, before this committee, ever thought an election of one of two inevitable courses, made under such circumstances, "abject and degrading submission" to the will of either of the assailants? The second assertion, that "repeal in whole or in part of the embargo must necessarily be war or submission," the committee proceed to maintain by several subsidiary assertions. First—"a general repeal without arming would be submission to both nations." So far from this being true, the reverse is the fact; it would be submission to neither. Great Britain does not say, "you shall trade with me." France does not say "you shall trade with me." If this was the language of their edicts, there might be some color for the assertion of the committee, that if we trade with either we submit. The edicts of each declare you shall not trade with my adversary. Our servile knee-crooking embargo, says, "you shall, therefore, not trade." Can any submission be more palpable, more "abject, more disgraceful?" A general repeal without arming, would be only an exercise of our natural rights, under the protection of our mercantile ingenuity, and not under that of physical power. Whether our merchants shall arm or not, is a question of political expediency and of relative force. It may be very true that we can fight our way to neither country, and yet it may be also very true, that we may carry on a very important commerce with both. The strength of the national arm may not be equal to contend with either, and yet the wit of our merchants may be over-match for the edicts of all. The question of arming or not arming, has reference only to the mode in which we shall best enjoy our rights, and not at all to the quality of the act of trading during these edicts. To exercise commerce is our absolute right. If we arm, we may possibly extend the field beyond that which mere ingenuity would open to us. Whether the extension thus acquired be worthy of the risk and expense is a fair question. But, decide it either way, how is trading as far as we have ability, made less abject than not trading at all?

I come to the second subsidiary assertion. "A general repeal and arming of merchant vessels, would be war with both, and war of the worst kind, suffering the enemies to plunder us, without retaliation upon them."

I have before exposed the absurdity of a war with two belligerents, each hostile to the other. It cannot be true therefore, that "a general repeal and arming our merchant vessels," would be such a war. Neither if war resulted, would it be "war of the worst kind." In my humble apprehension, a war, in which our enemies are permitted to plunder us, and our merchants not permitted to defend their property, is somewhat worse than a war like this; in which, with arms in their hands, our brave seamen might sometimes prove too strong for their piratical assailants. By the whole amount of property, which we might be able to preserve, by these means, would such a war be

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better than that in which we are now engaged. For the committee assure us, that the aggressions, to which we are subject, "are to all intents and purposes a maritime war, waged with both nations against the United States."

The last assertion of the committee, in this most masterly page is, that "a partial repeal must, from the situation of Europe, necessarily, be actual submission to one of the aggressors, and war with the other." In the name of common sense, how can this be true? The trade to Sweden, to Spain; to China, is not now affected by the orders or decrees of either belligerent. How is it submission, then, to these orders for us to trade to Gottenburg, when neither France nor Britain command, nor prohibit it? Of what consequence is it to us, what way the Gottenburg merchant disposes of our products, after he has paid us our price? I am not about to deny that a trade to Gottenburg would defeat the purpose of coercing Great Britain, through the want of our supplies, but I reason on the report upon its avowed principles. If gentlemen adhere to their system, as a means of coercion, let the Administration avow it as such, and support the system, by arguments, such as their friends use every day on this floor. Let them avow, as those friends do, that this is our mode of hostility against Great Britain. That it is better than "ball and gunpowder." Let them show that the means are adequate to the end; let them exhibit to us, beyond the term of all this suffering, a happy salvation, and a glorious victory, and the people may then submit to it, even without murmur. But while the Administration support their system only as a municipal regulation, as a means of safety and preservation, those who canvass their principle are not called upon to contest with them on ground, which not only they do not take, but which, officially, they disavow. As partial repeal would not be submission to either, so, also, it would not be war with either. A trade to Sweden would not be war with Great Britain, that nation is her ally, and she permits it. Nor with France, though Sweden is her enemy, she does not prohibit it. Ah! but say the committee, "a measure which would supply exclusively one of the belligerents, would be war with the other." This is the State secret; this is the master-key to the whole policy. You must not only do what the letter of these orders prohibits, but you must not sin against the spirit of them. The great purpose is, to prevent your product from getting to our enemy, and to effect this you must not only so act as to obey the terms of the decrees, but keeping the great purpose of them always in sight, you must extend their construction to cases which they cannot, by any rule of reason, be made to include.

Sir, I have done with this report. I would not have submitted to the task of canvassing it, if gentlemen had not thrown the gauntlet with the air of sturdy defiance. I willingly leave to this House and the nation to decide whether the position I took in the commencement of my argument is not maintained; that there is not one of

the principal positions contained in the 12th page, the heart of this report, which is true, in the sense and to the extent assumed by the committee.

It was under these general impressions that I used the word "loathsome," which has so often been repeated. Sir, it may not have been a well chosen word. It was that which happened to come to hand first. I meant to express my disgust at what appeared to me a mass of bold assumptions, and of illy cemented sophisms.

I said, also, that "the spirit which it breathed was disgraceful." Sir, I meant no reflection upon the committee. Honest men and wise men may mistake the character of the spirit, which they recommend, or by which they are actuated. When called upon to reason concerning that which, by adoption, is to become identified with the national character, I am bound to speak of it as it appears to my vision. I may be mistaken. Yet, I ask the question: is not the spirit which it breathes disgraceful? Is it not disgraceful to abandon the exercise of all our commercial rights, because our rivals interfere with a part; not only to refrain from exercising that trade which they prohibit, but for fear of giving offence, to decline that which they permit? Is it not disgraceful, after inflammatory recapitulation of insults, and plunderings, and burnings, and confiscations, and murders, and actual war made upon us, to talk of nothing but alternatives, of general declarations, of still longer suspension of our rights, and retreating farther out of "harm's way?" If this course be adopted by my country, I hope I am in error concerning its real character. But to my sense, this whole report is nothing else than a recommendation to us of the abandonment of our essential rights and apologies for doing it.

Before I sit down, I feel myself compelled to notice some observations which have been made in different quarters of this House on the remarks which, at an early stage of this debate, I had the honor of submitting to its consideration. My honorable colleague (Mr. BACON) was pleased to represent me as appealing to the people over the heads of the whole Government, against the authority of a law which had not only the sanction of all the legislative branches of the Government, but also of the Judiciary. Sir, I made no such appeal. I did not so much as threaten it. I admitted, expressly, the binding authority of the law. But I claim a right, which I ever will claim, and ever will exercise, to urge, on this floor, my opinion of the unconstitutionality of a law, and my reasons for that opinion, as a valid ground for its repeal. Sir, I will not only do this, I will do more. If a law be, in my apprehension, dangerous in its principles, ruinous in its consequences, above all, if it be unconstitutional, I will not fail in every fair and honorable way to awaken the people to a sense of their peril; and to quicken them, by the exercise of their Constitutional privileges, to vindicate themselves and their posterity from ruin.

My honorable colleague (Mr. BACON) was also pleased to refer to me, "as a man of divisions and distinctions, waging war with adverbs, and deal-

ing in figures." Sir, I am sorry that my honorable colleague should stoop "from his pride of place," at such humble game as my poor style presents to him. Certainly, Mr. Speaker, I cannot but confess that, "deeming high" of the station which I hold; standing, as it were, in the awful presence of an assembled people, I am more than ordinarily anxious, on all occasions, to select the best thoughts in my narrow storehouse, and to adapt to them the most appropriate dress in my intellectual wardrobe. I know not whether, on this account, I am justly obnoxious to the asperity of my honorable colleague. But, on the subject of figures, sir, this I know, and cannot refrain from assuring this House that, as on the one hand, I shall, to the extent of my humble talents, always be ambitious, and never cease striving to make a decent figure on this floor; so, on the other, I never can be ambitious, but, on the contrary, shall ever strive chiefly to avoid cutting a figure like my honorable colleague.

The gentleman from Georgia, (Mr. TROUP,) the other day, told this House that, if commerce were permitted, such was the state of our foreign relations, none but bankrupts would carry on trade. Sir, the honorable gentleman has not attained correct information in this particular. I do not believe that I state anything above the real fact, when I say that, on the day this Legislature assembled, one hundred vessels, at least, were lying in the different ports and harbors of New England loaded, riding at single anchor, ready and anxious for nothing so much as for your leave to depart. Certainly, this does not look much like any doubt that a field of advantageous commerce would open, if you would unbar the door to your citizens. That this was the case in Massachusetts I know. Before I left that part of the country, I had several applications from men, who stated that they had property in such situations, and soliciting me to give them the earliest information of your probable policy. The men so applying, I can assure the House, were not bankrupts; but intelligent merchants, shrewd to perceive their true interests; keen to pursue them. The same honorable gentleman was also pleased to speak of "a paltry trade in potash and codfish," and to refer to me as the Representative of men who raised "beef and pork, and butter and cheese, and potatoes and cabbages." Well, sir, I confess the fact. I am the Representative, in part, of men, the products of whose industry are beef and pork, and butter and cheese, and potatoes and cabbages. And let me tell that honorable gentleman, that I would not yield the honor of representing such men, to be the Representative of all the growers of cotton and rice, and tobacco and indigo, in the whole world. Sir, the men whom I represent, not only raise those humble articles, but they do it with the labor of their own hands, with the sweat of their own brows. And by this, their habitual mode of hardy industry, they acquire a vigor of nerve, a strength of muscle, and spirit of intelligence, somewhat characteristic. And let me say to that honorable gentleman, that the men of whom I speak will not, at his call, nor

at the invitation of any man or set of men from his quarter of the Union, undertake to "drive one another into the ocean." But, on the contrary, whenever they once realize that their rights are invaded, they will unite, like a band of brothers, and drive their enemies there.

The honorable gentleman from Kentucky, (Mr. JOHNSON,) speaking of the embargo, said, that this was the kind of conflict which our fathers waged; and my honorable colleague (Mr. BACON) made a poor attempt to confound this policy with the non-intercourse and non-importation agreement of 1774 and 1775. Sir, nothing can be more dissimilar. The non-intercourse and non-importation agreement of that period, so far from destroying commerce, fostered and encouraged it. The trade with Great Britain was indeed voluntarily obstructed, but the enterprise of our merchants found a new incentive in the commerce with all the other nations of the globe, which succeeded immediately on our escape from the monopoly of the mother country. Our navigation was never suspended. The field of commerce at that period, so far from being blasted by pestiferous regulations, was extended by the effect of the restrictions adopted.

But let us grant all that they assert. Admit, for the sake of argument, that the embargo, which restrains us now from communication with all the world, is precisely synonymous with that non-intercourse and non-importation which restrained us then from Great Britain. Suppose the war, which we now wage with that nation, is in every respect the same as that which our fathers waged with her in 1774 and 1775. Have we from the effects of their trial any lively hope of success in our present attempt? Did our fathers either effect a change in her injurious policy or prevent a war by non-intercourse? Sir, they did neither the one nor the other. Her policy was never changed until she had been beaten on our soil, in an eight years' war. Our fathers never relied upon non-intercourse and non-importation as measures of hostile coercion. They placed their dependence upon them solely as means of pacific influence among the people of that nation. The relation in which this country stood at that time with regard to Great Britain, gave a weight and a potency to those measures then, which in our present relation to her, we can neither hope nor imagine possible. At that time we were her Colonies, a part of her family. Our prosperity was essentially hers. So it was avowed in this country. So it was admitted in Great Britain. Every refusal of intercourse which had a tendency to show the importance of these then colonies to the parent country, of the part to the whole, was a natural and a wise means of giving weight to our remonstrances. We pretended not to control, but to influence, by making her feel our importance. In this attempt we excited no national pride, on the other side of the Atlantic. Our success was no national degradation, for the more we developed our resources and relative weight, the more we discovered the strength and resources of the British power. We

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were then component parts of it. All the measures of the Colonies, antecedent to the Declaration of Independence, had this principle for their basis. As such, non-importation and non-intercourse were adopted in this country. As such, they met the co-operation of the patriots of Great Britain, who deemed themselves deviating from none of their national duties, when they avowed themselves the allies of American patriots, to drive through the influence of the loss of our trade, the ministry from their places, or their measures. Those patriots did co-operate with our fathers, and that openly, in exciting discontent, under the effect of our non-intercourse agreements. In so doing, they failed in none of their obligations to their sovereign. In no nation, can it ever be a failure of duty to maintain that the safety of the whole depends on preserving its due weight to every part. Yet, notwithstanding the natural and little suspicious use of these instruments of influence, notwithstanding the zeal of the American people coincided with the views of Congress, and a mighty party existed in Great Britain, openly leagued, with our fathers, to give weight and effect to their measures, they did not effect the purposes, for which they were put into operation. The British policy was not abandoned. War was not prevented. How then can any encouragement be drawn from that precedent, to support us under the privations of the present system of commercial suspension? Can any nation admit that the trade of another is so important to her welfare, as that on its being withdrawn, any obnoxious policy must be abandoned, without at the same time admitting that she is no longer independent? Sir, I could indeed wish that it were in our power to regulate not only Great Britain, but the whole world, by opening or closing our ports. It would be a glorious thing for our country to possess such a mighty weapon of defence. But, acting in a public capacity, with the high responsibilities resulting from the great interests, dependant upon my decision, I cannot yield to the wishes of love-sick patriots, or the visions of teeming enthusiasts; I must see the adequacy of means to their ends. I must see, not merely that it is very desirable that Great Britain should be brought to our feet, by this embargo, but that there is some likelihood of such a consequence to the measure, before I can concur in that universal distress and ruin, which, if much longer continued, will inevitably result from it. Since, then, every dictate of sense and reflection convinces me of the utter futility of this system, as a means of coercion, on Great Britain, I shall not hesitate to urge its abandonment. No, sir, not even although, like others, I should be assailed by all the terrors of the outcry of British influence.

Really, Mr. Speaker, I know not how to express the shame and disgust with which I am filled, when I hear language of this kind cast out upon this floor, and thrown in the faces of men, standing justly on no mean height in the confidence of their countrymen. Sir, I did, indeed, know that such vulgar aspersions were circulating among the lower passions of our nature. I knew

that such vile substances were ever tempering between the paws of some printer's devil. I knew that foul exhalations like these daily rose in our cities, and crept along the ground, just as high as the spirits of lampblack and saline oil could elevate; falling, soon, by native baseness, into oblivion, in the jakes. I knew, too, that this species of party insinuation was a mighty engine, in this quarter of the country, on an election day, played off from the top of a stump, or the top of a hog'shead, while the gin circulated, while barbacue was roasting; in those happy, fraternal associations and consociations, when those who speak, utter without responsibility, and those who listen, hear without scrutiny. But little did I think, that such odious shapes would dare to obtrude themselves, on this national floor, among honorable men;—the select representatives, the confidential agents of a wise, a thoughtful and a virtuous people. I want language to express my contempt and indignation at the sight.

So far as respects the attempt which has been made to cast such aspersions on that part of the country which I have the honor to represent, I beg this honorable House to understand, that so long as they, who circulate such insinuations, deal only in generals and touch not particulars, they may gain among the ignorant and the stupid a vacant and a staring audience. But when once these suggestions are brought to bear upon those individuals, who in New England have naturally the confidence of their countrymen, there is no power in these calumnies. The men who now lead the influences of that country, and in whose councils the people on the day when the tempest shall come will seek refuge, are men whose stake is in the soil, whose interests are identified with those of the mass of their brethren, whose private lives and public sacrifices present a never failing antidote to the poison of malicious invectives. On such men, sir, party spirit may indeed cast its odious filth, but there is a polish in their virtues, to which no such slime can adhere. They are owners of the soil; real yeomanry; many of them men who led in the councils of our country in the dark day which preceded the national independence; many of them men, who, like my honorable friend from Connecticut on my left, (Mr. TALLMADGE,) stood foremost on the perilous edge of battle; making their breasts in the day of danger a bulwark for their country. True it is, Mr. Speaker, there is another and a much more numerous class, composed of such as through defect of age can claim no share in the glories of our Revolution; such as have not yet been blest with the happy opportunity of "playing the man" for their country; generous sons of illustrious sires; men, not to be deterred from fulfilling the high obligations they owe to this people by the sight of foul and offensive weapons. Men who, with little experience of their own to boast, will fly to the tombs of their fathers, and questioning concerning their duties, the spirit which hovers there, will no more shrink from maintaining their native rights, through fear of the sharpness of malevolent tongues, than they will, if put to the

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trial, shrink from defending them through fear of the sharpness of their enemies' swords.

When Mr. QUINCY had concluded, the House adjourned without taking a question.

THURSDAY, December 8.

On motion of Mr. NEWTON, that the unfinished business of yesterday, depending at the time of adjournment, do lie on the table; and that the House do now resolve itself into a Committee of the Whole on the amendatory bill authorizing the President to employ an additional number of revenue cutters: and the question being taken thereupon, it was resolved in the affirmative.

The House accordingly resolved itself into the said Committee; and, after some time spent therein, the bill was reported without amendment, and ordered to be engrossed, and read the third time to-day.

FOREIGN RELATIONS.

The House then resumed the consideration of the first member of the first resolution reported on Thursday last from the Committee of the Whole, which was depending yesterday at the time of adjournment, in the words following, to wit:

"Resolved, That the United States cannot, without a sacrifice of their rights, honor, and independence, submit to the late edicts of Great Britain."

Mr. KEY said that it was with much regret that he had seen the course which the debate on the first resolution had taken; as the propositions contained in that resolution met his entire and full approbation, he could have wished that instead of the discussion which had taken place, a silent, dignified vote, the spontaneous effect of feeling and judgment, had at once passed. It would have been a better course, would have had a better effect, and kept the American mind from the impression which the protraction of the discussion must have occasioned, when taken in connexion with the subject. A view however of the embargo had been gone into in respect to its past effects at home, and its probable future effects at home and abroad. As that course had been adopted, he said he should find an apology, for the time which he should occupy, in the present eventful crisis, and the interest it universally excited.

I did myself believe (said Mr. KEY) that the first resolution was an abstract proposition, and I still think so, although gentlemen consider it special, but surely a special proposition may be an abstract one. That which I consider an abstract proposition, is one out of which no future legislative proceedings can grow; but I agree that the crisis well warrants an expression of the public voice.

I shall take up the report and resolutions as a system, not with a view to condemn the report at all, for I take it as gentlemen wish it to be considered. I understand the gentleman from Massachusetts (Mr. BACON) as stating that the committee on our foreign relations had said nothing of the embargo. It was not necessary, Mr. Speaker, that they should, for the embargo law continues

in operation until repealed. But surely it must be recollected that the Committee on Foreign Relations in their resolutions seem to consider the system which they recommend, as including a continuance of the embargo; and I trust I meet the committee on fair and firm ground, when I consider their assent to be implied to the continuance of the embargo, and that it is their opinion that the measures which they recommend, united with the embargo, form an efficient system proper for the American people to adopt at this time. I shall necessarily therefore endeavor to answer gentlemen who have considered the embargo as a wise measure for the American people; that they are competent to bear it; and that it will, if guarded more sedulously, yet work out the political salvation of our land.

That the embargo is a measure severely felt by our country at large, and by some portions of it to a very eminent degree, cannot be denied. I did not expect to hear its effects contradicted; but they have been in some measure softened by the honorable chairman of the committee. I think the pressure of this measure great, and in some places requiring all the exertion of patriotism to support it. And as a proof of it, the members on this floor from different parts of the Union have only contended which section suffered most. A member from Massachusetts, (Mr. QUINCY,) because he conceives that thirty millions of dollars have been lost to the Eastern country by the measure, hence concludes that the Eastern country suffers most. The gentlemen from the Southern country say that they raise seventy millions of pounds of cotton, of which but ten millions are consumed at home, and the whole of the residue remains on hand; and that having seven-tenths of their produce unsold, conceive that they most sensibly feel the weight of this affliction in their country. A member from Virginia (Mr. RANDOLPH) will not yield the palm of oppression to either. "I live (said the gentleman) in the centre of the tobacco country, whether you draw the line from East to West, or from North to South. We are not less pressed than others, for we have no vent for this article so obnoxious in itself, but which the taste of mankind has rendered necessary." Now, with great deference to all these gentlemen, I say that my country suffers most. The Southern country possesses its staples, which but remain on hand; their value only diminished by the non-export. Tobacco and cotton may be preserved without material injury for a length of time. We know that at the close of the Revolutionary war tobacco bore a greater price than previous to its commencement, and amply remunerated the holders. But I represent an agricultural country. What can resuscitate wheat devoured by the fly? What restore flour soured in the barrel? Our produce perishes, the subject is destroyed. So far therefore as I represent an extensive and fertile farming district, I will not yield the palm of pressure to the cotton and tobacco country. So great has been the feeling of the people that it has wrought a wondrous change in the State which I have the honor to represent;

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not in men who are either deluded or deceived, as intimated by the gentleman from Tennessee, (Mr. CAMPBELL,) but men who, by the pressure of the embargo itself, have been driven to reflection, and by reflection removed the film from their eyes, and thereby seen their true interests more distinctly. In the course of the last Winter, the Legislature of the State of Maryland, believing that the Orders in Council justified the embargo, and that it was a wise measure, approved of it. Succeeding elections have taken place, and the present House of Representatives tells you that it is most ruinous and oppressive. Such certainly are its effects in the State of Maryland; and I should illy represent my own district, if I did not so declare. Gentlemen will say that I should rather be pleased with the change than regret it; but, so help me God, Mr. Speaker, I am much less anxious what description of citizens administers the affairs of the country, than that they should be well administered; that it should protect the liberty, give to labor its just reward, and promote the happiness and prosperity of the citizens.

But it is alleged, by the honorable chairman of the committee, (Mr. CAMPBELL,) that this is a delusion; that the people do not comprehend the subject; for that it is the Orders in Council which have produced our embarrassments, and not the embargo. Here then, sir, I am precisely at issue with that learned and honorable gentleman. I contend that the pressure on the people is caused by the embargo, and not by the Orders in Council. However speculative theorists may reason, there is proof abroad, and stubborn facts to contradict their reasoning. Test the market from Boston to Savannah, as to the price which you may get at ninety days credit, the embargo being continued, or on condition that the embargo be repealed in thirty days. Is there no difference in the price under these circumstances? I know well from experience, and the whole country knows, that if the embargo be now taken off, the price of every species of produce will rise fifty per cent. The depreciation in price then flows from the embargo. Remove it and they will give you more; keep it on and they will give you less. These are stubborn facts, and every man who has gone to the market will attest their correctness. You may reason as you please; but there is not a farmer that can be reasoned out of his senses, especially when they are sharpened a little by necessity. I hold these facts to be more conclusive than any abstract reasoning to prove that the embargo does work a diminution in the value of the articles which we have for sale. If this be the case, it results, sir, that we must ascribe to the operation of that measure the loss our country now so greatly feels. Our citizens are not so uninformed as the gentleman from Tennessee imagines. He thinks, and I agree with him, that the public voice will be generally right, when the people are well informed. They have seen all the official communications which have been published, and are competent to judge whether the Orders in Council justified the embargo, and whether, if the embargo

had not been laid, they would have wrought that effect which we now so sensibly feel. Instead of being deluded, sir, their eyes are opened, and the film removed; and they see that the embargo was not justified by necessity, and as far as their opinion has been expressed, that it was impolitic and unwise.

The gentleman seems to think that the country cannot feel much because it feeds well; but we may feel and feed at the same time. It is plenty that we complain of. Our surplus is touched by this torpedo, the embargo, and is thereby rendered useless. But gentlemen say that if the embargo were now taken off, we could not trade; and a calculation has been entered into by the gentleman from Tennessee in opposition to one made by me at the last session. I have not seen my calculation for months, sir; it is before the public—the gentleman's statement will go to the same tribunal, and I am willing to commit my slender reputation to the country for the accuracy of mine, and let the people judge between us. The gentleman tells you that we have no commerce to resort to which would be either safe or profitable. It is strange we cannot confide the decision of this question to commercial men—for what commercial man would undertake a voyage which shall be attended with certain ruin? I had thought that men of great experience and information, and whose knowledge was sharpened by interest, might be safely confided in. But merchants, whose habits of life have led them to calculate, whose information extends to every part of the world, are not to be trusted with the prosecution of their own interest, but we must kindly take it in hand for them! Sir, I contend that commerce had better be left free for merchants to find a market, which every one knows they would do, from their eagerness now to ship. If they could not export with safety, or profit, they would lay a voluntary embargo, ten thousand times better than a coercive one; the very necessity of coercion shows that our merchants would sail, were it not for the embargo. I contend that the embargo is ruinous and oppressive. Need I say anything further on the subject? Look at the country. The courts of justice shut in one of the Southern States; executions suspended in a State contiguous to this; and Maryland reduced to the same necessity, from the circumstance of there being no market for our produce. So great is the pressure that the people have it not in their power to pay their ordinary debts; and how eloquent is the fact that in a moment of peace (for certainly there is not war) we are compelled to arrest the current of justice. The legislative acts depict the situation of the country more strikingly than volumes of argument. The State Legislatures know the inability of their citizens to pay, and hold out a kind hand to assist them.

In point of revenue how does it work? The honorable chairman of the committee, (Mr. CAMPBELL,) in a speech of great learning and investigation, told us that the Treasury never was more full. I wish the documents were before the House to convince us of it. But did an atom of it flow

in from the operation of the embargo? If there be such a surplus, it only shows the beneficial operation of the system pursued anterior to the embargo. What is to fill your Treasury now, if the people cannot sell their produce? What will in this case become of your source of wealth in the Western country? The people can neither buy lands, nor buying, pay for them. Where is the impost duty, which has supported the Government, and sunk to a considerable degree the national debt? The moment you prevent all importation, there is an utter extinction of impost revenue; and at home a physical inability to produce any from the people at large. We are a rich country, abounding in the necessities of life; we have money's worth, but no money. Nor can our people by any practical means raise money to defray the expenses of State Governments, much more of that of the United States. I am in the country, sir; I cannot collect my rents, my neighbors cannot sell wheat or tobacco. All is stopped. I ask then what physical ability we have to discharge the State taxes, or any other? We have no other way of getting money but through the sale of our produce. Gentlemen say that our revenue would fall just as short, supposing the embargo to be raised. That is begging the question, sir. They assume that for a truth which they ought to prove in the first instance. Leave commerce open, and you will soon have money in return for our produce, or that which will procure it. Revenue is the life of Government, and let me suppose gentlemen to be sitting here thirteen months hence, on the first of January, 1810. Where is your revenue then to come from? You have dried up every source of the national wealth. What must you do? Either borrow or raise money by direct taxation. There is no doubt what must be resorted to; and it was touched with great ability, though slightly touched, by the gentleman from Virginia (Mr. RANDOLPH) as to the consequences which must grow out of such a system as direct taxation. This species of taxation is not consonant to the genius of the country, to the habits of our people—it comes too close to the pocket of the agriculturist, and is besides a source of revenue which ought to belong exclusively to the States. I hold it as a political truism, that upon the sovereignty and independence of each State, as guaranteed by the Constitution, do our liberties depend. I know that some of the ablest men in America opposed the adoption of the Federal Constitution on this ground: that the General Government being raised and supported on external matters only, if the time should ever arrive at which foreign commerce should cease, and internal taxes be resorted to, that great would be the conflict between the officers of the State and General Governments, which would ultimately end in the prostration of State rights. Gentlemen call the embargo, in silken phrase, a temporary suspension of commerce. I will call it by its own name; it is better known to the people by it. I contend that the embargo now laid is a perpetual embargo, and no member of this House can constitutionally say it is otherwise; for the immedi-

ate Representatives of the people have so played the game as to leave the winning trump out of their own hands, and must now have a coincidence in opinion both of the Senate and of the President of the United States to effect its repeal. If the whole of this body were to consent to a repeal, and a majority of the Senate, yet the President might resist them both. Is there any limitation to the law on the statute book? No; but there is a power given to the President to suspend it in the whole or in part, in the event of certain contingencies. Have those contingencies happened? Are they likely to happen? No, sir; and these are the views which I take of the subject. America, anxious to get rid of this burden, has proffered to take it off, if either of the two belligerents would relax their edicts in our favor in relation to such one, keeping it on in relation to the other. What says the sarcastic British Minister? Why, sir, that they have no cause of complaint; that it was laid by the President as a precautionary measure; and they were told by our Minister that it was not to be considered as a hostile measure. What says France? She gives us no answer, say gentlemen. Aye, sir—and is that true? Have we indeed received no answer? I think we have one that wounds our feelings as deeply as the answer of Mr. Canning. It is the situation of our Minister abroad, who says he dare not ask for an answer, because the asking it might be injurious to our cause. What, have we a Minister abroad, and is he afraid or unwilling to make a proposition to the Government where he is resident? Surely, sir, that state of things furnishes as definite an answer as any that could be given. We have no hopes that either will remove its edicts. Sir, I consider the embargo as a premium to the commerce of Great Britain. Gentlemen say that she is a great Power, a jealous Power, and possessed of a monopolizing spirit. If these views be correct, by annihilating our commerce, do we not yield the seas to her, and hold out an inducement to her forever to continue her orders in force? What prospect is there that the embargo will be removed? It cannot now be got rid of by a vote of this House. We are saddled with it. If we cast our eyes to proceedings elsewhere constitutionally held on the same subject, we shall find that it is to remain still farther to oppress and burden the people of this country with increased rigor.

As a measure of finance it has laid the axe to the root. The tree is down that bore the golden fruit, and will not again grow till we ease ourselves of this measure. In a fiscal point of view I cannot then for my life think it a wise or provident measure. But as a preparation for war, it is still worse; because it produces a deficiency of that out of which war alone cannot be sustained. Instead of having money for your surplus produce, it rots upon your hands; instead of receiving a regular revenue, we have arrested its course, and dried up the very source of the fountain. As to preparation at home, which is the only preparation contemplated to make, what or whom is it against? Against France? She cannot come

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here. Or against England, who, with the monopoly of commerce which you leave her to enjoy, has no object further to annoy you? I believe, as a preparation for war, the best expedient would be to get as much money as we could, to send out our surplus produce and bring back the supplies necessary for an army if to be raised at all—to arm and discipline the militia. A raising of the embargo would be a preparation for war—it would bring us articles of the first necessity for our surplus. But on a continuation of the embargo, things must progress from bad to worse.

Another thing, sir; I do not now mean to take a Constitutional view of the subject—but will not gentlemen pause and reflect on the continuance of the embargo? It is well known that the General Government grew out of a spirit of compromise. The great authors of that instrument were well acquainted with the term embargo. A temporary embargo, for the purpose of sending out a squadron of concealing an equipment, was well understood. But I ask every one who hears me, if a question had been agitated in convention to give Congress a power to lay an embargo for one or two years, if the Eastern or commercial States would have agreed to it? Does any man believe it? No man who knows the country can believe it. With what sedulous anxiety did they say, in a negative provision of the Constitution, that Congress should not lay an export duty? You are prohibited the minor power of taxing exports, and yet you stop exports altogether for an indefinite term. It is utterly inconceivable, that the States interested in commerce should have given their assent to any such powers so self-destructive. If they had given them, they ought to be most clear; not by implication, but most manifest. The exercise of powers counter-acting principles most dear to every part of the community, ought to be assumed with the utmost caution. Under that view, except the measure be most wise in itself, and its effects most clear, the Government ought not to continue the embargo. But why is it to be continued? We have taken some view of its effects at home. Let us see what effects may be expected to be produced by it abroad. An honorable gentleman told us an hundred millions were saved by laying the embargo, a sum nearly equal to the whole exports of the United States for one year, excluding the capital employed. The first two or three seizures of vessels, sir, would have sent an alarm abroad, and the danger been so imminent, they would have voluntarily retired from destruction. There are no reasonable data from which to infer that one hundred millions of our property could at any one time have fallen a prey. Some few vessels might have been taken, but the rest would have escaped the grasp of the Power which harassed them.

I will now examine the character of this measure; for upon my word, sir, it seems a political non-descript, though we feel its effects so severely. The President tells you it is a measure of precaution only; and yet we are told by the gentlemen that it is a species of war, which Amer-

ica can best use to coerce the two greatest Powers on the earth, commanding land and sea, to truckle at our feet. I know not how gentlemen can place our connexion with foreign nations in such a predicament; whilst the President officially holds out to the world that the embargo was a peaceful measure, gentlemen now say that it is a coercive one, a sort of quasi war. I recollect a gentleman at the last session making an estimate of the West Indies being worth an hundred millions to Britain, and predicting that before the measure was ninety days known in the West Indies, it would bring that nation to our feet, that it would act as a great political lever, resting its fulcrum on Jamaica, and move all Europe to our wishes. Double the number of days have elapsed, and they hold out insulting language. How then can we trust to the future predictions of gentlemen? Their error arises from a want of knowledge of the country; a little experience is worth all the theory in the world. In the years 1774-5, an honorable feeling adopted a non-exportation and non-importation agreement, more faithfully executed by patriotism than any law since made or enacted; for every family refused to use an article which was not raised within the bosom of its own country. Did it produce starvation in the West Indies? No, sir; the politicians of that day did not so calculate. They knew the resources of those islands, and told them that if they would convert a part of their sugar plantations into cornfields, they would not suffer. We are now in the habit of overvaluing ourselves and undervaluing our enemies. Come the day when it will, we shall have no ignoble foes to meet.

In the Revolutionary war how did England stand—how her islands? For several years she was at war with America, with Holland, with Spain, with France, whose fleets in the East and West Indies were often equal, sometimes superior to her own, and an armed neutrality in the North—during this period a French fleet blockaded the Chesapeake, and aided the capture of Cornwallis, and threatened the British islands—but how was this conflict with the world sustained? Were the islands starved during these years? did they fall? No, sir; the British nation braved the storm, and was only conquered by her sons—America was victorious and independent; but Europe retired discomfited. Sir, America can again prove victorious, but it must be by other measures than embargoes—destructive only at home and without effect abroad.

It is said that one reason why the embargo has not pressed so hard on Great Britain as it might, is, that it has not been so tightly drawn as it may be; that our citizens have evaded it. And, sir, if I have any geographical knowledge of the country, tighten the cords as you may by revenue cutters and gunboats on the seaboard, and collectors and military on land, they will escape both. Interest, ever alert, will avail itself of our extensive coast and elude the law.

But, gentlemen say they are not accountable for the failure in England, from another cause—

the language of the public papers and pamphlets of the anti-embargoists. The enemy, we are told, has been induced to hold out under the idea that America will yield. Sir, would Great Britain rely for her oracles on the newspapers or pamphlets of this country? Have those causes wrought on her a perseverance in her measures? I wonder, sir, that in the anxiety to find causes, gentlemen never cast their eyes to official documents—to a very important State paper issued on this side the Atlantic—saying that the marshals and civil force were not adequate to enforce the embargo. When the President's Proclamation arrived in England, no doubt could have remained of the effect of the embargo. Another public record accompanied it—an act of one of the States arresting executions for debt during the continuance of the embargo, and for six months afterwards. With these public documents before them, the British nation would be more apt to judge, and more correctly judge, of the internal situation of the country, than from all the periodical publications of the day put together. Pamphlets also have been written in this country, of which it is said the British Ministry have availed themselves, to induce their people to believe that the United States are not capable of suffering. I believe we are. The people of America are as patriotic as any on earth, and will respect the laws, and must be made to respect them. They will obey them from principle; they must be made to obey them if they do not; for, while a law is in existence, it must be enforced. But I am somewhat surprised that gentlemen who talk of opposition publications in this country, as influencing England, should derive all their political data from British newspaper publications or opposition pamphlets. British opposition papers and pamphlets are with them the best things in the world; but nothing said here must be regarded there as correct. Even Mr. Baring has been quoted, who is a commission merchant, to the greatest extent perhaps known in the world. The Louisiana purchase of fifteen millions was nothing to him as a commission merchant. The next writer referred to, is Mr. Brougham, brought before Parliament, to assert the rights of a body of merchants confined almost exclusively to the Continental trade. He came forward on their account, and the fact was demonstrated, notwithstanding his exertions, that the Orders in Council did not, but the prior French decrees did, curtail that commerce. So the majority thought and acted on that supposition. If the continuance of the embargo, then, does not produce a change in the policy of Great Britain, by its operation on the West Indies, if they resort to documents in this country, or even to speeches on this floor, they will probably continue the conflict of suffering as long as we are able to endure it, and continue our measures. For my opinion is, sir, that the extent of our seaboard affords such opportunities for evasion, that, unless we station cutters within hail of each other, on our whole coast, they will not be competent to carry our laws into effect. It will be benefiting the British colonies at the expense of our own country.

The continuance of our measures may be productive of another consequence, attended with more serious mischief than all others together—the diversion of trade from us to other channels. Look at both sides of the case. If Great Britain holds on, (and my predictions are not fulfilled, or she will persevere,) she will look for other sources of supply, that, in the event of a war, she may not be essentially injured. She will endeavor to arrange her sources of supply, so that no one nation refusing to deal with her shall have it in their power materially to impair her interests. As to cotton, large quantities of this article were formerly drawn from the West Indies. The destruction of the sugar estates in St. Domingo gave a new direction to cultivation. They ceased to grow in many of the West India islands that article which they formerly had raised to a considerable extent, (cotton,) and which, if the increased labor employed in the sugar estates, now adequate to the supply of Europe, be not profitable, they will again cultivate. The Brazils will assist to take a sufficient quantity for consumption, (and, as well as my memory serves me, they produce seventy or eighty thousand bags annually;) and South America will add her supplies. I grant that we can now undersell these countries; but I beg gentlemen to pause before they drive England into a change of commercial habits, which in the hour of future peace may never be fully restored, and thus inflict deep and lasting wounds upon our prosperity. Sir, we are told that we are to produce great effects by the continuance of the embargo and non-intercourse with this nation. Do gentlemen who were in the majority on the subject of the embargo when laid (for I was anxious then that at least foreign nations might come and give us what we wanted in exchange for our product) recollect their argument against permitting foreign vessels to come and take our produce; that it was privilege all on one side; that it would be nominal to France, while England would be the sole carrier? Now, sir, as to the non-intercourse system—how does that operate? France has no commerce—cannot come here—and therefore is not injured by her exclusion from our ports. It operates solely on England. If the argument was then correct, to avoid the measure because it operated to the sole benefit of England, what shall we think of the non-intercourse measure which operates solely against her? In a commercial view, therefore, and in point of interest, this country will be deeply benefited by a removal of the embargo.

But, gentlemen say that the honor of the country is at stake; that a removal of the embargo would be submission to Great Britain, and submission to France. How is our honor affected by removing it? We say we will not trade—with whom? With them alone? No, sir; the embargo says we will not trade with anybody. All nations, when they find it convenient, can pocket their honor for profit. What is it we do for a license to go into the Mediterranean? Do we not pay an annual tribute to Algiers for liberty to navigate the sea safer from its corsairs? Have we

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not an undoubted right to navigate the Mediterranean? Surely; and yet we pay annually a tribute for permission to do it—and why? Because the happiness and interest of the nation are promoted by it. In a monarchy, the Prince leads his subjects to war for the honor of his mistress, or to avenge a petty insult. But, what best consults the honor of a Republican Government? Those measures which maintain the independence, promote the interest, and secure the happiness of the individuals composing it. And that is the true line of honor which, if pursued, shall bring with it the greatest benefits to the people at large. I do not know, sir, strictly speaking, whether the destruction of any commercial right is destructive to the independence of the country; for a nation may exist independent, and the happiness of the people be secured, without commerce. So, that the violation of commercial rights does not destroy our independence. I acknowledge that it would affect the sovereignty of the country, and retard its prosperity. But, are not the measures which have been adopted, submission? No train of argument can make more clear the fact, that, withdrawing from the ocean for a time is an abandonment, instead of an assertion, of our rights. Nay, I think I have the authority of the committee for it; for I speak of submission as applicable to the measure recommended by the committee. They say, that “a permanent suspension of commerce, after repeated and unavailing efforts to obtain peace, would not properly be resistance; it would be withdrawing from the contest, and abandoning our indisputable right freely to navigate the ocean.” If a permanent embargo, after repeated offers of peace, would not properly be resistance, but an abandonment of our rights, is not a temporary embargo—and this has been a year continued—an abandonment for the time? Unquestionably it is. So long as it continues, it does abandon our rights. And now I will show that it is submission, and not resistance. I maintain that the embargo, aided by the second and third resolutions of the committee, does complete an abandonment of our maritime rights, and is a submission to the orders and decrees.

Of what nature are the rights in contest? They are maritime rights, and not territorial; and, to be used, must be exercised exterior to the limits of our territory. Whatever measures are confined within our territorial limits, is not an assertion or enjoyment of our exterior rights. Their enjoyment, must be abroad, consisting of the actual use of them. If, then, all our measures be confined within our jurisdictional limits, they cannot amount to an enjoyment of the rights exterior to those limits. I will illustrate this, to every man's comprehension. There is a street in Georgetown, through which every one has a right to pass—it is a highway. A merchant, with whom I have dealt for many years, because I purchase some articles of another merchant, says I shall not go through that street. I cross over, and his enemy says I shall not pass by him. I retire home and call a consultation of my friends. I tell them that I have entered into resolutions,

first, that, to submit to this will be an abandonment of my right to pass and re-pass. Well, what then say my friends? Why, I declare I will neither go nor send to either of their houses—have no intercourse with them. Well, what then? Why, I will buy a broadsword and pair of pistols, and lock my door and stay at home. And do I enjoy my right of walking the street by making myself a prisoner? Surely not, sir. Now, this is precisely our case, under these resolutions. We say, that to submit, would be a wound on our honor and independence. We call a consultation. What is the result of it? We say we will have no intercourse with the nations injuring us, nor with any other; and, lastly, that we will arm and defend ourselves at home. And, I ask, is this resistance? Is it an enjoyment of our rights, or a direct, full submission? Is it not an abandonment of those rights to which we are entitled?

It has been said, that the little portion of commerce which would remain unaffected by the belligerent edicts, would belong to us as a boon from England, were we to prosecute it. I do not understand it in this light. Our right to navigate the ocean is inherent, and belongs to us as a part of our sovereignty; but, when interdicted from any one place, if we go to another, we certainly do not accept that commerce as a boon. I might as well say, if a man interdicted me from going down one street in Georgetown, that I accept a boon from him in going down another. This is certainly not the case. The trading to these places is exercising our original right, not interfered with; and, so far as those orders and decrees do not operate, we could carry on a legitimate trade, flowing from our indisputable right, as a sovereign nation, to navigate the ocean. It does seem to me then, sir, that the residue of our trade might be carried on without submitting to the belligerent edicts. But, an honorable gentleman (Mr. G. W. CAMPBELL) asked me, yesterday, if we were to permit our enemies to take any part, whether they would not take the remainder? This, like the horse's tail in Horace, would be plucked, hair by hair, till it was all out. True, sir, this might possibly happen. But, what have we done? Why, we have cut the tail off, for fear all the hair should be taken out. We have ourselves destroyed all that portion of our trade which the belligerents have not interdicted.

Taking the whole into view, then, I think that the continuance of the embargo, as an assertion of our rights, is not an efficient mode of resistance.

But gentlemen say, in a crisis like the present, when each individual ought to contribute his mite, it is very easy to find fault; and they ask for a substitute. I want no substitute. Take off the embargo. That is what I want. But when called upon in this manner, I cannot help looking around me to the source whence I expected higher and better information. The crisis is awful. We are brought into it by the means recommended by the head of our foreign relations. I think the President advised the embargo. If he did not, he certainly advised the gunboats and the additional military force. In these minor measures, which

have been in their consequences so interesting, there was no want of advice or responsibility. Why then, in this awful crisis, shall we not look to the same quarter? The responsibility is left on us. We anti-embargoists show that things would not have been thus, had our advice been taken; and, not being taken, we have little encouragement to give more. Our advice is on the journals. We said, let us have what commerce we can get, and bring home returns to stimulate our industry. I believe the declarations of gentlemen when they say that they are friendly to commerce; but their fondness for it is the embrace of death. They say they will protect it; but it is strange that they should begin to protect it by abolishing it. I contend that their measures have not answered the purposes of protection, but on the contrary they have been prejudicial to it; and I trust in their candor that they will join us in giving elasticity to commerce, and removing this pressure. The interests of commerce and agriculture are identified; whenever one increases, the other extends. They progress *pari passu*. Look at your mercantile towns; and wherever you find one, like a pebble thrown into water, its influence extends in a circle more or less remotely, over the whole surface. Gentlemen from the agricultural country vote to support commerce, because it increases the value of their own product; they are not so disinterested as they suppose, and I believe the best way is to consider the two inseparable. As I am at present disposed, could I not obtain a total repeal, I would prefer a resolution laid on the table by a gentleman (Mr. MUMFORD) from one of the largest commercial cities in the Union, and who must be supposed to know the opinion of commercial men. I can scarcely with my knowledge or understanding point out anything; but if I have not capacity to be one of the *ins*, I can readily perceive whether the present system be adequate or not. I would let our vessels go out armed for resistance; and if they were interfered with, I would make the *dernier* appeal. We are able and willing to resist; and when the moment arrives, there will be but one heart and hand throughout the whole Union. All will be American—all united for the protection of their dearest rights and interests.

Mr. LYON opposed the report in a speech of an hour.

Mr. DESHA said he had been particularly attentive to the whole of the debates during the very lengthy discussion of this important subject, and, said he, I am at a loss how to understand gentlemen, or what to conclude from their observations. Am I to conclude that they are really Americans in principle? I wish to do so; and I hope they are; but it appears somewhat doubtful, or they would not tamely give up the honor of their country by submitting to French decrees and British Orders in Council—that is, by warmly advocating the repeal of the embargo, without proposing something as a substitute. Do gentlemen mean an abject acquiescence to those iniquitous decrees and Orders in Council? Do gentlemen mean that that liberty and independence

that was obtained through the valorous exertions of our ancestors, should be wrested from our hands without a murmur—that independence, in the obtaining of which so much virtue was displayed, and so much blood was shed? Do they mean that it should be relinquished to our former masters without a struggle? Gentlemen assign as a reason why the embargo should be removed, its inefficacy—that it has not answered the contemplated purpose. I acknowledge that as a measure of coercion it has not come entirely up to my expectations. It has not been as efficient as I expected it would have been. But what are the reasons why it has not fully come up to the expectations of its supporters, as a measure of coercion? The reasons are obvious to every man who is not inimical to the principles of our Government, and who is not prejudiced against the present Administration. Was it not for want of unanimity in support of the measure? Was it not in consequence of its having been wantonly, shamefully, and infamously violated? and perhaps winked at by some who are inimical to the principles of our Government; but who have had address and ingenuity sufficient to procure themselves to be appointed to office, and in which situation they have obtained a certain influence, and by misrepresentations as well as clamorous exertions have, in many instances, led the unwary astray, and caused the measure to become unpopular in some parts of the country? By improper representations and fallacious statements of certain prints, apparently, and I might add, undoubtedly, hostile to civil liberty and free Government, and advocates of British policy; by the baneful opposition of British agents and partisans, together with refugees or old Tories, who still recollect their former abject standing, and who have never forgiven the American independence, and who, in all probability, are doing all in their power at this time to assist their master George the Third in bringing about colonization and vassalage in this happy land—by keeping up party spirit to such a height, that the tyrant of the ocean was led to believe that he had a most powerful British party in the bosom of our country—and that, by an extraordinary opposition made to the embargo, we would become restless, and could not adhere to a suspension of commerce—consequently would have to relax, and fall into paying tribute, under the Orders of Council, to that corrupt Government, Britain. These are part of the reasons why the embargo, as a measure of coercion, has not proved completely efficacious; and had it not been for this kind of conduct, our enemies would have been brought to a sense of justice, an amicable adjustment of differences would have taken place. By this iniquitous conduct they have tried to wrest from the hands of Government an engine, the best calculated of all others that could have been imagined, to coerce our enemies into a sense of justice, and bring about reciprocity of commerce, that most desirable object, a system of all others the best suited to the peaceful genius of our Government. But if it has not been entirely efficacious as a measure of coercion, it has been par-

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ticularly serviceable in many instances—by keeping us out of war, which is at all times to be deprecated by civilized men, by preserving our citizens from becoming victims of British tyranny on board their war ships, and securing an immense amount of American property, that was sailing on the ocean, supposed to amount in value to between sixty and a hundred million of dollars, the principal part of which would inevitably have fallen into the voracious jaws of the monster of the deep, or into the iron grasp of the tyrant Napoleon—by which, if we are involved in war, we have preserved the leading sinews, wealth; and above all, for preventing us from becoming tributary to those piratical depredators, whose inevitable determination is to monopolize the whole trade of the world, by which they rob us of our inherent rights. If gentlemen had come forward with propositions to adopt anything as a substitute for the embargo, that would have prevented us from the degradation of submission, or from falling into the hands of those monsters of iniquity, they no doubt would have met with support. The friends of this measure are not so particularly attached to it, but what they would willingly exchange it for one that was less sorely felt, less oppressive, and one that would preserve national honor, and bring about a redress of grievances; as it was with extreme regret, that they had to resort to the measure of the embargo, and which could only be warranted by the necessity of the case. I am as anxious for the repeal of the embargo, as any gentleman in this House, or perhaps any man on the continent, whenever it can be done consistent with the honor and welfare of the nation. The citizens of Kentucky, whom I have the honor to represent, feel its effects in common with their fellow men throughout the continent; but their patriotism is such that they bear it with cheerfulness, and magnanimity, and very justly consider it as a preventive of greater evils. I think that a retrograde step at this time would have the appearance of acquiescence, and be calculated to mark the Government with pusillanimity; therefore I deprecate war, believing as I do, that in a Government constructed like ours, war ought to be the last alternative, so as to preserve national honor. As such it would perhaps be advisable to adopt something like the second resolution that is under consideration, which, in addition to the embargo, would amount to a complete non-intercourse—which if systematically adhered to must produce the desired effect. If it should not, it will at least give time to make preparations for a more energetic appeal, which may probably have to be the result. But let it not be understood, because I am for avoiding war, as long as it can be avoided upon honorable terms, that I am against going to war when it becomes actually necessary. No, sir, my life and my property are at all times at my country's command, and I feel no hesitation in saying that the citizens of Kentucky, whom I have the honor to represent, would step forward with alacrity, and defend with bravery that independence in which they glory, and in the obtaining of which some of the best blood of their an-

cestors was spilt; for the degradation of tribute they would spurn with manly indignation. I would even agree to go further. From my present impression, I would agree to a recall of our Ministers from both England and France, and to a discharge of theirs; and have no intercourse with the principal belligerents until they learned to respect our rights as an independent nation, and laid aside that dictatorial conduct which has for years been characteristic of those European despots; for I am almost certain, under existing circumstances, that our Ministers in neither England nor France can do us any possible service, and that their Ministers here can, and in all probability do a great deal of harm, by fomenting division and keeping up party spirit, at a time, too, when unanimity is of the utmost consequence.

As to our commerce being driven from the ocean, I am not disposed to take a lengthy retrospect, or to examine minutely in order to discover which of our enemies, England or France, was the first aggressor; it is sufficient for me that both France and England have done nearly all in their power to harass and oppress us in every imaginable way. I am not the apologist of either France or England. I am an American in principle, and I trust whenever it is thought necessary to call my energies into action I shall prove myself to be such, by defending and protecting the rights and independence of my own country, from any encroachments, let them come from what quarter they may. By those iniquitous decrees of France, all vessels bound to or from England are deemed lawful prize, and if spoken by an English ship they were condemned in the prize courts of France. When a ship arrived in any of the French ports, bribery and corruption was practised; in order to succeed in her condemnation a separate examination of the crew would be resorted to, as to the events that happened on the voyage; offers made of one-third of the ship and lading as their portion of the prize money, if they would give information of their vessel having touched at any of the ports of England, or that any English cruiser had visited her on the voyage. Consequently, by the French decrees, all property afloat belonging to the Americans was liable to seizure and condemnation. Are gentlemen, possessing the feelings of Americans, prepared to submit to such degradation? Are they prepared to say the embargo shall be raised, while our commerce is subjected to this kind of depredation? I trust not.

As respects the British Orders in Council, all American vessels bound to French ports, or to any of the allies of the French, are considered good prize in the courts of Britain. England says you must not carry on any trade to any of the places that I have interdicted, without obtaining my leave—pay me a duty, and then you shall be permitted to go to any port—by paying me a tribute you may trade to any port you please. Degrading to freemen! Britain in her goodness says, you shall have the liberty to bring flour from the United States of America to England, land it, and re-export it, by paying two dollars on every barrel into my coffers. On cotton, which is cer-

tainly a very important article, a duty is charged on its exportation of about nine pence per pound sterling; nearly equal to the full value of that article in the parts of America, where it is raised, exclusive of the import duty, which is two pence in the pound. Therefore, if our traders wish to go to the Continent of Europe, the condition is, a tribute must be paid nearly equal to the value of the cargo, exclusive of the insurance and risk. If I mistake not, about two-thirds of the cotton exported from this country is made use of in England; on the balance a tribute must be paid of about nine pence sterling per pound, which is about twenty millions of pounds—on a calculation the sums will be found to be enormous—purely for the liberty of selling cotton; as also high and oppressive duties on other articles. If these impositions are submitted to, I pronounce your liberties gone—irretrievably lost—a blot made in the American political character, never to be obliterated. No man possessing an American heart will submit to the degradation of paying tribute to any nation on earth, nor suffer the freemen of America to be taxed without their consent. Will gentlemen say the embargo law must be repealed, and suffer our commerce to flow in its usual channel, while the decrees of France and the British Orders in Council are enforced, by which they would not only be liable to seizure and condemnation, but what is more degrading, pay a tribute of many millions of dollars annually, too degrading to be thought of with patience? We received liberty in its purity from our heroic ancestors—it is a duty incumbent on us to transmit it to posterity unsullied, or perish in the undertaking.

But, sir, it has been said that the people of the East would not bear the continuance of the embargo any longer—that they would force their way in trade; hinting, I presume, that they would openly rebel against your laws if they were not allowed to pursue their usual course in commerce, by which they subscribe to those nefarious Orders in Council, which is tribute of the most degrading kind. Who are these people of the East that have the hardihood to insinuate anything like rebellion against the laws of the land, or that would wish to degrade themselves so far as to pay tribute? It cannot be the descendants of the heroes of '76, that bravely stepped forth and fought against a tyrant for liberty! It cannot be the descendants of those brave fellows that struggled on the brow of Bunker's Hill for independence! No. It must be the descendants of refugees or old Tories, or otherwise it must be British agents or partisans; for no man possessing the feeling that an American ought to feel, would throw out such threats, or degrade himself by coming under tribute. If patriotism has left the land of freedom—if it has taken its flight from the mild and peaceful shores of Columbia—if foreign influence and corruption has extended itself so far that the people are disposed to rebel against the Government of their country—if the dissemination of foreign gold has had the baneful effect of suppressing all noble and patriotic sentiments, it is indeed time that foreign intercourse should cease. If the spirit

of commercial speculation and cupidity had surmounted all patriotism, it is time that more energetic measures should be resorted to, in order that the chaff might be separated from the wheat; in a word, that traitors might be known.

Mr. NELSON said it was with very considerable reluctance that he rose to make a few remarks on this subject, after the very lengthy and very eloquent discourse of the gentleman from Maryland, (Mr. KEY.) I did not intend, said he, to have troubled the House upon this question; but as I am a man who generally speaks off-hand, it is necessary for me to answer the arguments of any gentleman promptly, if I intend to do it at all. For this reason I rise to do away some false impressions which may have been made by the gentleman's eloquence on the House, and on the bystanders, in the galleries, for I must say that his speech was better calculated for the galleries than for the sober members of this House. The gentleman commenced his argument with stating, what I do not believe, with due submission, is true in point of fact, that, although at their last session, the Legislature of Maryland passed resolutions approving the embargo, yet another election having taken place, the present Legislature have passed contrary resolutions.

Mr. KEY said he had spoken of the House of Representatives of Maryland, and not of the Legislature.

Mr. NELSON said the House of Representatives have, to be sure, passed resolutions bottomed on the same principles as those on which the gentleman himself has spoken, and which I have heard echoed in the electioneering campaign from almost every stump in the district in which I live. Whilst the gentleman was on this subject, I wish he had told us of the philippic these resolutions got from the Senate of Maryland. The fact is not, as I understood the gentleman to say, that the Legislature of Maryland have passed resolutions disapproving the measures of the Government. But the gentleman intimates that the politics of Maryland have undergone a great change, and that the party formerly uppermost, is now under. Sir, the question which turned out the old members of the Legislature in the county where I live, was not the embargo system, but a question as to a State law. The militia system was the stumbling-block which caused many of the old members to be turned out, and thus the opposite party got the ascendancy in one branch of the Legislature of Maryland. But, since that election, another has taken place for members of Congress; and how has that turned out? Why, sir, that gentleman and two other anti-embargoists are elected, whilst six men, who have always approved of it, are also returned; making six to three. Does this prove a change? No, sir. But we have had another election since that. Out of eleven electors, nine men are returned as elected who have approved this system of measures. Does this prove that the embargo was the cause of the change of the politics of the Maryland Legislature? I think not, sir.

But the gentleman has said that the embargo,

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and not the Orders in Council and decrees, has destroyed the commerce of this country. I do not know, after all the arguments which I have heard, if the gentleman listened with the same attention as I did, how he could make such an assertion. When our ports are blockaded, and all the world is against us, so that, if the embargo was raised, we could go nowhere with perfect freedom, can gentlemen say that the embargo has ruined our commerce? Is it not these acts which have shut us out from a market? The gentleman says we may trade to England. Yes, sir, we may, provided we will pay all such duties as she chooses, and go nowhere else. And would not the doing this place us in precisely the same situation as we were in before the Revolution? England says we may trade with her, paying heavy import and export duties, but says we shall go nowhere else. If you go anywhere else, she says you shall go by England, take a license, and pay a duty, and then you may trade. Is it to be supposed that the people of the United States will agree to this? Are they reduced to that situation, that they will become the vassals of a foreign Power—for what? Why, sir, for the prosecution of a trade with that foreign Power, who, if her present impositions be submitted to, may cut up our trade in any manner she pleases; for, through our trade, she will raise a revenue to almost an equal amount with the value of your whole produce carried hence. She levies a higher tribute on some articles than the article itself is worth, and this trade the gentleman wants to pursue. He wants no substitute; “take off the embargo,” says he, “and let us trade.” Sir, if we could trade upon equal terms, I, too, should say, “take off the embargo, and let us trade.” But if we cannot trade, except under the license of a foreign Power, I say it would be ruinous to us. And has it come to this, for all the arguments of this, that the American people, for the sake of pounds, shillings, and pence, for the sake of hoarding up a few pence, are to give up their independence, and become vassals of England and France? I hear nothing from the gentleman about the honor of the nation. It would appear as if gentlemen on the other side of the House are willing to sell their country if they can put money in their pocket. Take off the embargo, they cry—for what? money. Pay tribute—for what? money. Surrender your independence—for what? all for money, sir. I trust the people have a different feeling from these gentlemen. The people love money, sir; but they love liberty and independence much better. If money had been the sole object, the Revolution would never have happened; and if that be our sole object now, the blood spilt and money spent in our Revolution was all in vain. But the gentleman says, that our honor is not concerned; that Republics have none; that their honor is to pursue that course by which they can make the most money.

Mr. KAY said, that he did not say that the honor of the nation was money; but that the line of conduct was most honorable which best secured the happiness and independence of the people.

Mr. NELSON.—I ask pardon of the gentleman, if I misrepresented him; because the gentleman's argument was quite vulnerable enough, without my making it more so than it really was. I did understand the gentleman to say, and had he not contradicted me, should still believe so, that the honor of the Republic is precisely that which brings the most riches to the nation. But I ask, whether the line of conduct recommended by that gentleman be such a one as would be proper to secure and take care of the independence of the people? Is it to secure the independence of the people, to suffer a foreign nation to impose upon them any terms which it thinks proper? Is it for the honor or happiness of this nation that we should again pass under the yoke of Great Britain? Is it for the honor of the nation to remove the embargo, without taking any other measure, and to bear with every indignity? No, sir; and yet the gentleman tells you, “take off the embargo, I want no substitute.” I did not suppose, sir, that gentlemen who oppose our measures (for I have great charity for them) would openly tell us to take off the embargo, and trade as foreign nations choose to dictate.

But the gentleman talks about the pressure of the embargo. That it does press hard is beyond doubt. It is an evil thing in itself; something like the dose a doctor gives us; it is a disagreeable thing in itself, but it cures your complaint. Thus the embargo is a disagreeable thing; but if we swallow it, however disagreeable, it may bring the political body to health. The gentleman gilds the pill he would give us; but it is a slow poison that would creep upon us, and bring on a distemper heretofore unknown to us, that sooner or later would carry us to the grave. We take off the embargo, and trade on their terms; what will be the consequence? Will they not forever hereafter compel us to trade as they please? Unquestionably. And is it not better to submit to some inconveniences, eventually to insure a free trade?

The gentleman says that, if produce be offered for sale, on condition that the embargo be raised, it will bring a higher price than if on a certainty that the embargo is to be continued. No doubt, sir, when the embargo is taken off, a momentary spur will be given to exportation; but how long will it continue? It will last but a very few weeks. Produce will soon be reduced to its proper level in the market. Take flour, for instance, the principal article raised for exportation in the gentleman's district and mine. It would rise, on a removal of the embargo, to ten or twelve dollars; and how long would that price last? It would be a thing of a day, and to the people who live in our districts of no sort of consequence; it would be of no benefit but to those who have flour at the market; to the merchants who have bought it up at a low price. Before the honest farmer can bring his produce to market, the great price will be all over; and though no embargo affects it, will be down to its present price, of four or five dollars; so that, although a removal of the embargo would reduce the price of produce at first,

I cannot see how gentlemen would make that an argument for taking off the embargo. If the gentleman can show that the price will continue, and that we can traffic without dishonor, then, sir, would I cordially join hands with him, to take off the embargo.

But the gentleman says, that the pressure is so very great that some of the States have passed laws for suspending executions. I know not what has been done in other States on this subject, nor what has been done in my own. If the gentleman has any information on the subject, I should like to hear it. A bill was before the House of Delegates for that purpose, but I did trust in God that it would be unanimously rejected. That such a law would pass in Maryland I never had an idea, because it is totally unnecessary. There are fewer men confined in jail for debt on this day than there ever were before for sixteen years that I have been in the practice of the law in that State. No man has gone to jail but those who, to use an emphatic expression, have *broken into jail*, who were too idle to work to pay their debts; who would get a friend to put them into jail, if they could get no other; and who stay there awhile, and then come out new men. This being the case, there can be no reason for shutting the courts of justice there.

On the subject of revenue, I can only say that, at present, there appears to be no deficiency of money in the Treasury. It is very certain that, if this embargo and non-intercourse system be continued long, our Treasury will run short, and we shall have no means of filling it but by loans or direct taxation. But I trust and hope that before the money already in the Treasury is fairly expended, if we pursue our object, we shall get over our embarrassments. Rather than pursue this subject much further, I would not only arm our merchantmen at sea, but our citizens on the land, and march to the North and East, and see if we could not do them some injury in return for all that we have received from them, even if we should do ourselves no good by it. It would do me some good to be able to do them some injury. I confess I do not like this Quaker policy. If one man slaps another's face, the other ought to knock him down; and I hope this will be our policy.

But the gentleman says, that the President recommended this measure to Congress as a measure of precaution. I do believe that, at the time the embargo was laid, it was done as a measure of precaution, and the President viewed it in that light. After its having answered every purpose as a measure of precaution, I am for continuing it as a measure of coercion. For, whatever gentlemen say about turning sugar plantations into cotton-fields, if the embargo be rigidly enforced, that we shall distress the West Indies very considerably, I do believe. I am unwilling to involve this country in a war if I can avoid it, but I am still more unwilling to take off the embargo and embrace the proposition of my colleague; for I have no idea of a free trade being permitted to us. In any country a war is to be deprecated; in this

country particularly, where everything depends on the will of the people, we ought to be well aware that war meets the approbation of the people. We might make many declarations of war without effect, unless the people follow us. We try every method to obtain honorable peace; and if we do not succeed, the people will go with us heart and hand to war.

I shall enter into no calculations on this subject, sir. When the great question is presented to us whether we will submit or maintain our independence, we must determine either to do one or the other: that nation is not independent which carries on trade subject to the will of any other Power. Then, to my mind, the only question is, shall we defend ourselves, or shall we submit? And on that question I will make no calculations. If a man submits, of what use are calculations of money, for it may be drawn from him at the pleasure of his master? Let us have as much trade as we may, if we can only carry it on as others please, we need not calculate about money. We shall be poor, indeed; and, having lost our independence, we shall not even have money in return for it. But this nation will not submit, sir, nor will any man, who is a real American, advocate such a doctrine.

As to the embargo, Mr. N. said, he was not wedded to it. If any better system were devised, he would give up the present system and embrace the better one, let it come whence it would.

The House adjourned without taking a question.

FRIDAY, December 8.

Mr. LEWIS presented a petition of the President and Directors of the Washington Bridge Company, praying a revision and amendment of an act passed at the last session of Congress, entitled "An act authorizing the erection of a bridge over the river Potomac, within the District of Columbia."—Referred to the Committee for the District of Columbia.

Mr. JEREMIAH MORROW, from the Committee on the Public Lands, presented a bill to revive and continue the authority of the Commissioners of Kaskaskia; which was read twice, and committed to a Committee of the Whole on Monday next.

An engrossed bill to authorize the President to employ an additional number of revenue cutters was read a third time: Whereupon, a motion was made by Mr. DURELL that the said bill be re-committed to the Committee of Commerce and Manufactures, farther to consider and report thereon to the House: it passed in the negative.

The main question was then taken, that the said bill do pass, and resolved in the affirmative—yeas 90, nays 26, as follows:

YEAS—Evan Alexander, Lemuel J. Alston, Willis Alston, jun., Ezekiel Bacon, David Bard, Joseph Barker, Burwell Bassett, William W. Bibb, William Blackledge, John Blake, jun., Thomas Blount, Adam Boyd, John Boyle, Robert Brown, William Butler, Joseph Calhoun, George W. Campbell, Matthew Clay, John Clopton, Richard Cutts, John Dawson, Josiah

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Deane, Joseph Desha, Daniel M. Durell, William Findley, James Fisk, Meshack Franklin, Francis Gardner, Thomas Ghobson, jun., Peterson Goodwyn, Edwin Gray, Isaiah L. Green, John Harris, John Heister, William Helms, James Holland, David Holmes, Benjamin Howard, Reuben Humphreys, Daniel Haley, Richard M. Johnson, James Kelly, Thomas Kenan, Philip B. Key, William Kirkpatrick, John Lambert, Edward Lloyd, John Love, Robert Marion, William McCreery, William Milnor, Daniel Montgomery, jun., John Montgomery, Nicholas R. Moore, Thomas Moore, Jeremiah Morrow, John Morrow, Gurdon S. Mumford, Roger Nelson, Thomas Newbold, Thomas Newton, Wilson C. Nicholas, John Porter, John Rea of Pennsylvania, John Rhea of Tennessee, Jacob Richards, Matthias Richards, Samuel Riker, Benjamin Say, Ebenezer Seaver, Samuel Shaw, Dennis Smelt, John Smilie, Jedediah K. Smith, John Smith, Samuel Smith, Richard Stanford, Clement Storer, Peter Swart, John Taylor, John Thompson, George M. Troup, James I. Van Alen, Archibald Van Horn, Daniel C. Verplanck, Jesse Wharton, Robert Whitehill, Isaac Wilbour, Alexander Wilson, and Richard Winn.

NAYS—John Campbell, Martin Chittenden, John Culpeper, John Davenport, jun., James Elliot, William Ely, Barent Gardenier, William Hoge, Richard Jackson, Robert Jenkins, Joseph Lewis, jun., Edward St. Loe Livermore, Nathaniel Macon, Josiah Masters, Jonathan O. Mosely, Timothy Pitkin, jun., John Russell, James Sloan, William Stedman, Lewis B. Sturges, Samuel Taggart, Benjamin Tallmadge, Jabez Upham, Philip Van Cortlandt, David R. Williams, and Nathan Wilson.

Resolved. That the title be, "An act to authorize the President to employ an additional number of revenue cutters."

A message from the Senate informed the House that the Senate have passed a bill, entitled "An act farther to amend the judicial system of the United States;" to which they desire the concurrence of this House.

FOREIGN AFFAIRS.

The House resumed the consideration of the unfinished business depending yesterday at the time of adjournment—the report of the committee still under consideration.

Mr. D. R. WILLIAMS said: It has become very fashionable to apologize to you, sir, for every trespass which a gentleman contemplates making on the patience of the House, and I do not know but in ordinary cases it may be very proper; but the present question is certainly such an one, as exempts every gentleman from the necessity of making any apology whatever. I shall offer none, and for the additional reason, that I have given to every member who has spoken the utmost of my attention.

Upon this question, which presents itself in every point of view too clear to admit of a single doubt; equally unsusceptible of sophistical perversion or misrepresentation; a question which involves a political truism, and which is undenied; a debate has grown out of it, embracing the whole foreign relations of this country. I shall not attempt to follow the gentlemen in the course which they have pursued, but will confine my observations to a justification of the embargo, and to the

proof, that the orders and decrees of the belligerents, and not the embargo, as was said by the gentleman from Maryland, (Mr. Key,) have produced the present embarrassments. Bad as our situation was at the close of the last session, it has now become infinitely worse. The offer to suspend the embargo laws, for a suspension of the Orders in Council, made in a sincere spirit of conciliation, has been contemptuously rejected, those orders justified, and an extension of their operation threatened: this is a state of things insufferable. At a crisis of this sort, the importance of which every gentleman acknowledges, I deem it proper that every man who feels an ardent love of country should come forward to save that country, to rescue his sinking parent from the jaws of pollution. The effort should be, who shall render our common country the most good; who will be foremost in the ranks; we should not shrink behind the irresponsible stand of doing nothing, ready to raise ourselves upon the mistakes of others; perhaps, the virtuous misfortunes of our political brothers. I am willing to take my share of the responsibility of asserting the wisdom of the original imposition of the embargo, and the correctness of its present and future continuance. Gentlemen have been frequently called upon, while they make vehement declamation against the embargo, to say what they wish in its stead; they declare the utmost hostility to the measure, and yet they offer no substitute. Can they for one moment forget, that upon this question, as upon every other national subject, we must all hang together or be hung separate! It inevitably follows from the organization of our Government, that this is the fact.

I consider the original imposition of the embargo as wise in a precautionary point of view; and notwithstanding all that has been said, and eloquently said, by the gentleman from Maryland (Mr. Key,) I believe it was called for by the most imperious public necessity. Every one must know, that had it not been for the embargo, millions of property, and (what is worse) thousands of our seamen, must have fallen a sacrifice to the cupidity of belligerent cruisers. No need of calculations on this subject—I shall not stop to enter into one. I appeal to the common sense of the nation and of this House, whether or not, the orders and decrees were calculated to have swept from the ocean all our floating property and seamen. But, no, say gentlemen, the seamen are not saved; and here we are amused with the old story, new vamped, of the fishermen running away. The seamen gone, sir! This is a libel on their generous and patriotic natures. Where are they gone? Every man, who ventures such an allegation, is bound to prove it; because it is, if true, susceptible of proof. Surely, sir, the assertion, or even proof, that British or other foreign seamen have left your service, does not establish that American seamen have deserted their country. The British seamen gone! I am glad of it, sir. I wish there had never been one in our service; and if there is an American tar, who would, in the hour of peril, desert his country, that he would

go also. The thing is impossible, sir; every vessel which has sailed from the United States since the imposition of the embargo, has passed under such a peculiar review, before the officers of the revenue, that had any number of American seamen shipped themselves, proofs of their departure might, and certainly would, have been had. Read the intelligence from Nova Scotia; it informs us that none but English sailors have arrived there. I call upon gentlemen then to show how, where, and when, an American seaman has left his country, except in the pursuit of his ordinary vocation.

If the gentleman from Maryland (Mr. KEY) will apply to his political—I beg pardon—to his mercantile barometer, the insurance offices, he would find that, after the operation of the Orders in Council was known, insurance could not have been effected at Baltimore to the continent of Europe for 80 per cent., and not at London, on American property, for 90 guineas per cent. The proof of this is before me. Does not this prove that so much danger existed on the ocean that it was next to impossible to pass without seizure and condemnation? And surely he will not contend that this advance of premium was caused by the embargo? If the embargo then has saved anything to the country—and that it has there can be no doubt—exactly in the proportion that it has saved property and seamen to you, it has lessened the ability of the enemy to make war upon you, and, what is primarily important, lessened the temptation to war. The rich plunder of your inoffensive and enlarged commerce, must inevitably have gone to swell the coffers which are to support the sinews of war against you. The reaction thus caused by the embargo, is in your favor, precisely to the amount of property and men which it has saved to you from your enemies.

But we are told that the enterprising merchant is deprived of an opportunity—of what? Of ruining himself and sacrificing the industry of others. Has any capitalist said he would venture out in the present tempest which blackens the ocean? No, sir, they are your dashing merchants; speculators, who, having nothing to lose, and everything to gain, would launch headlong on the ocean, regardless of consequences. No commerce can be now carried on, other than that which is subservient to the Orders in Council. I appeal to the gentleman from Rhode Island (Mr. JACKSON)—no man is better informed on this subject—would he venture his property on the ocean in a trade contravening those orders? I would ask him further, would Brown and Ives, merchants, as remarkable for their prudence as for their enterprise, and for their capital as either; would they send their vessels to the Continent of Europe? I believe their opinion would corroborate the opinion of Mr. Gray.

The mercantile distresses have been described, with every possible exaggeration, as insufferable. The real distress, sir, is quite sufficient, without any undue coloring. I regret extremely, indeed, sir, from my heart and soul, I lament that the embargo should be considered as falling heavier on the merchant than on the planter. If I know

my own heart, I would share with them to the last loaf. But compare their situation now with what it would have been, if their whole property had been swept away. Compare their present situation with that which must have been the necessary consequence of the seizure of all the floating, registered tonnage of the United States, and which would have happened, but for the embargo. Their vessels are now in safety; if the embargo had not been laid they would have lost both vessel and cargo. They must have either imposed an embargo on themselves, or exposed their capital to total destruction.

Another reason why I approve of the embargo, and which, really to my mind, is a very consolatory reason, is, it has at least preserved us thus far from bloodshed. I am one of those who believe the miseries of this life are sufficiently numerous and pressing without increasing either their number or pungency by the calamities inseparable from war. If we had put the question to every man in the nation, the head of a family, whether we should go to war, or lay an embargo, (the only choice we had,) nineteen out of twenty would have voted for the embargo. I believe, sir, the people of the United States confiding their honor and national character to your guardianship, would this day decide the same question in the same way. The people have nothing to gain by war, nothing by bloodshed; but they have everything to lose. From this reason results another, equally satisfactory; we are still free from an alliance with either of the belligerents. Upon a loss of peace inevitably follows an alliance with one of these two Powers. I would rather stake the fate of the nation on a war with both, than ally with either. No, sir, I never will consent to rush into the polluted, detestable, distempered embraces of the whore of England, nor truckle at the footstool of the Gallic Emperor.

But the embargo has failed, it has been triumphantly asserted on one side of the House, and echoed along the vaulted dome from the other. If it has, it is no cause of triumph; no, indeed, sir; but it is a cause of melancholy feelings to every true patriot, to every man who does not rejoice in the wrongs of his country. Why has the measure failed of expected success? The gentleman from Maryland (Mr. KEY) used an argument incomprehensible to me, as an argument in his favor; on my side it is indeed invincible. He has established, it was the evasions of the laws which prevented their being effectual. He tells you that certain evaders of the laws have so risen up in opposition to them, that the President of the United States was obliged to issue his Proclamation in April last; that this proclamation told the British Cabinet the people had rebelled against the embargo—but I will pass over the subject; it imposes silence on me, because it must speak daggers to the hearts of some men.

My friend from Virginia (Mr. RANDOLPH) urged one argument against the embargo, which, to be sure, is a most serious one. He asked if we were prepared to violate the public faith? I hope not, sir. I beg to be excused for asking him (for I

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know he scorns submission as much as any man) if submission will pay the public debt? To that gentleman's acute and comprehensive mind, the deleterious consequences of the present system of the belligerents to our interests, must be glowing, self-evident. He will see that their present measures carry destruction to the most valuable interests, and are subversive of the most sacred rights of the people; and if they are submitted to, everything dear to an American must be afflicted with the slow, lingering, but certain approaches of consumption. I had rather go off at once. I have no opinion of a lingering death. Rather than the nation should be made to take this yoke, if so superlative a curse can be in store for us, may the hand of Heaven first annihilate that which cannot be nurtured into honor. I had much rather all should perish in one glorious conflict, than submit to this, so vile a system.

But we are told, that the embargo itself is submission. Indeed, sir! Then with all my heart, I would tear it from the statute book, and leave a black page where it stood. Is the embargo submission? By whom is it so called? By gentlemen who are for active offence? Do these gentlemen come forward and tell you that the embargo is submission? No such thing, sir. My memory deceives me, if any man who voted for the embargo thinks it submission. They are the original opponents of the embargo who call it submission, and who, while they charge you with the intention, are by every act and deed practising it themselves. It is incorrect, sir. Every gentleman who has spoken, and who has told you that the embargo is submission, has acknowledged the truth of the resolution under consideration; it has not been denied by a single individual. Suppose then we were to change its phraseology, and make it the preamble to a resolution for repealing the embargo, it will then read: whereas "the United States cannot without a sacrifice of their rights, honor, and independence, submit to the late edicts of Great Britain." Therefore resolved, that the embargo be repealed, and commerce with Great Britain permitted. Do these two declarations hang together, sir? That, because we cannot submit to the edicts of the belligerents, we will therefore open a free trade with them? The first part of the proposition is true, no man has denied it; the addition which I have made to it then, is the discordant part, and proves the embargo is not submission. I wish to know of gentlemen, whether trading with the belligerents, under their present restrictions on commerce, would not be submission? Certainly, sir. Is then a refraining from so doing, submission? In a word, is resistance submission? Was the embargo principle considered submission in the days of the stamp act? Did the nation call it submission when it was enacted under General Washington? Was it so considered by the Republicans, when resorted to for redress against the primary violations in 1793? Or was it ever contended that had not the embargo been raised, the terms of Jay's treaty would have been worse? Do gentlemen of the "old school" undertake to say that

the Father of their Country submitted then to George III? I hope not, sir. If the embargo was not submission under George Washington, it is not under Thomas Jefferson. Again, I ask, were the principles of the embargo submission in 1774-'5-'6? But it has been replied, it is not meet that the remedies of that day should be applied to the present case. Why not, sir? The disease was the same; and lest gentlemen have forgotten what it was, I will tell them how the old Congress described it: "You exercised unbounded sovereignty over the sea, you named the ports and nations to which alone our merchandise should be carried, and with whom alone we should trade." Draw the parallel, sir, and if the remedy of that period will not suit the present crisis, let us look out for others. I will not stop here; I am willing to go further; I would carry fire and sword into the enemy's quarters; but I would first exhaust every means to preserve peace.

You will excuse me, sir, for giving an opinion in this place, which, perhaps, some gentlemen may think, does not result from the subject immediately before us. I will tell you what description of people in the United States are most anxious that the embargo should not be repealed. It is a new sect, sir, sprung up among us—ultra-federalists. They are the persons, in my belief, who are most desirous the embargo should be continued. They see that upon its removal a war with Great Britain follows. An alliance with her is the object nearest their hearts—not a resistance of the wrongs and insults practised by her. If this embargo be submission, if non-intercourse be submission, if a prompt preparation for war be submission, I ask them what is it to sit still and do nothing? Do you mean to submit? Come out and tell the nation whether you will or will not resist the Orders in Council—let us know it—it is desirable that we should know it—it will conduce to the public weal.

I, for one, sir, will vote to continue the embargo, because I do still consider it a coercive measure—as the most deadly weapon we can use against Great Britain. I am induced to consider it so, when I take a view of what is the nature of our products—what is the nature of her exports and imports—what is the nature of her wants, and what her capacity and means of supply. Look at the West Indies, where the embargo has a decided ascendancy over every other measure you can adopt. You will find that her colonial and navigation system has, in that quarter, never been maintained since the Revolution. Perhaps I ought, in presuming to speak further about the West Indies, to apologize to the gentleman from Maryland, (Mr. KEY,) not indeed for his very courtly conduct, because if a man is ignorant, he does not like to be told of it. The gentleman will be pleased to pardon me, if I blunder on in my ignorant way, and talk a little more of that part of the world. [Mr. KEY explained that he had not intended any reference to the gentleman from South Carolina in his remarks.] I am extremely obliged to the gentleman for his explanation. Entertaining great respect for his talents, I am happy to find, upon

such authority, the charge is neither applicable nor intended. The colonial system has been always regarded as essential to all the vital interests of Great Britain. Every relaxation of that system has excited murmurs and great discontent in the mother country, and yet they have been constantly produced by the wants of the colonies. Would they have been permitted in favor of the United States, could those wants be supplied from any other quarter? I must contend, then, that their profitable existence depends upon an intercourse with the United States, notwithstanding everything which has been said to the contrary. I do not mean to involve the idea of absolute starvation; much less to insinuate that the embargo is so coercive as to humble Great Britain at our feet; far from it—but I do say, from the nature of their products, their profitable existence depends upon us. There are not contained within the whole British Empire at this time, whatever there may have been previous to the American Revolution, supplies for the home and colonial consumption. Will gentlemen tell us from whence they are to procure the principal articles of provisions and lumber? I might rest the argument in safety on these articles alone; these are essential, and of our produce. All the evasions of the embargo have been made with a view to that supply; enforce it, and from whence will they procure the article of lumber? It bears a higher price and is more scarce in Great Britain, even in ordinary times, than in the West Indies. The opinion that Nova Scotia and Canada were adequate to that supply, has been long since abandoned. The articles of their produce require a constant supply of our materials, some of them cannot be procured from any other part of the world; of the lumber received, we have heretofore furnished ninety-nine parts out of one hundred. But we are told they can raise corn. Who denies it? I will grant to gentlemen all they ask on that point, and add, too, that their corn is actually more valuable per bushel than that of this country; but when their labor and industry is directed to that object, what becomes of their cotton, sugar, and coffee cultivation? What becomes of the immense revenues derived from those sources? Gentlemen must not forget that at least one-third of her revenue accruing from commerce, is derived from the West India trade alone. I do not know that I should be wrong, if I were to say from sugar and coffee only. If you drive them to the cultivation of corn for subsistence, they must necessarily abandon the cultivation of their most valuable staples. And do gentlemen believe Great Britain is willing to sacrifice all these considerations to a refusal to do you justice? We do not require justice, for all we ask of her is to abstain from plundering us. We say to her "hands off;" we wish not to come into collision with you; let us alone. These sacrifices will not be much longer hazarded, unless indeed she is deluded into a belief that she has sufficient influence, in this country, to excite disaffection and insurrection, and thereby remove the cause of pressure.

Another objection with me to removing the embargo, is, it will betray a timid, wavering, indecisive policy. If you will study the sentiments contained in Mr. Canning's note, you will find they afford a lesson of instruction, which you ought to learn and practise upon. "To this universal combination His Majesty has opposed a temperate, but a determined retaliation upon the enemy; trusting, that a firm resistance would defeat their project; but knowing that the smallest concession would infallibly encourage a perseverance in it." I beg the House to draw instruction from this otherwise detestable paper—it preaches a doctrine to which I hope we shall become proselytes. A steady perseverance in our measures will assist us, almost as much as the strength of them.

I conceive the supplies necessary for the maintenance of the war with Spain and Portugal will fairly come into the calculation. It has become the duty and interest of Great Britain to maintain the cause of Spain and Portugal—she has made it so. Where will those supplies be drawn from? Does she produce them at home? Certainly not; for it cannot be forgotten that the average importation of flour alone at Liverpool is ninety thousand barrels annually. The Baltic is closed against her. The demand must be great; for Spain and Portugal in times of peace have regularly imported grain for their own consumption. And here I will observe, there is no attribute in my nature which induces me to take sides with those who contend for a choice of masters. So far as they are fighting for the right of self-government, God send them speed; but at this peculiar crisis I think it extremely important that our sympathies should not be enlisted on the side of either of the contending parties. I would, therefore, from Spain and Portugal withhold our supplies, because through them we coerce Great Britain.

But that pressure which Great Britain feels most, is most alive to, is at home. The last crop is short, and injured in harvesting; wheat is fourteen shillings the bushel, and rising. Her millions of poor must be supplied with bread, and what has become almost equally important, she must furnish employment to her laborers and manufacturers. Where can the necessary supply of cotton be procured? For, thank God! while we are making a sacrifice of that article, it goes to the injury of Great Britain, who oppresses us, and whose present importation is not equal to one-half her ordinary consumption. If the manufacturer is to be thrown out of employ, till that raw material which is now the hypothesis of the day, is produced from Africa, the ministry who are the cause of it will not long rule the destinies of that nation. No, sir, I am not alarmed about supplies of cotton from Africa. Nor am I to be frightened out of the embargo by a fear of being supplanted in the market, from that quarter; they must be but little read indeed in political economy, who can dread a competition with barbarians, in the cultivation of the earth.

Another strong inducement with this House to

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continue and enforce the embargo, is, that while it presses those who injure us, it preserves the nation in peace. I see no other honorable course in which peace can be maintained. Take whatever other project has been hinted at, and war inevitably results. While we can procrastinate the miseries of war, I am for procrastinating; we thereby gain the additional advantage of waiting the events in Europe. The true interests of this country can be found only in peace. Among many other important considerations, remember, that moment you go to war, you may bid adieu to every prospect of discharging the national debt. The present war of all others should be avoided; being without an object, no man can conjecture its termination; for as was most correctly observed by my friend, (Mr. MAÇON,) the belligerents fight everybody but one another. Every object for which the war was originally begun and continued to 1806, has since that time become extinct. The rupture in the negotiations of that day was made not on points affecting directly the British interest, but grew out of the indirect concern she felt in maintaining those urged by Russia, which Power, having since declared war against Great Britain, has obliterated the then only existing object of the war. Embark in it when you please, it will not procure you indemnity for the past; and your security for the future must ultimately depend on the same promises, which you can obtain by peaceable means. I have no disposition, sir, to hazard the interest of my country in a conflict so undefined, so interminable!

But, say gentlemen, it is certainly not submission to trade to those ports which the edicts of the belligerents have not prohibited us from trading with. Granted—I will not enter into a calculation on the subject, as to how much importance the trade would be of to us. The chairman of the Committee of Ways and Means has told you it would be contemptible in amount; but, sir, I say this, because I consider it expedient to continue the embargo, to withhold our supplies from those who need them, I will not permit you to go to those countries. Repeal the embargo in part! No; sir. Give merchants one single spot anywhere out of the jurisdiction of your own country, as large as the square of this House, and they would carry away the whole of our surplus produce. Give them a little island on which to place the fulcrum of their lever, and Archimedes like, they will move your whole trade. Let them go to Demarara, to Gottenburg, or any other burg, and it is to the whole world. But the trade to Spain and Portugal has been held up as highly profitable to the merchants of the United States. The gentlemen who venture this opinion have not, perhaps, considered the subject with all the attention it is entitled to. It appears to me to be demonstrable from the documents, and the knowledge of circumstances which we possess, that Great Britain, with the extension of plunder the Orders in Council warranted, is not satisfied. She was not content that she had laid a snare whereby she intercepted our whole commerce to Europe. She then permitted us (no doubt from extreme

moderation,) to trade with the French colonies, taking care, at the same time, to force a direction of that trade in a channel which could not fail to yield a tributary supply to her exchequer. She has now interdicted, by orders secretly issued, that commerce also. The language of Cochrane's proclamation cannot be misunderstood. What a harvest he would have reaped from the robbery of your merchantmen, had the embargo been raised, as was expected by the British Cabinet, at the commencement of the session. The Orders in Council would have taken all your property going to continental Europe, and those of the Admiralty would have swept the West India traders. I believe the idea of enjoying a free trade to Spain and Portugal is altogether illusory. Mr. Canning has told us, not *in totidum verbis*, but certainly in effect, that we should be permitted to trade with those countries, only under the Orders in Council. In answer to the proposition made by Mr. Pinkney to suspend the embargo as to Great Britain, for a suspension of the Orders in Council as to the United States, the British Minister replied in the most peremptory manner possible. Here let me observe, that had that suspension been agreed to, the embargo would have co-operated with the Orders in Council against France. It would have been even much more efficacious than those orders, inasmuch as our own regulations would have interdicted all commerce with France. The professed object of the Orders in Council, retaliation on the enemy, cannot therefore be real—they originated, as they have been executed, in a spirit of deadly hostility against us. That the operation of those orders would be extended to Spain and Portugal, should the embargo be repealed in part, I infer from this positive assertion of the British Secretary. "It is not improbable, indeed, that some alterations may be made in the Orders in Council; as they are at present framed; alterations calculated not to abate their spirit or impair their principle, but to adapt them more exactly to the different state of things which has fortunately grown up in Europe, and to combine all practicable relief to neutrals with a more severe pressure upon the enemy." Here is not only a denial of suspension, but a threat, that alterations will be made (no doubt in tender mercy to us,) not to abate their spirit, but to adapt their operation more extensively to our ruin. What is the state of things alluded to? Let every gentleman who seeks after truth, candidly inquire for himself, what is the state of things which Mr Canning considers has so fortunately grown up in Europe. Can it be anything but the revolutions in Spain and Portugal? If the Orders in Council are not to be impaired, but their operation rendered more applicable to the present state of things, *a fortiori*, you are to be cut off from the south of Europe, in the same manner as you are from France and her dependencies. And are you ready to repeal the embargo under such a threat as this? This note, sir, is sarcastic to the last degree; in it I read insult added to the atrocious injuries my country has received; there is but one part of it

which can be looked at with patience, and that is the valuable admonition I have read.

Some gentlemen have gone into a discussion of the propriety of encouraging manufactures in this country. I heard with regret the observations of the gentleman from Virginia, on this subject. I will be excused by him for offering my protest against those sentiments. I am for no high protecting duties in favor of any description of men in this country. Extending to him the equal protection of the law, I am for keeping the manufacturer on the same footing with the agriculturist. Under such a system, they will increase precisely in that proportion which will essentially advance the public good. So far as your revenue system has protected the interests of your merchants, I am sincerely rejoiced; but I can consent to no additional imposition of duty, by way of bounty to one description of persons, at the expense of another, equally meritorious. I deplore most sincerely the situation into which the unprecedented state of the world has thrown the merchant. A gentleman from Massachusetts has said, they feel all the sensibility for the mercantile interest, which we feel for a certain species of property in the Southern States. This appeal is understood, and I well remember, that some of their representation were among the first who felt for our distressing situation, while discussing the bill to prohibit the importation of slaves. I feel all the sympathy for that interest now, which was felt for us then; but I ask if it is not sound policy to encourage the patriotism of our merchants to support still longer the sacrifices, which the public exigencies call for, with spirit and resolution? If they should suffer most from our present situation, it is for their immediate advantage that we are contending. I must be allowed in continuation to say, that, although I do not profess to be one of the exclusive protectors of commerce, I am as willing to defend certain rights of the merchant, as the rights of the planter. Thus far I will go; I will assist in directing the physical strength of the nation to the protection of that commerce which properly grows out of the produce of the soil; but no further. Nor am I therefore disposed to limit the scene of his enterprise. Go up to Mocha, through the Dardanelles, into the South seas. Search for gums, skins, and gold, where and when you please; but take care, it shall be at your own risk. If you get into broils and quarrels, do not call upon me, to leave my plough in the field, where I am toiling for the bread my children must eat, or starve, to fight your battles.

It has been generally circulated throughout the Eastern States, in extracts of letters, said to be from members of Congress, (and which I am certainly sorry for, because it has excited jealousies, which I wish to see allayed,) that the Southern States are inimical to commerce. So far as South Carolina is concerned in the general implication, I do pronounce this a gross slander, an abominable falsehood, be the authors whom they may. The State of South Carolina is now making a most magnanimous sacrifice for commercial rights.

Will gentlemen be surprised when I tell them, South Carolina is interested, by the suspension of our trade, in the article of cotton alone, to an amount greater than the whole revenue of the United States? We do make a sacrifice, sir; I wish it could be consummated. I should rejoice to see this day all our surplus cotton, rice, flour and tobacco burnt. Much better would it be to destroy it ourselves, than to pay a tribute on it to any foreign Power. Such a national offering, caused by the cupidity and oppression of Great Britain, would convince her, she could not humble the spirit of freemen. From the nature of her products, the people of South Carolina can have no interest unconnected and at variance with commerce. They feel for the pressure on Boston, as much as for that on Charleston, and they have given proofs of that feeling. Upon a mere calculation of dollars and cents—I do from my soul abhor such a calculation where national rights are concerned—if South Carolina could thus stoop to calculate, she would see that she has no interest in this question—upon a calculation of dollars and cents, which I repeat, I protest against, it is perfectly immaterial to her whether her cotton, rice, and tobacco, go to Europe in English or American vessels. No, sir, she spurned a system which would export her produce at the expense of the American merchant, who ought to be her carrier. When a motion was made last winter for that kind of embargo, which the gentleman from Maryland (Mr. KEY) was in favor of; for he says he gave his advice to do that very thing, which if adopted would cut up the navigation interest most completely, (an embargo on our ships and vessels only;) South Carolina could have put money in her pocket, (another favorite idea with the gentleman,) by selling her produce to foreigners at enormous prices; her representatives here unanimously voted against the proposition; and her Legislature, with a magnanimity I wish to see imitated throughout the United States, applauded that vote—they too said they would unanimously support the embargo, at the expense of their lives and fortunes. She did not want an embargo on our ships, and not on produce. No, sir; she knows we are linked together by one common chain—break it where you will, it dissolves the tie of union. She feels, sir, a stroke inflicted on Massachusetts, with the same spirit of resistance that she would one on Georgia. The Legislature, the representatives of a people with whom the love of country is indigenous, told you unanimously, that they would support the measures of the General Government. Thank God, that I am the Representative of such a State, and that its representatives would not accept of a commerce, even at the advice of the gentleman from Maryland, which would profit themselves at the expense of their Eastern brethren. Feeling these sentiments, I cannot but say, in contradiction to what fell from the gentleman from Virginia, (Mr. GIBSON,) I should deplore that state of things which offers to the merchant the lamentable alternative, beggary or the plough. I would say to the merchant, in the sincerity of

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my heart, bear this pressure with manly fortitude, if the embargo fails of expected benefit, we will avenge your cause. I do say so, and believe the nation will maintain the assertion.

It is with reluctance I feel compelled, before I resume my seat, to make a few observations in reply to what fell from the gentleman from Maryland (Mr. KEY) yesterday. The gentleman commenced his address by contradicting the statements made by a gentleman from Massachusetts, and my worthy friends from Virginia and Georgia (Messrs. RANDOLPH and TROUP.) He told you their districts could not feel the embargo most, as it was in his the sufferings were most severe. I shall not waste the time of the House by an inquiry into the truth of this assertion; nor, sir, will I enter into a competition of this sort. I aim at a distinction far more glorious. The State I represent in pari, bears the embargo the best. This it is my pride to boast of. There, sir, there are no murmurs, no discontent at the exertions of Government to preserve the rights of the nation. And as long as respect for the honor, and a hope of the salvation of the country exists, so long will they bear it, press as hard as it may.

The gentleman told you, in speaking of the Maryland elections, that the film is removed from the eyes of the people, and that in discerning their true interests, they saw it was the embargo, and not the Orders in Council, which oppresses them. He must feel confident indeed in the knowledge that he is two years in advance of his constituents, or he would not have ventured such an assertion. [Mr. KEY explained that he had said the film was removed, and the people saw that their distress arose more from the embargo than from the Orders in Council.] Mr. WILLIAMS continued: I have no intention to misrepresent the gentleman, but I understood him to say that the Orders in Council did not affect the continental market, but the Berlin decree; that the embargo caused all the pressure at home; that the Orders in Council had no part in producing that measure, and therefore I infer as his opinion, that the Orders in Council have not injured us. [Mr. KEY said that the few observations which he had made on this subject, were in reply to the gentleman from Tennessee, (Mr. G. W. CAMPBELL,) that the people should be no longer deluded. In answer to this Mr. K. said he had observed that the people were not deluded—that the film was removed from their eyes, and that he then had gone on to show that the depression of produce arose from the embargo. But that he never had meant to say that the Berlin decree and Orders in Council were not injurious, because they lopped off a large portion of our commerce.]

I understood the gentleman to say (observed Mr. W.) that it was very strange we would not trust our merchants upon the subject of the embargo, who were the best judges. I wish to represent the gentlemen's sentiments correctly, and shall not consider him impolite, if I have mistated him, should he again stop me. Why, sir, is it strange? Are the merchants the guardians of the public honor? This I conceive to be the pe-

culiar province of Congress, because to it alone has the Constitution confided the power to declare war. Will the gentleman trust the merchants with the guardianship of his own honor? No, sir, he chooses to protect it himself. And would he advise the nation to pursue a course disgraceful, and to which he would not expose himself? I will not trust the merchants in this case, nor any other class of men; not being responsible for the national character, they will trade anywhere, without regard to principle. So true is this, Desalines felt no uneasiness when informed of the law prohibiting all intercourse with St. Domingo; he replied, "hang up a bag of coffee in hell, and the American merchant will go after it." I am not sure that, in the evasions of the embargo, some of them have not already approached near its verge: certain I am, that, in a fair commerce, such is the enterprise and perseverance of their character, they will drive their trade as far as it can be driven. No, sir, I will not trust the merchant now, because he would do the very thing which the gentleman seems to wish, trade under the Orders in Council.

The embargo should be removed, because, says the gentleman, it has operated as a bounty to the British trade. I should be disposed to doubt this, if for no other reason than a knowledge of who advocates its removal. Before the embargo was laid, agricultural labor in the British West India islands, particularly on sugar estates, could scarcely support itself. I refer the gentleman to the documents printed by order of Parliament, and the memorials of the agent of Jamaica. He will find that the planters are in a distressed situation, not from their failure in the cultivation of the soil, but from the enormous duties on their produce in the mother country. Are the extravagant prices of articles of the first necessity, superadded to their former embarrassments, to operate as a bounty on their trade? I should be extremely gratified if the gentleman will inform us, what would have been the amount of bounty on the trade, if evasions of the embargo had not taken place. If the price of flour has been sixty dollars per barrel, and other articles in proportion, what would have been the price, had there been no evasions of the law? They could not have been procured at all: and yet we are told the embargo is a bounty on British trade! When the gentleman was, I had like to have said, justifying the Orders in Council, he should have favored us with a vindication of the *smuggling* proclamation also. Such a degree of corruption and of immorality never before, in any one paper, disgraced a civilized nation. The citizens of a country, at peace and in amity, enticed to evade their own laws! Is such an act calculated to induce the belief that the embargo operates as a bounty on British trade?

I shall not enter upon another question stirred by the gentleman, the constitutionality of the embargo law; the subject has become so stale, that even he could scarcely make it interesting. It has been laid asleep—a solemn adjudication has taken place and put it at rest. But the gentleman will excuse me for observing he made a most un-

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fortunate allusion in the course of his argument. He said it was strange that, not having the power delegated to us to tax exports, we should undertake to prohibit them. The Orders in Council, which if the gentleman did not justify, he was certainly very tender of, do exercise that very power of taxing our exports, which by the Constitution we are prohibited, and that too when they are destined to a government equally sovereign and independent with that of Great Britain.

We have been referred by the gentleman to the history of the Revolution, and after a kind of encomium on the resources of Great Britain, the triumphs of her navy and her present imperious attitude, he demanded to know if we can expect she will yield to us now, when during the Revolution she maintained a war against the whole world, at the same time that she kept us at bay seven years and succeeded with every nation but her own sons—will she truckle at our feet now? The gentleman knows we do not seek to make her truckle at our feet; we wish her no injury; we ask of her no boon whatever; we only entreat her to let us alone; to abstain from wanton, unprovoked acts of oppression. What is the object of this language? Is it to tell us she never will redress our wrongs; or is it to divert us from a prosecution of our rights? The contest was very different with her at that time, from what it is now. She then contended against the dismemberment of her Empire. Will the gentleman say she values the principles of her Orders in Council, as she did the sovereignty of her colonies? What will the gentleman discover, by examining the history of the period he referred to? England, at that time, when France, Spain, Holland, and the United States, were opposed to her, when the armed neutrality in the north of Europe assailed her, when all these brought the principle of embargo to bear upon her, was nearer ruin than she ever was before or since. I refer him to Playfair's tables for the year 1781; there he will find the very principle proven, for which we are now contending. Does Great Britain now prize the plunder of your merchantmen, the impressment of your seamen, insult to your national flag, as much as she did the sovereignty of the soil? Certainly not; and yet she must, precisely the same, or she will not hold out now as she did then. When I recollect that her necessary annual expenditure is greater than the gross rent of all the landed property in her kingdom; that the armed neutrality affected her so materially, that the same principle is brought into operation again; that by withholding our custom, our supplies, our raw materials, we must necessarily destroy a large portion of her revenue, I cannot but hope, she will see her own interest in redressing our injuries. This is all we contend for, allow the experiment to be made; if not, at least propose some better remedy.

But said the gentleman, at the close of the Revolutionary war, we alone triumphed over the arms of Great Britain; defeat befell all the rest of the world. I will not contest that point with him, as he is old enough to speak from experience.

We were informed by the gentleman, that it was the Berlin decree, and not the Orders in Council, had destroyed our trade to the Continent of Europe. Here too we are directly at points.—The gentleman has not made himself master of his case, or has totally mistaken his evidence. I hold a document in my hand which, perhaps, the gentleman may object to, as coming from the opposition party in Great Britain; it is the depositions of sundry merchants of great wealth and respectability, taken before the British House of Lords, on the subject of the Orders in Council. Here Mr. W., read from the depositions the following questions and answers:

"If the American embargo were removed, and the Orders in Council still continued in force, in that case would the witness resume his shipments?"

"To a very small amount,

"For what reason?"

"Because I do conceive, that there would be such great impediments, indeed a total annihilation of trade from the United States of America to the Continent of Europe, that I could not expect to receive any returns for the goods I sent out; and another reason would be, my apprehension that a war between the United States and this country would be the consequence of those Orders in Council.

"What is the reason that the Orders in Council prevent the witness sending our cotton goods in ships in ballast?"

"I believe I stated my apprehension that they might produce a war between the two countries; another reason was, I could not expect to get remittances, and a total annihilation of the trade between the United States of America and the Continent of Europe, from whence a great part of my remittances must be derived.

"If the American embargo in general were taken off, and the Orders in Council to be continued, would his trade in that case revive?"

"I certainly should feel no inducement to export goods to America while the orders continued.

"Why not?"

"I should apprehend that hostilities between this country and America would be the consequence of continuing the Orders in Council.

"Would the Orders in Council have any other effect as to discouraging the trade?"

"They would have considerable effect in regard to our remittances.

"In what manner?"

"By bringing all the produce of America to this country, they must occasion such a vast glut in the market, that the produce would be worth little or nothing.

"In what degree would it affect the dealers in those commodities brought to this country, as to their remittances to this country?"

"The consequence I apprehend would be, that great part of the bills must go back protested; because the produce, for which the bills are drawn, would sell for scarcely the value of the freight and charges.

"Does the witness conceive, from his knowledge of the American trade, that if the whole of the American produce, which according to an average of years had been carried to the Continent of Europe, and to Great Britain, was now to be imported into Great Britain alone, and the Orders in Council to continue; whether it would be possible to export from Great Britain to the Continent, so much of the American produce as should

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prevent a glut of the American produce remaining in the market?

"I think it would be impossible.

"Have you lately written to your correspondents in America respecting shipments of American produce to this country?

"I have.

"To what effect have you so written?

"I have written that in case of submission to these Orders of Council, in case such a thing should take place, to suspend all operations.

"Did you give this advice to your American correspondents, upon the supposition that America would acquiesce in the Orders in Council?

"Certainly not, I stated it as a thing by no means likely; but, as there is nothing impossible in this world, that if it were so, not to move; that in case they were acquiesced in, not to attempt any business.

Considering (continued Mr. W.) these are the sentiments (delivered under the sacred obligation of an oath) of that very description of men, who the gentleman believes are the best judges and ought to be trusted, I am warranted in saying, they prove his position wholly unfounded. The gentleman's project last year was to lay the embargo on our ships and vessels, and to dispose of our produce, the effect of which would have been destruction to our own vessels, constant encouragement to those of Great Britain. I beg him to remember, that if two or three years hence, he should not stand as high with the American merchants as he could wish, it may be fairly attributed to this friendly protection of their immediate interests, which he would have extended to them.

The gentleman was equally unfortunate in saying, the destruction of St. Domingo had caused such a demand for sugar, that the cultivation of cotton in the British West India islands had been abandoned; he is not well versed on the subject, the fact not being as he has stated it. However great an impetus the destruction of St. Domingo may have given to the cultivation of sugar and coffee, in the British West Indies, it certainly had no effect in any way on that of cotton, the quantity of that article formerly exported from thence being too small to have any influence whatever. Our cotton will never be supplanted from that quarter. Could the sugar estates be converted to cotton plantations, so depressed has been their situation, that conversion would have been long since effected. Nor, sir, is it true, that the cultivation of cotton in the British West India islands has been abandoned; on the contrary, it has been regular though slow in its increase, compared with that of coffee. Crops of that kind are frequently precarious, owing to a natural enemy of the plant in those islands, and therefore the cultivation has not kept pace with the demand.

I heard the gentleman with pain and mortification, I repeat it, with pain and mortification I heard him declare that nations like individuals should pocket their honor for money. The act is base in an individual, in a nation infinitely worse. The gentleman was corrected by his colleague (Mr. NELSON) on this subject. He evidently, to my apprehension, expressed an opinion, that money was to be preferred to honor. He

told us that honor in arbitrary governments was identified with the monarch, who went to war for his mistress; that in republics honor consisted in the opportunities afforded to acquire wealth, and by way of illustration said, we pocketed our honor for money in paying tribute to the Barbary Powers, for the security of a paltry trade. Does the gentleman mean to assimilate a tribute exacted by Great Britain with that paid to Algiers? Or does he mean to be understood as advising us, because we purchase peace with barbarians, involving no honorable consideration, to barter for a pecuniary reward, with Great Britain, our rights, our honor, and our independence? Detestable as this inference is, it results from his arguments. Repeal the embargo, throw open your trade to Great Britain; you can put money in your pocket by it. I want no substitute. Sir, if my tongue was in the thunder's mouth, then with a passion would I shake the world and cry out treason! This abandonment of our rights, this sacrifice of our independence I most solemnly abjure. Astonished indeed am I, that a gentleman so eloquent, so well qualified to uphold the honor and dignity of his country, should so abandon them! Is it possible such doctrine should be advocated on the floor of Congress? Has it come to this? Was it for this the martyrs of the Revolution died? Is this great Continent and the free millions who inhabit it, again to become appendages of the British Crown? Shall it again be held in its orbit by the attractive, the corruptive influence of the petty island of Great Britain? No. Sooner may you expect the sun with all the planetary system will rush from their shining spheres, to gravitate round a pebble. Remember, sir, it is no longer a contest singly about the carrying trade, or the impressment of seamen, or the insult to the national flag, but all united with the rights and attributes of sovereignty, even to the violation of the good old United States. You stand on the verge of destruction, one step, one movement backwards will stamp your character with indelible disgrace. You must now determine whether you will maintain the high station among nations, to which the virtues, the spirit of the people have elevated you, or sink into tributary vassalage and colonization. By all your rights, your duties, your awful responsibility, I charge you "choose ye this day whom ye will serve; but as for me and my house, we will serve the Lord."

Mr. CULPEPPER spoke in opposition to the report.

Mr. Cook moved to adjourn. Mr. J. G. JACKSON called for the yeas and nays on the motion; but a sufficient number did not rise to justify the taking them. Motion to adjourn, negatived. Mr. Cook renewed the motion, observing that he had some remarks to make, which might occupy the House some time.—Carried, 54 to 50, and the House adjourned.

SATURDAY, December 10.

Mr. LEWIS, from the Committee for the District of Columbia, presented a bill supplementary

to the act, entitled "An act for the establishment of a Turnpike Company in the county of Alexandria, in the District of Columbia;" which was read twice, and committed to a Committee of the Whole on Monday next.

The bill sent from the Senate, entitled "An act further to amend the judicial system of the United States," was read twice, and committed to Mr. MARION, Mr. HOLLAND, and Mr. KELLY, to consider and report thereon to the House.

Mr. NELSON, from the committee appointed the eleventh ultimo, on so much of the Message from the President of the United States as relates to the Military and Naval Establishments, presented a bill authorizing the appointment and employment of an additional number of navy officers, seamen, and marines; which was read twice and committed to a Committee of the Whole on Monday next.

FOREIGN RELATIONS.

The House again proceeded to the consideration of the first resolution of the report made by the Committee of Foreign Relations.

Mr. Cook addressed the House at considerable length.

Mr. R. JACKSON said: Mr. Speaker, not having been in the habit of public speaking, it is with great diffidence I rise, to make any observations on the resolutions now under consideration, after so much has been said upon the subject. But, sir, knowing the deep stake that the portion of citizens which I have the honor to represent, and the United States at large, have in the present embarrassed state of our political affairs, was I to remain silent, sir, I should feel as if I was guilty of treachery to their interests. I shall not attempt to follow gentlemen in their arguments who have gone before me in the debate, but confine myself to make such observations on the resolutions and the state of our political affairs, as appear to me to be necessary and proper. By the first resolution we are called upon to declare "that the United States cannot, without a sacrifice of their rights, honor and independence, submit to the late edicts of Great Britain and France." Why we are called upon to make this declaration, I cannot conceive. I do not see the use of it, unless it is considered by the committee as a kind of test act, which they think ought to be administered to every member of the House, to ascertain whether they are of sound principles or not. I do not like such abstract propositions, I think them useless, as nothing can come from them in a legislative way; no bill can be formed from it; however I do not see anything at present to prevent me from voting for it. By the second resolution we are called upon to declare "that it is expedient to prohibit, by law, the admission into the ports and harbors of the United States of all public or private armed or unarmed ships or vessels belonging to Great Britain or France, or to any other of the belligerents having in force orders or decrees violating the lawful commerce and neutral rights of the United States; and also the importation of any goods, wares, or mer-

chandise, the growth, produce, or manufacture of the dominions of any of the said Powers, or imported from any place in the possession of either.

Here, sir, I shall take the liberty to dissent from the committee, for I do not think it to be expedient to join them in such a resolution as this. For I would ask, what are we to promise to ourselves from such a system as this; what will be the probable effects of it? Will it compel the great belligerent Powers to do us justice for past injuries and secure us for the future? If I thought it would, I would most cheerfully vote for it. But, sir, I have no reason to suppose it will, for we have now had considerable experimental knowledge of the effects of the embargo system, both as it respects ourselves and foreign Powers, and we have found from experience, that, as a coercive measure, it has had no effect. It has not compelled France or England to do us justice, or to rescind their unlawful edicts and decrees, issued against neutral commerce. And those nations having now experienced the effects of the embargo for nearly one year, whatever alarm it might have given them, when first laid on, that alarm has ceased. And we have it from high authority, that France cares nothing about it, and that in England, owing to the great events now passing in Europe, it is forgotten. And shall we still, with all this information and experience, adhere to this system, and still think we can legislate France and England into a committance to do us justice, and bring them to the bar of justice in this way? Far be it from me to censure any one, for the part they have taken in endeavoring to maintain the rights of our country, and giving security to the interest of our citizens. But, sir, I think, in the business of legislation, that the same line of conduct ought to be pursued, that we would pursue in the common and ordinary proceedings of life; for should any of us undertake to do anything, suppose it be to get a vessel afloat that had been stranded, and the means employed were totally inadequate to its accomplishment, should we not abandon those means and try some other? We have tried the embargo, and found it altogether ineffectual, and we have no reason to suppose, that by a further continuance of it, it will answer any of the purposes for which it was intended.

I will now take some view, as it appears to me, of what has been, and will be the effect of the embargo, if continued, as it respects ourselves. The burden of it has already been very great, on a large proportion of our citizens. It has been grievous, and very sore. For how otherwise can it be, when we consider, that all the navigation business, from one end to the other of these United States, is totally stopped, excepting a small remnant of our coasting trade, and that remnant under very great embarrassments; and all that numerous class of our citizens, dependent on commerce, deprived of their usual means of gaining a livelihood, and in consequence thereof thousands of them have been obliged to live on their former earnings, and consume that little property they had? treasured up for their future support and if

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the embargo is continued, the inevitable consequence must be, bankruptcy to many of our merchants, and absolute distress, misery, and want, to a large proportion of our citizens, who live in the seaport towns, and great embarrassments to all classes of citizens throughout our country. And if this system is continued, we must incur the hazard of having civil commotions in our country, for experience has proved, that when great distress prevails among the people, and that distress arises from political measures, which the people are divided in sentiment upon, the hazard is very great that civil commotions will take place. Some gentlemen have undertaken to show how much we have already lost by the embargo. But I shall not go into any calculation of this sort, for I am convinced that it defies calculation; it is impossible to follow it into all its turnings and windings. It is enough for me to know that the loss is immense, and that we have received such a shock by it, that it will require a long time to come, to recover from it. Gentlemen have also endeavored to point out such parts of the Union, as they think are suffering the most by the embargo. There is no doubt but that it does bear harder upon some portions than on others, and that it is unequal in its operation. But, sir, my idea is, that it bears the hardest upon that part of our citizens, where they are the most dependent on commerce for their living; and this being the case, in nearly as great a degree, perhaps, with the citizens of Rhode Island as in any part of the Union, it follows that my constituents are suffering as much as any portion of the United States.

But, sir, its pressure is upon the whole country, and it carries misery throughout our land; and if continued, the distress occasioned by it must still be much greater than it has been, and will become intolerable in some parts of the Union, and the consequences may be dreadful to the nation. And as to its effects on France or England, for myself, I am of opinion, that the Emperor of France and King of Italy is well pleased with it, for, as it is observed by Mr. Canning, "it certainly comes in aid" of his grand design, of destroying the commerce of the English, and trying to give that nation the consumption of the purse; and, until he is satisfied with that speculation, he will wish us to keep on the embargo. And since Spain and Portugal have refused any longer to be under the control of Bonaparte, and have bid him and all his hosts defiance, and have connected themselves with the English, I believe the English care nothing about the embargo, but would give us their free leave to keep it on forever; for, sir, it gives the greatest activity to their colonies of Canada and Nova Scotia, and must be the means of increasing their settlements with astonishing rapidity. Experience has already proved to them, that their colonies in the West Indies can be maintained without us, and Spain and Portugal and their colonies having become open to them, to vend their manufactures, and with what can be smuggled into the Continent and into our country, in spite of all the laws that can be

made against it, will furnish them market enough; and our navigation being all laid up, and out of the way, their ships will obtain great freights from Spain and Portugal to the colonies, and from the colonies back to the mother country; and in consequence of our retiring into a state of dignified retirement, as it has been called, they will have nearly the whole trade of the world, in their own hands. And it appears to me, sir, in every point of view that I can place the subject, if we continue the embargo, it will operate to distress ourselves an hundred times more than it will any body else. I will now, as I have heard the call so frequently made, that, if you do not like this system, point out a better, and if it appears so, we will adopt it—I will therefore, point out, what appears to me, a better line of conduct for the United States to pursue, and if I am so unfortunate as not to find a man in this House of my opinion, I cannot help it, for I feel myself constrained, from a sense of duty to my suffering constituents, to inform this House and the nation, that I wash my hands of it, and protest against it. I therefore, sir, with great deference to superior abilities, propose that the law imposing an embargo on all ships and vessels of the United States, and all the laws supplementary thereto, be immediately repealed, and that we authorize our merchants to arm their vessels, under proper regulations, in defence of our legitimate and lawful commerce; that the Government from time to time afford the commerce of the country such protection as may be found necessary and prudent. If this was done, I have no doubt but that the citizens of the United States would soon be relieved from their present embarrassments and distress. This, sir, would produce a circulation in the body politic, our planters and farmers would immediately find a sale for their surplus produce, our merchants would find employ for their vessels, and all that numerous class of citizens who have heretofore been engaged in the active and busy scenes of commerce, would again find employ in our seaports. In lieu of beholding dismantled ships covered with boards and mats, we should see in them spars and rigging aloft, and the ports whitened with their sails, and again hear the cheering sound of industry. But it has been said that if the embargo was removed and our merchants should send their vessels to sea, most of the property would be taken by one or other of the great belligerent Powers, and thus be lost to our country; and that we have so little trade left that it is not worth our notice. But let us examine this, and see if it be so. Could we not, sir, in the present state of the world, trade to England, Scotland, and Ireland, to Sweden, Spain and Portugal, to some of the islands in the Mediterranean, and some of the Turkish ports on that sea; to nearly all the ports in the East and West Indies, to both sides of the continent of South America, and some other places, and have the obstruction occasioned by the embargo laws removed from our own coast? Is all this trade of no importance to trading people? Gentlemen have gone into statements to show, from our former trade, how

much of our domestic produce could be exported to the different part of the world, under the present embarrassments, occasioned by the great belligerent Powers; but for myself I put no confidence in such statements. I consider trade may in some measure be compared to water; if the channel it has been used to run in becomes obstructed, it will find new channels to vent itself in. For instance, sir, suppose we should adopt the resolution offered by the gentleman from New York, (Mr. MUMFORD.) He mentioned that we could trade to the little Swedish island of St. Bartholomews, in the West Indies. Now suppose we should look over our former exports to this island in any one year, what should we find the amount to be? I do not know, sir, perhaps one hundred thousand dollars, but double, triple it if you please, and what comparison would it bear, with the amount that would be shipped there, under his system? Would it not immediately become a distributing point for the whole of the West India islands, and the amount increased to an astonishing degree, when compared with what used to be exported there? And so it would be in other parts of the world. The articles will go where they are wanted, in a greater or less degree; and if they cannot be carried directly, they will find their way in an indirect manner. And as to the danger of the property being captured and confiscated, I think our merchants and underwriters are the most competent to judge of that. They do not wish the Government to become guardians for them in this respect. All they wish for Government to do, is to let them manage their own affairs in their own way; and the Government to afford the commerce of the country as much protection as shall be for the real interest of the whole nation. Have we not seen, in the Summer past, with what eagerness the merchants in the United States availed themselves of the special permission granted to fit their vessels in ballast, and go abroad to collect debts? And was not every old and obsolete claim hunted up, that existed in the country, to make out the amount necessary to avail themselves of this permission? Is not this proof that the merchants did not consider the risk very great? And was not several hundred sail of vessels fitted out under this permission; and have they not nearly all returned back to the United States in safety? Many of these vessels were insured to the West Indies, out and home, at premiums of about eight and nine per cent., and this in the midst of the hurricane season. This proves that the underwriters did not estimate the political risk at more than two or three per cent., for the natural perils in time of profound peace would be considered equal to six per cent. And the calculation of the underwriters has proved correct, for they have made money by the business. And was our embargo removed, I am of opinion, that the premiums of insurance would not be more than six or seven per cent. to any port in Great Britain, and about the same to Spain and Portugal. This, if correct, proves that the political risk is not considered to be very great by those who are the best judges of it. But, sir, it appears to me, there are many gentlemen in this House

who think it will not do to trade, until all political risk is removed out of the way. If we wait for this, we shall never trade any more, for the natural perils of traversing the ocean always exist, and always remain nearly the same, allowing for the variation of the seasons. And the political perils always exist, but they vary according to the state of political affairs among the nations of the world. But, sir, I have repeatedly heard it said, and the same thing is expressed in the report of the committee, that our situation is such, that we have no other alternative than a war, with both Great Britain and France, submission, or a total suspension of our commerce.

The committee have sir, after a long statement, brought our affairs up to this point, and I do not like any of the alternatives, out of which they say we must make a choice, for I do not believe that we are reduced to this dilemma; and I will not agree to go to war with both England and France, nor will I agree to submit, or to totally suspend our commerce. But I will agree to give our merchants liberty to arm their vessels, under proper regulations, in defence of our legitimate commerce, and leave it to them to send their vessels for trade where they please; and if any of them are so unwise as to trust their property to France, or to any ports in Europe where the French control, let them fight their way there if they choose. I see no other course, sir, that we can pursue, that will be so much for the interest and honor of our country, as the one pointed out. The American people are a cool, calculating people, and know what is best for their interest, as well if not better than any nation upon earth, and I have no idea that they will support the Government in a ruinous war with England, under the present existing circumstances, nor in measures depriving them of all trade and commerce.

Mr. MUMFORD then offered a few observations in answer to the remarks of Mr. GHOLSON of Virginia. During the discussion, six different motions were made for an adjournment, the last of which, offered by Mr. GARDENIER, was carried—yeas 58, nays 48.

MONDAY, December 12.

Mr. MUMFORD presented a memorial of the surviving officers of the late Revolutionary Army and Navy of the State of New York, praying that they may receive the difference of the interest of six per cent. on their final settlement certificates for the years 1782 and 1783, and on the commutation certificates from the 1st of January, 1784, to the 1st of January, 1791, which were funded at three per cent.; also, ten years' interest upon one-third of the principal of their respective final settlement and commutation notes, which constituted the six per cent. deferred stock.

EXECUTIVE DOCUMENTS.

Mr. RANDOLPH observed that it was not without some embarrassment that he rose to submit a motion to the House, not because he conceived

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that there was anything improper in the motion itself—far otherwise—but because he was not perfectly sure whether, previous to making it, he ought not to request the galleries of the House to be cleared. But, inasmuch as the motion itself could convey nothing to the spectators in the galleries which would be improper to disclose, and it would be competent for the Chair to decide whether the discussion (if any should arise) ought to be carried on with closed doors or not, perhaps it would be better, in the first instance, to submit the motion with the doors open, because he knew what sensations the closing the doors of the House frequently excited. The public had already seen, by the supplemental journal of proceedings with closed doors, the fate of several motions made in order to give publicity to several communications from our Ministers abroad. They had also seen, he presumed, because he had seen in the public newspapers, a letter purporting to be written by a member of this House, (Mr. SAWYER,) containing what was stated to be a disclosure of those despatches in substance. It could not be forgotten that, during the discussion of propositions to give publicity to those communications, gentlemen, one in particular from Massachusetts, had conceived that nothing could be more unhappy than to give, substantially, their contents; that it would be infinitely better, in fact, to publish them *verbatim*, than to give what each individual might choose to call their substance. And Mr. R. said it was well known that his worthy friend from North Carolina, (Mr. MACON,) though zealous for their publication, had voted against giving permission to any individual to make public what he thought to be their substance.

It was with extreme reluctance, Mr. R. said, that he had drawn into question the name of any member of this House, particularly of one who was not present. He said he had deferred the motion which he was about to submit, in hopes that the gentleman whose name had been used by the public papers would be present to inform the House whether his name had been properly used by the public papers or not. He wished not to be understood as vouching for the proof of the fact; but the impression on the public mind was the same from that letter as if it had actually been written by the member in question; and it must be well known to every member of this House—and that, as far as it went, was a proof that it had not been written by the gentleman in question—that the letter did not contain, substantially, the amount of the despatches. He said he perceived in that printed letter that an important letter of General Armstrong, he thought of the 22d. of February, was not alluded to at all. He thought it important not only that the public should see what the members themselves had seen, that they should know what they knew, but that they should be apprized of what, in his opinion, was not of much less consequence, of what the House did not know. For this purpose, he said, he would again submit a motion to the House which had been once rejected, upon ground

which, in his opinion, could not at this moment have weight, since the principal objection consisted in the impropriety of permitting anything purporting to be the contents of the communications to be known, on account of the misrepresentation to which they might be liable.

Mr. RANDOLPH then offered the following resolution:

Resolved, That the injunction of secrecy imposed on the communication from our respective Ministers at Paris and London, which accompanied the President's Message of the 8th instant, be taken off, with the exception of the extract of a letter from General Armstrong to the Secretary of State, dated Paris, December 27th, 1807.

The SPEAKER observed that, in his opinion, the rules of the House required that this resolution should be considered with closed doors.

On motion of Mr. RANDOLPH, the galleries were accordingly cleared, and so remained for about an hour and an half, when they were again opened. Whilst the doors were closed, the question on Mr. RANDOLPH's motion was taken, after debate, by yeas and nays, as follows:

YEAS—Burwell Bassett, Epaphroditus Champion, Martin Chittenden, John Culpeper, John Davenport, jun., Daniel M. Durell, James Elliot, William Ely, Barent Gardenier, James M. Garnett, Edwin Gray, John Harris, William Hoge, Richard Jackson, Robert Jenkins, James Kelly, Thomas Kenan, Philip B. Key, Joseph Lewis, jun., Edward St. Loe Livermore, Matthew Lyon, Nathaniel Macon, Josiah Masters, John Morrow, Jonathan O. Mosely, Gurdon S. Mumford, Roger Nelson, Timothy Pitkin, jun., Josiah Quincy, John Randolph, John Russell, Samuel Smith, William Stedman, Lewis B. Sturges, Samuel Taggart, Benjamin Tallmadge, Abram Trigg, Jabez Upham, Philip Van Cortlandt, Archibald Van Horn, Killian K. Van Rensselaer, and David R. Williams—42.

NAYS—Evan Alexander, Lemuel J. Alston, Willis Alston, jun., Ezekiel Bacon, Joseph Barker, William W. Bibb, William Blackledge, John Blake, jun., Thomas Blount, Adam Boyd, John Boyle, Robert Brown, William A. Burwell, William Butler, Joseph Calhoun, George W. Campbell, Matthew Clay, John Clopton, Richard Cutts, John Dawson, Josiah Deane, Joseph Desha, William Findley, James Fisk, Meshack Franklin, Francis Gardner, Thomas Gholson, jun., Peterson Goodwyn, Isaiah L. Green, John Heister, William Helms, James Holland, David Holmes, Benjamin Howard, Reuben Humphreys, Daniel Isley, John G. Jackson, Richard M. Johnson, Walter Jones, William Kirkpatrick, John Lambert, John Love, Robert Marion, William McCreery, William Milnor, Daniel Montgomery, jun., John Montgomery, Nicholas K. Moore, Thomas Moore, Jeremiah Morrow, Thomas Newbold, Thomas Newton, Wilson C. Nicholas, John Porter, John Rea of Pennsylvania, John Rhea of Tennessee, Jacob Richards, Matthias Richards, Benjamin Say, Ebenezer Seaver, Samuel Shaw, James Sloan, Dennis Smelt, John Smilie, Jedediah K. Smith, John Smith, Henry Southard, Richard Stanford, Clement Storer, Peter Swart, John Taylor, John Thompson, George M. Troup, James I. Van Allen, Daniel C. Verplanck, Jesse Wharton, Robert Whitehill, Isaac Wilbour, Alexander Wilson, Nathan Wilson, and Richard Winn—81.

And the doors being now opened, a message

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from the Senate informed the House that the Senate have passed a bill, entitled "An act for the relief of Andrew Joseph Villard;" to which they desire the concurrence of this House.

FOREIGN RELATIONS.

The report of the Committee on our Foreign Relations being still under consideration—

Mr. GARDENIER commenced a speech against the measures of the present Administration generally, and the embargo in particular. When he had been speaking about an hour—

Mr. UPHAM observed that the usual hour of adjournment (about half past two o'clock) had arrived, and the gentleman appeared not to have nearly finished. He therefore moved to adjourn.

Mr. GARDENIER giving way for the purpose of permitting a question to be taken on the motion, Mr. J. JACKSON called for the yeas and nays on it, giving as a reason his desire that the public should know who were willing to protract public business thus. The motion for adjournment was negatived—yeas 47, nays 65.

After Mr. GARDENIER had spoken about twenty minutes longer—

Mr. QUINCY observed that the gentleman from New York appeared to be much exhausted, and renewed the motion for adjournment.—Carried—yeas 67.

TUESDAY, December 13.

On motion of Mr. THOMAS,

Resolved, That a committee be appointed to inquire into the expediency of dividing the Indiana Territory; and that they have leave to report by bill or otherwise.

Ordered, That Mr. THOMAS, Mr. KENAN, Mr. BASSETT, Mr. TAGGART, and Mr. SMILIE, be appointed a committee pursuant to the said resolution.

On motion of Mr. THOMAS, the resolutions of the House of Representatives of the Indiana Territory, which were read and ordered to lie on the table on the fourteenth ultimo, were referred to the select committee last appointed.

Mr. MARION, from the committee to whom was referred, on the tenth instant, the bill sent from the Senate, entitled "An act further to amend the Judicial System of the United States," reported the bill to the House without amendment: Whereupon the bill was committed to a Committee of the Whole to-morrow.

The bill sent from the Senate, entitled "An act for the relief of Andrew Joseph Villard," was read twice and committed to a Committee of the Whole to-morrow.

On motion of Mr. ALEXANDER,

Resolved, That a committee be appointed to inquire whether any, and, if any, what farther provision ought to be made by law, prescribing the manner in which the public acts, records, and judicial proceedings, of one State, shall be proved and given in evidence in another State, and the effect thereof; and that they have leave to report by bill or otherwise.

Ordered, That Mr. ALEXANDER, Mr. DAVID R. WILLIAMS, Mr. JOHN G. JACKSON, Mr. KEY, and Mr. QUINCY, be appointed a committee, pursuant to the said resolution.

A message from the Senate informed the House that the Senate have passed a bill, entitled "An act supplemental to an act entitled 'An act for extending the terms of credit on revenue bonds, in certain cases, and for other purposes;'" also, a bill, entitled "An act to change the post route from Annapolis to Rockhall, by Baltimore to Rockhall;" to which they desire the concurrence of this House.

FOREIGN RELATIONS.

The report of the Committee on Foreign Relations still under consideration—

Mr. GARDENIER occupied the floor, in continuation of his observations of yesterday, for four hours.

The following is Mr. GARDENIER's speech entire:

Mr. Speaker, I had intended to defer the delivery of my sentiments upon the second resolution, until that resolution should come before the House. But the course which the debate has taken, has produced a change in my original intention.

That the first resolution is an unnecessary one, because no clear, definite, practical results can flow from it, appears to me self-evident. Are the people of this country suspected of an intention to abandon their rights or their independence? Indeed, sir, they are not. Why then is it, that we are called upon to make a new declaration of independence? Or was the Administration conducted in such a manner as to make the firmness and patriotism of the nation itself doubted abroad? Even I, sir, who am not suspected of a blind confidence in our rulers, will not advance such a charge.

The true question is not, Is the matter expressed in this abstract proposition true? But, Is it necessary that a resolution containing it should be passed by this House? I agree with the gentleman from Tennessee (Mr. CAMPBELL) that it would be no less ridiculous to pass this resolution than to pass one that the sun shines. Allowing both to be true, both are equally unnecessary to be embodied in a resolution of this House. Begin this system of abstract legislation, and where are you to stop? Sir, it partakes too much of the character of disturbed, revolutionary times. To such a blasphemous height was this notion of voting abstract propositions or declarations, or truisms (call them what you will) carried at one time in France, that their Convention very gravely decreed "that there was a God!" This was a self-evident truth; and being so could not become more so by being decreed. And if the edicts of Great Britain and France go to the destruction of our "rights, honor, and independence," our voting that such is their operation, makes it neither more nor less true.

But, it is said, a select committee have placed the resolution before us, and we are bound to vote

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whether the assertions it contains are true or false. Why, sir, if I should offer a resolution that at this moment the sun shines, and some one should second me, would it be contended that this House ought gravely to proceed to the question? and if any member should say, "I vote against this resolution because it is too true to be made more so; and because, therefore, I think it unnecessary to be passed," that he, sir, should be considered blind?

Again, gentlemen, some too with whom I am in the habit of acting, say, at the worst, the resolution is harmless—it ties you down to no specific course, and therefore you may as well vote for it; that to vote against it, will afford a handle against our popularity—that the resolution itself is an artful one—a trap set to catch the Federalists, as it will hold them up to suspicion, if they vote against it—for the vote will appear upon the Journals, when the argument is not to be found there. Well, sir, if it be in truth a trap to catch poor Federalism in, I, for one, sir, am willing to be caught. I never deceived the people whom I have the honor to represent, either by giving a vote to the propriety of which my judgment was opposed, or by professing opinions which I did not entertain; and, sir, I trust in God, I never shall. The applause of my constituents is dear to me. But I would rather strive to deserve it—than, not deserving, to receive it. Yes, sir, my course shall be always a plain one—a straightforward course. I have not acquired the confidence of my constituents by increasing their delusions. I have always labored to disperse them. At my first election to this House, a decided majority of them were opposed to my politics. The thought has often distressed me. But the cause of that distress exists no longer. And, therefore, sir, I will go on discharging my duty with the most scrupulous obedience to my judgment, and where the weight of a hair ought to turn the scale, it shall turn it.

But if I had no other objection against this abstract, "harmless" resolution, there is one which would be decisive: I would reject it on account of "the company it keeps." The committee, for reasons which I shall not stop to disclose, have thought it important to introduce this, by way of propping the second one. That second one, sir, the undoubted object and inevitable tendency of which my whole soul recoils from, which I abhor and deprecate, as fatal to the prosperity and happiness of my country—as the grave of its honor—and I fear I do not go too far when I add, of its independence! that resolution is not alone submission to France; but, under the pretence of resisting her infractions of the laws of nations, her violations of the sacred rights of hospitality, her laughing to scorn the obligation of treaties—it makes us submit to all—to encourage a perseverance in all. Nay, sir, it throws the whole weight of our power into her scale, and we become not only the passive, but, to the whole extent of our means, the active instruments of that policy which we affect to abhor. This, sir, unhappily, is capable of the most clear demonstra-

tion; and, in the proper place, it shall appear so. I enter now upon the discussion of the second resolution. And although I am aware how little professions of sincerity and embarrassment are generally regarded; and, indeed, how little they ought to be regarded, yet I cannot approach this awful subject without declaring that I feel as if I was about to enter the sanctuary of our country's independence; and I tremble with the same fearful distrust of my powers, the same distressing perplexity which would embarrass me if I had entered the labyrinth in which was concealed the secret of that country's honor, prosperity, and glory. I do feel, sir, that we should enter upon the discussion of this question divested of all the prejudices and passion of party—no less than all foreign predilections and animosities—with clean hearts, sir; yes, hearts seven times purified, to prepare them for the discharge of the sacred, the holy duties of this awful crisis. He who can come to this debate with other motives than to save his country, placed as it is on the brink of a dreadful precipice, deserves to be heard nowhere but in the cells of the Inquisition. The sound of his voice should never be suffered to pollute the Hall of the Representatives of the American people. But he who, thinking that he has traced the causes and the progress of our misfortunes, and that he may, perhaps, point the nation to a path which may lead it back to the prosperous position it has been made to abandon, would be a traitor to the State, if any considerations could keep him silent.

In my view, sir, we have gone on so long in error—our affairs have been suffered to run on, year after year, into so much confusion, that it is not easy to say what should be done. But if it is magnanimous to retract error, certainly it is only the performance of a sacred duty, which their servants owe the people, to abandon a system which has produced only disappointment and disasters hitherto, and promises only ruin and disgrace in future.

The time, sir, has been, when the Government was respected at home and abroad, when the people were prosperous and happy, when the political body was in high, in vigorous health; when America rejoiced in the fulness of her glory, and the whole extent of the United States presented a scene unknown in any other country, in any other age. Behold now the mournful contrast, the sad reverse! We are "indeed fallen, fallen from our high estate!" The nation is sick—sick at heart. We are called upon to apply a remedy; and none will answer which shall not be effectual. No quack prescriptions will answer now. And the cure, to be effectual, must not persevere in a course which has not only produced no good, nor promises any; but which has brought the patient (if I may use the figure of the gentleman from Maryland, Mr. NELSON) to his present forlorn condition. Such a perseverance may seem to argue great hardihood, or, if you please, spirit; but, after all, it is nothing but the desperate frenzy of a losing, half-ruined gambler.

It becomes, therefore, at last, indispensable to

take a retrospective view of our affairs. And if, in taking this view, we should find the cause of our disasters, we must not fear to contemplate it, to hold it up; and, having grown wise by experience, we must not be prevented by false pride, from profiting by it; we must not shrink from the exercise of a virtue because it is also an imperious duty. And I hope that no gentleman who hears me is unwilling to sacrifice the popularity of the Administration to the salvation of the country.

Permit me then, sir, to go back to that period in our history which immediately preceded the adoption of our present form of Government. What was then our condition? The people were poor—for there was no commerce to assist agriculture—there was no revenue for general objects. Many States were hardly able to collect enough for State purposes. And, of course, there was no such thing as public credit, although there was an immense floating debt. We had no reputation abroad—there was no confidence even at home. But, sir, we had a WASHINGTON, and we had the pupils of WASHINGTON, men whom he knew to be faithful, in the Cabinet, for he had found them faithful in the darkest stages of the Revolution. The nation, happily, had not been deluded—they knew their friends by their deeds—they had not yet yielded to the sweet fascination of the seductive popular declamations of these latter times. Men were known by what they did, not by what they said. These men, sir, had the sagacity to discover the secret springs of our prosperity and happiness and glory. And they were able to strike them with a powerful hand, and with a powerful hand they did strike them; and, instantly, as if by enchantment, the scene changed. Suddenly, agriculture raised her drooping head, for commerce beckoned her to prosperity. Your people began to pay their debts and to become rich. Public credit was restored; the Treasury began to fill readily. Sources of revenue were explored, certain of continually increasing, equally certain of being never exhausted, except by folly and madness. Indeed, sir, so perfect was the financial machinery that it admitted of no improvement. It required no more skill in the successors of the illustrious Hamilton to make this instrument “discourse most excellent music,” than it would a child to play a hand-organ. An end was put to our Indian wars; our Algerine captives were redeemed—our reputation was established abroad, and the United States assumed their just rank among the nations of the earth! This was, indeed, a work worthy of the illustrious patriots who achieved it. It was the result of that profound practical wisdom, which, never yielding to the deception of brilliant theory, saw the public interest, with a clear eye, and pursued it with a firm and steady step; and it was no wonder that it was successful. Let me add, too, that all this was accomplished without taxation being felt by the people.

But this great prosperity was not without interruption. It received a stroke, sir, deep and dangerous, and almost mortal, from the tremendous

system of spoliation commenced by Great Britain in 1793. Misfortunes cast themselves across the path of nations as well as individuals. They are often unavoidable, and no nation can hope to be always exempt from them. The wisdom of the human mind is displayed in putting an end to them in private affairs, and in public that statesman only is great who can overcome and disperse them, who, though he cannot avert the bolt, can prevent the ruin it threatens. At the period of which I speak, we had such statesmen. Yes, sir, the alarm was depicted on every countenance—though the nation staggered to its centre under the severity of the blow it had received, yet was the Administration equal to the dreadful emergency—it had brought the nation into existence and prosperity, and it was equal to the preservation of both. And they showed it, not by venting their rage in idle reproaches, but by applying efficient remedies to the diseases of the country.

Let it be remembered that justice was to be obtained from Great Britain; from that Power which is now represented and held up to our indignation as “proud, unprincipled, imperious, and tyrannical;” and which certainly was at least as much so then; for then she had on her side all Europe engaged in combination against France, and France was alone as England is now. In short, she was then on the continent of Europe what France is now. Yet, from this same country, did our Government succeed in obtaining not only reparation for the spoliation committed, but a surrender of the Western posts also. I repeat, sir, all this was accomplished when Great Britain was not less imperious in disposition, but more formidable in power than she is now. And surely all this ought to appear strange and wonderful indeed to those who have been deluded into the idea that, when Great Britain was struggling, gasping for existence, the same thing was impossible: that has with ease, and under more inauspicious circumstances, been accomplished, which the men now in power pretend they have attempted in vain. Still, strange as it may seem to them, it is a fact—it is history. Well, sir, how was this miracle brought about? By a process very plain and simple. The Administration was sincerely desirous of peace; and, that single object in their eye, they exerted their abilities to obtain it, and consequently did obtain it. The instructions of the Minister breathed a desire of peace—of reconciliation upon terms compatible with the honor of both nations. The Administration did not send with their Minister a non-importation act, a proclamation, or a permanent embargo, by way of exhibiting their love of peace. The refinement in diplomacy which sends with the negotiator a new cause of quarrel for the purpose of accelerating the adjustment of an old one, was not yet invented. No, sir, Mr. Jay, (and the name of that stern, inflexible patriot and Republican, I always repeat with delight and veneration, because he is a patriot and a Republican)—

[Here Mr. UPHAM took the advantage of a pause made by Mr. G. to observe that, as the gentleman appeared considerably exhausted &c., he

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would move an adjournment, which was taken by ayes and noes, and lost—ayes 47, noes 65—Mr. G. voting in the affirmative.]

Mr. G. continued.—Mr. Jay had no disposition to bully the British Government into justice; he had no objection that they should have all the merit of returning voluntarily to a sense of justice, provided his country might have the benefit of substantial reparation. The stern sage of the Revolution became the courteous Ambassador, and, appealing "to the justice and magnanimity of His Britannic Majesty," he demanded redress and he obtained it. The British Government saw that ours was sincerely disposed to be at peace with them, and, pursuing the natural direction of their interests, there was no difficulty in making peace. Our plundered merchants were compensated—paid, sir, *bona fide*. We did not purchase redress; we did not pay for the surrender of the Western posts, which were our right, and out of the purchase money indemnify a portion of our own citizens. No; the payment was to all; and in right old-fashioned "British gold," all counted down on the nail. I wish that I could, with equal truth, say the same thing of more modern treaties.

And now, sir, compensation being made by Great Britain for the spoliation on our commerce, the Western posts being surrendered, a commercial treaty being established, the dark cloud which obscured our prospects being dispersed, the sun of our prosperity once more burst forth in all its radiance, and again all was well.

I care not what were the objections of the day, begotten in the brain of faction, and cherished in mobs; under the treaty we were prosperous and happy, and that one fact is enough for me. Bad as the treaty was represented to be, and the worst feature of it most probably was, that it was a British Treaty—bad as it was, the continuance of its existence has been precisely coextensive with the progress of our prosperity—it made our people rich and happy; and, bad as it was, they would have cause to rejoice indeed if the present Administration had furnished them with just such another.

France saw with uneasiness the return of a good understanding between America and Great Britain. And she, in her turn, let loose her plunderers upon our commerce. Again, the wisdom of our Government was called into action, and again it produced the most happy result. What did they do? An embassy was despatched to France, redress was demanded, but the Ministers were not received, nor could be, till a *doucen*—a tribute—was paid. From a nation which returned such an answer, redress could not be expected; and there was an end of negotiation. Britain and France had acted toward us with equal injustice—the disposition of our Government, its desire of peace, was the same with both. Its conduct was the same to both, but France would not even hear our demands. The American Government were at no loss how to act. The case was a plain one. One nation robs another—that other demands reparation—prevarication is the reply. It requires

no skill to see, in such a case, that, to coax the offender into reparation is impossible. Accordingly, our Government did not hesitate as to the course it should pursue; they did not wait to be spurred on by any Government to an assertion of their rights; they would not leave it one moment doubtful whether they had the disposition and the courage to assert them. They proceeded immediately to annul the French Treaty, to pass non-intercourse laws; they built ships of war, and sent them upon the ocean, to protect our commerce. They were not so obstinate but that they could receive instruction, even from the author of the "Notes on Virginia," who, in that work, so judiciously recommends a navy. Our little armament picked up the French cruisers, great and small; the coast, the sea, was soon cleared of them. And our commerce again visited every clime in safety.

I will here remark, sir, that, during all this time, the staple commodities (particularly of the Northern States) suffered no diminution, but an increase in price. Well, sir, France very soon discovered that she had nothing to gain, and we nothing to lose by such a state of things. Even then, when she had some naval power, she discovered this. She was, therefore, very soon disposed to change it. A treaty was patched up, in the end, and something like the appearance of redress provided for.

Now, sir, for the result. A former Administration were able to settle our differences with Great Britain, although she governed all Europe, although she was unjust, haughty, and imperious. Now the same thing is said to be impossible! A former Administration were able, after a fair negotiation had failed, to bring France, who had then some maritime power, on her marrowbones. And now, when she has none, again the same thing is impossible! How happens all this? Sir, I am afraid your Administration have committed most capital mistakes. They have been unwilling to learn wisdom from the experience and success of their predecessors. I do fear, and I shall be obliged to prove, that, on the one hand, they have been actuated by, certainly they have never (following the example of a former Administration) manifested a sincere disposition to accommodate our difficulties with Great Britain. And, on the other hand, they have in no instance shown to France that bold front which, in more unpromising times, brought the terrible Republic to her senses. These two errors, these wilful, wanton aberrations from established policy, are the true causes of all our misfortunes. It is owing to them that we have, if we believe the Administration sincere, two enemies who are already at war with each other, and we, the only instance of the kind, since the creation of the world, are to step out a third and distinct belligerent, a sort of Ishmaelite belligerent; our hand against every nation, and every nation's hand against us. We are in a situation which defies hope, one in which we have but a single miserable consolation, that though it promises nothing but ruin, yet it is so ridiculous, so ludicrous, that we can but smile at it.

These remarks are extorted from me a little out of their order. I return to the period of the restoration of peace between the United States and France.

The Administration now (1801) passed into the hands of other men. They received a country, rich, prosperous, and increasing in prosperity. A people contented and happy; or discontented only with those who had been the authors of their prosperity. They received a Treasury full and overflowing, giving a vigor and a spring to public credit, almost unknown before, and to the reputation of the country a dignity unsullied; they found us in peace and friendship with all nations, our commerce whitening every sea, and rewarding agriculture for all its industry, and every one sitting in peace, under his own vine and fig tree. Our country presented to the animated philanthropist one uninterrupted display of liberty, of gaiety, and of felicity. Oh! happy, happy period of our history—never, never, I fear to return. And, if ever truth dropped from the lips of man, it was when the nation was declared to be in “the full tide of successful experiment.” Never were the destinies of a nation in more wonderful prosperity committed to men. That prosperity had been acquired at a price no less unparalleled, at the expense of the destruction and disgrace of those whose wisdom and energy had produced it.

The new men, sir, were not required to bring order out of confusion; that had been done already.

They were not called upon to lay the deep and strong foundations of national prosperity and happiness; that had been done already.

They were not enjoined to “multiply” the talents committed to their stewardship; that was unnecessary—they were merely commanded to preserve them undiminished.

They were not required to create a paradise—but to keep uninjured that which was committed to their guardianship.

They promised, indeed; they were so rash, in the fulness of their exultation, as to promise to do more; but folly alone could believe them; and for breaking this promise I forgive them, for to do more was impossible. And if they had but preserved unimpaired, if they had not totally destroyed the inestimable treasures intrusted to them, I would have endeavored to overcome my resentment, my indignation, and my despair.

In performance of their lofty promises, in disregard of sacred duties, what have they done? In what condition do they leave the country, which, eight years since, “in the full tide of successful experiment,” fell into their hands? They present to us, sir, the gloomy reverse of all it was. The people discontented and distressed—all becoming daily more and more poor—except, indeed, that class of rich speculators, whose wealth and whose hearts enabled them to prey upon the wants of their countrymen. The despair and dismay of 1786 are returned! The prosperity of twenty years is annihilated at one stroke! The sources of revenue are dried up. The Treasury, indeed, may be now full—but it must continually

diminish—and, without its usual supply, it must soon be empty. We have still some credit. But how long, sir, can that be maintained, when it is known that we have no longer the means, allowing us to possess the disposition, to fulfil our pecuniary engagements? When you cannot collect a cent upon imposts, and dare not lay a direct tax, how far you will be able to obtain money on loan, is, to say the least of it, very questionable. But, I will hasten to finish the contrast I was about to make. Commerce, sir, has perished, and agriculture lies dead at her side—for these twin-sisters must flourish or die together. No nation in the world is our friend—our paradise is becoming a wilderness; our soil is stained with the blood of our own citizens; and we look around us, in vain, for one solitary benefit to compensate us for all the dreadful effects of the present system.

Perhaps, sir, I may be answered: “Though all you have said be true, though our former prosperity exists no longer, it is ungenerous, it is unjust to impute the change to the agency of the Administration. What has happened could not be prevented.” Though such a rebuke were reasonable, I will still insist that the Administration, if they deserve no censure, are certainly entitled to no praise, and can ask for no confidence. If they have not been the authors of the public calamities, they have not, like their predecessors, discovered the ability to prevent them from coming thick upon us. If their hearts are honest, their heads have not discovered much soundness. No set of men, however ignorant, however stupid, could have placed the country in a worse or a more deplorable situation. The truth is plain and palpable. Judging of the wisdom of the Administration by the result of its measures, I cannot sing praises to them for their skill and ingenuity in diplomacy. No, sir; I delight in that diplomacy which makes the poor rich; which makes industry prosperous; which spreads contentment through the land, and happiness among the people. I delight in the diplomacy, whose skill and wisdom can be read in the countenance of my countrymen, and makes the face of my country the evidence of its prosperity. I like not, I abhor that diplomatic skill which can be found only in a book! which has produced nothing but calamity, and whose praise is written in the blood of my countrymen.

But, sir, how happens it that we still remain under the distresses occasioned by the belligerents? Is there, indeed, a physical impossibility of removing them? From Great Britain, and that, too, when she had the whole Continent on her side, we could once obtain justice, not only for the past, but security for the future. From France, too, we could once obtain justice, but now we can gain justice from neither. What change, sir, has occurred in the state of things to produce this strange impossibility? Our commerce is more an object to Great Britain now, than it was formerly—and France can oppose to us no resistance on the ocean. And yet no remedy can be found for our calamities! Sir, I will not be the

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dupe of this miserable artifice. What has been done once can be done again by employing the same means.

The Administration have committed greater errors. They have conducted all their affairs in such a style as to leave Great Britain no room to doubt that, when they asked for peace, they wanted it not. To this cause may be traced all our difficulties, so far as they proceed from that Power. As it regards France, I fear that they have not acted the proper, the manly part. In short, sir, they have not pursued toward England the policy which saved us in 1795, nor toward France the policy which was successfully opposed to French rapacity and French obstinacy in '93.

I think an error was committed, when, affecting to desire an amicable arrangement with Great Britain, instead of treating with her as a nation not to be intimidated, much less bullied, the non-importation act was passed. For, sir, if she was so proud, so haughty, so imperious, as some gentlemen delight to describe her, then to bring her to justice by assuming an attitude of menace, was evidently impossible. When, therefore, you passed the non-importation act, under a pretence that it would be a successful auxiliary to friendly negotiation, what could you expect but to alarm the pride, and the haughtiness, and imperiousness of that nation? And, doing that, how could you expect an amicable result? No, sir, it was not, and it could not be expected. You obtained a treaty indeed—but it was from a Fox Ministry. Yet such as it was, it was not so good as a Jay's Treaty, and the Executive rejected it without so much as laying it before the Senate.

In support of the embargo system, gentlemen say, if we suffer our commerce to go on the ocean, or wherever it goes, it will be crippled either by France or Great Britain. Although this is not true in the extent laid down, yet it will hold tolerably true as respects the European seas. From what gentlemen are pleased to represent as the impossibility of sailing the ocean with safety, results (say they) the propriety and necessity of the embargo system. And they say, it is not the embargo, but the decrees and orders which are the true cause of all we suffer; that the embargo, so far from being the cause of, was devised as a remedy for the evils we endure. Well, sir, for the sake of the argument, be it as they say. Has the embargo answered? Is there any probability, the slightest indication, that it will answer? Has it operated, to any perceptible extent, except upon ourselves, during the twelvemonth it has been in existence? If, then, neither the remembrance of the past, nor the prospect of the future, gives the least encouragement to hope, why will gentlemen persist in the system? And that too, sir, at an expense, to their own country, so enormous in amount? Will they go on obstinately amid all the discontents, or clamors (as gentlemen in very anti-Republican language, call the voice of the people) in the Eastern and Northern States? And that from mere obstinacy—an obstinacy not encouraged by the least glimmering of hope? If I could be pointed to a single fact, produced by

the operation of the embargo, which would prove that it had any other effect on the disposition of Great Britain than to irritate—or any other on France than to please, than to encourage her to a perseverance in that system of injustice, which we pretend to oppose, but to the policy of which we give all our support with an infatuated wilfulness, and which, therefore, increases the hostility Great Britain has felt from the measure—if they could show me, sir, that the embargo will bring either to terms, I would abandon the opposition at once, and come heart and hand into the support of your measures. The other day, the gentleman from South Carolina (Mr. WILLIAMS) almost persuaded me that it ought to operate upon Great Britain; but I looked and I found it did not, and I was convinced it would not.

But, have gentlemen reflected that, if all the evils were drawn from Pandora's box, to vex Great Britain, you could have hit on none so well calculated to call out all her resistance, and all her obstinacy, as this same expedient, the embargo! If she yields to us, under the pressure of such a system, she discloses to us the secret of her independence! Sir, the embargo is war; it was intended as such against Great Britain. And she understands its meaning and its character too well for us to disguise it, under a pretence of its being a mere precautionary municipal measure. Its efficacy as a coercive measure has been too often and too loudly boasted of in this House, to make its real object a secret to her. Nay, in so far as the great and prominent feature of war is coercion; in so far as war is always intended to make the adversary yield that which he will not yield voluntarily; in so far, are the embargo and the non-importation act, war. Each was intended to coerce Great Britain to yield to us points, which it had been ascertained she would not yield voluntarily. It was a system of coercion, a new-fangled sort of philosophical experimental war; novel, to be sure, in its character, but, to all substantial purposes, war. Instead of bloodshed, there was to be ink shed—instead of bayonets, pens—instead of the bloody arena, huge sheets of paper! Whenever Great Britain shall yield to the coercion of the non-importation, embargo, or non-intercourse system, she virtually tells the people of the United States "we are in your power whenever you choose to make a claim upon us, whether just or unjust, threaten us with an embargo and a non-intercourse, and you bring us to your feet." Does any gentleman believe, even allowing the pressure of the embargo to be great upon her, that she can yield, that she can afford to yield? That she can admit that we have her always perfectly in our power? Sooner would she give up in battle—sooner would she see her soldiers retreating before our bayonets; sooner would she see her armies perish under our valor, than acknowledge herself the slave of this magic wand. Her children might grow to be men, and she might try the fortune of another day; the hair of Samson might grow on again, and his strength be renewed; but in yielding to the chance of the embargo, she places her exist-

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ence in our hands, and becomes dependent upon our will for the existence of her sovereignty. Sir, the King of England cannot, he dare not yield to our embargo.

But, sir, he has not told us that he considers our embargo hostile to him; nor has our Government ever told him that it was; such a declaration has never been put to paper. No, sir, when you look into the correspondence, it would seem that the embargo was never intended as a coercive measure, nor even understood so by Great Britain. Everything on both sides is conceived in a sincere spirit of "friendship." Our non-importation act, our proclamation, our embargo, are all acts of friendship and kindness toward Great Britain, for aught we find there. And Great Britain issues her Orders in Council in a reciprocating spirit of amity toward us. She is not offended with our non-importation act, nor our embargo. Not at all. Her orders are not intended to harm us. She means nothing in the world, but simply to retaliate upon France—and she is sorry that almost the whole force of the blow falls upon us, but it is unavoidable. She, by the laws of nations, has as perfect a right to retaliate upon France as we have to make our innocent municipal regulations—and she is full as sorry that her retaliation system should wound us, as we are that our municipal regulations should incommode her. Sir, this diplomatic hypocrisy (began, I acknowledge, by us) is intolerable. Sir, there is not one word of truth in the whole of it, from beginning to end. The plain state of the case is this: Anterior to the non-importation act, the British Treaty had expired—there were points of dispute, particularly concerning the impressment of seamen, which could not be adjusted, to the satisfaction of our Government. In this state of things, either we ought to have gone to war, or we ought not. If we had intended to do so, stronger measures should have been resorted to than a non-importation act. If we had not intended to do so, the act should never have been passed. Those who passed it could have but one of two objects in view; either to coerce Great Britain to the terms we demanded—or, by vexing and irritating her, to raise up in due time an unnecessary fictitious quarrel, which (as this country is known to be extremely sensitive of British aggression) might ultimately end in a real old-fashioned war. No men could have been so weak as to calculate upon the first result. As to the other, the wisdom of the calculation is pretty strongly proved by the situation in which we now find ourselves. Sir, this is the whole mystery—and it must be explored—it must be exposed. We must understand the real character of our controversy with Great Britain—the real character, intent, and aim, of the different measures adopted by us and by her, before we can hope to heal the wounds our peace has received, or to restore the prosperity we have been unnecessarily made to abandon. I know, sir, how difficult it is to overcome matured opinions or inveterate prejudices; and I know, too, that, at this time, the individual who shall venture to lay open "the bare and rot-

ten policy" of the time, makes himself the butt of party rancor, and strips himself to the unsparing "lacerations of the press." But these are considerations too feeble to deter me from my duty.

[Mr. G. appearing much exhausted, and Mr. QUINCY having intimated to the House, that Mr. G. suffered under a pain in the side, moved for an adjournment. The SPEAKER inquired whether Mr. G. yielded the floor? Mr. G. replied, he had himself little inclination to continue his remarks, but the House appeared so eager to hear him, (a laugh,) he hardly knew what answer to make. However, he said, he would give the floor. The House then adjourned.]

The object, sir, of our present deliberations is, or ought to be, to relieve our country from the distresses under which it groans; to do this, we should be prepared to legislate with a single eye to the welfare and happiness of the nation. It is of the first necessity that we should deliberate with calmness, if we mean to apply an effectual remedy to the diseases of the State. In the remarks which I had the honor to make yesterday, I was constrained to draw a contrast between the measures and prosperity of former times and those of the present times. Under circumstances of the same character, we were formerly able to overcome our misfortunes. Now we are not. And I did this for the purpose of impressing upon the House an opinion, that if the Administration had practised upon the principles of their predecessors, all had been well; or, that if retracing their steps, or relinquishing the path of error and misfortune, they would still be the learners of wisdom and experience, it would not even now be too late to retrieve the affairs of the country. If I know my own heart, I did not make the comparison from any invidious purposes; but merely to turn the minds of gentlemen back to former times; that they might reflect upon the perils and calamities of those times, and the means by which an end was put to them; but in doing this, I could not avoid paying the tribute of deserved praise and of sincere gratitude to the men under whose agency we prospered abundantly. In contrasting the conduct of the present with that of the former Administration, I meant to subvert no purposes of party. Nay, sir, I could have much desired to have been spared the necessity of presenting that contrast before the nation. I could have wished to have avoided these references, lest I might excite party feeling in others; lest I might appear to be governed by them myself. But truth could not be attained by any other course, and I have been compelled to take it.

It will be remembered that I have spoken merely with regard to the exterior relations of the country. I have not forgotten that the men then in power were accused of being enemies of liberty, friends of monarchy, and all that. I shall not go out of my way to expose these accusations, sir, because they have nothing to do with the subject I am examining. The positions I would establish, are these: The former Administration conducted wisely, and their perfect and

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entire success proves it. The men now in power have departed from the path which, as experience demonstrates, led to success. They have spurned the wisdom of experience; they have not conducted wisely, and their defeat, the misfortunes and the distresses of the country prove it. We must abandon the present disastrous and ruinous system, therefore, and return to the old one, if we are sincerely disposed to restore the nation to prosperity.

Sir, the former Administration sought honorable accommodation with Great Britain with so much sincerity, with such a single eye to that object, that they were accused, even when WASHINGTON was at their head, of undue partiality to Great Britain; but success was the consequence. That charge has never been brought against its present rulers, and never will. Happy would it have been for our country, if they had not always exhausted their ingenuity in multiplying obstacles against the adjustment of the difficulties between us and England.

If foreign nations have an interest in cultivating friendship with the United States, it is, because that friendship is in some respect of other advantageous to them? And on what account, sir, is our friendship advantageous to them. On account, I answer, of our commerce. Well, sir, Great Britain exists by commerce, and the benefit of ours she cannot have, unless we are in a state of friendship. Her interest, then, (and no one doubts she is much governed by that) will always induce her to seek that friendship for the sake of that commerce. Indeed, sir, the very laying of your embargo was on the ground that your commerce was essential to the existence of Great Britain. She will, therefore, on the one hand not throw it away lightly. But on the other, she will not purchase it with disgrace; she will not sacrifice her independence to obtain it. And this our Administration knew very well; and on the knowledge of this I fear they have acted. Sir, the gentlemen from the Eastern States have told you, and I have no doubt told you truly of the dreadful condition of the people in that section of the United States. Those from the South have represented to you the deplorable condition of the tobacco, and rice, and cotton countries. Nor have those of the Middle States been wanting in lively descriptions of the sufferings of their constituents. And the gentleman from South Carolina (Mr. WILLIAMS) has, with great ability, depicted the distresses of the people of England; all resulting from the suspension of our commerce. Now, sir, what does all this prove? Why, simply this: that if both countries suffer so much from this suspension of our commerce, both are deeply interested in its restoration; and, of course, that the present state of things is an unnatural one, growing out of artificial causes; and, for that reason, a state of things which wise and honest men could easily change. It was from this very cause that it was so easily changed in former times. And on account of differences growing out of the commercial spirit of the two nations, and the animosity which the

Revolutionary war had called forth, we are now engaged in a contest in which each is to evince his fortitude by depriving himself of the mutual benefits resulting from an amicable intercourse; and if neither is to give out before he feels it impossible to exist without the other, there will never be an end of the contest. We know that this country can hold out forever, and we ought to know that Great Britain can do the same; and must, sir, if from no other consideration, yet from this, that we must not be encouraged in the notion that she cannot exist without us.

I have intimated my opinion, sir, that Great Britain has all along been induced to believe, that it was the policy of our Administration to be in dispute with her, and that they have been only solicitous to veil their true object from the American people. Such, sir, is my own opinion, and therefore I will not hesitate to declare it. I shall give my reasons for it, and if I am incorrect, shall be extremely pleased to see my arguments refuted—for I entreat gentlemen to be assured that I am not more desirous of affording light to them than I am to receive it from them.

The proof in support of my position, derived from the correspondence on the affair of the Chesapeake, is to my mind conclusive. The people of the United States, viewing it as the authorized act of the British Government, broke forth into the most ardent execrations. There was not a heart, sir, which did not feel all that the warmest could feel. What has become of the spirit of that period? Whither has it fled? And why has it subsided? Why are its murmurings heard nowhere but in the war speeches of gentlemen on this floor? Sir, the reason is very simple. When remonstrances upon the subject were made to the British Government, and indeed before that, they abandoned the principle upon which alone the outrage, if it had been authorized, could have proceeded. Nay, they declared, unasked, unsolicited, that the principle had never been contended for by them. There was, therefore, no danger of a repetition of the outrage, and our people settled down into quiet, from a sense of security.

But let us review the negotiations to which the event itself gave birth, for we can derive from them a perfect knowledge of the temper and character of our Government.

The first intimation received in England of this unfortunate occurrence, was by the English Government itself; and before our Minister knew anything of it, Mr. Canning gave him the information in a manner evincing the most friendly disposition, and the most perfect willingness to make the most ample reparation. I do not desire to be understood to say, that the British entertain any friendship for us, sir. They have little cause for that, for friendship to be friendship must be mutual. But a sense of interest must always induce them to desire an immediate commercial intercourse with us.

To minds which are not wholly poisoned—to those who do not believe that all virtue and patriotism consists in utterly hating Great Britain,

as to believe she can do no right, even when her interest should induce her; to all candid men, sir, it must be plain, that at the outset, at least, the British Minister did all that we could have expected or desired.

Mr. Monroe, in a note dated July 29, not having then heard from his Government, tells Mr. Canning, that "by accounts which are entitled to full confidence, it appears that the Leopard attacked the Chesapeake, with a view to assert and enforce the unfounded and the most unjustifiable pretensions to search for deserters." And after detailing the circumstances, and though he reminds Mr. Canning of "other examples of great indignity and outrage," he goes on to say, very properly and very honestly, "but it is improper to mingle them with the present more serious cause of complaint." He then proceeds to demand a frank disavowal of the principle and the punishment of the officer. On the third of August, Mr. Canning replies, that "His Majesty neither does nor has, at any time, maintained the pretension of a right to search ships of war, in the national service of any State, for deserters." And that, if the attack "shall appear to have rested on the simple and unqualified assertion of that pretension, His Majesty has no difficulty in disavowing that, and will have no difficulty in manifesting his displeasure at the conduct of his officers." And then he concludes with agreeing with Mr. Monroe, that other causes of complaint should not be involved in the present question, regretting that allusions should be made to them at all.

Both Ministers then harmonized in the opinion that the subject of the outrage should, in the negotiation, be kept as single, as in its indignity and enormity, it was solitary; and if it had been so kept single, if other topics of complaint had not been "mingled" with it, by our Administration, to prevent adjustment, ample reparation, I have no doubt, would long ago have been received for it. Sir, let me entreat gentlemen to look at this part of the correspondence once more. Mr. Monroe calls on the British Government for a disavowal. There is not a moment's hesitation in making it. Not only the act itself was at once disavowed, but the declaration was spontaneously made, that the pretension never existed. Even Mr. Monroe himself, in his letter to the Secretary of State, of the 4th of August, says that Mr. Canning's reply "may be considered as conceding essentially the point desired." Let it be remembered that, as yet, Mr. Monroe has received no instructions from our Executive on this subject. And if ever man felt a confidence and a pleasure at the certain prospect of healing the wounds his country's honor had received, and of dissipating the gloomy apprehensions which he well knew disturbed and kindled to wrath his high-minded countrymen, our Minister at London was the man; but he was ignorant of the subtle policy of the Cabinet at home, as he was confounded at the intelligence contained in Mr. Canning's note of the 8th of August. He is in that note, and it would seem, for the first time, informed of the

proclamation prohibiting British armed vessels from entering our ports. And Mr. Canning very properly requests to be informed "whether it is the intention of the Government of the United States to carry into effect the measures stated in the proclamation of the President, without requiring or waiting for an explanation on the part of the British Government with respect to the late unfortunate affair upon which the determination to resort to these measures is professed to be founded."

This question, sir, though very pithy, is one which the proclamation would necessarily draw out. Its plain English is this: "Do you mean to ask for reparation, or do you mean to take reparation into your own hands by this retaliating measure? Do you mean to rely upon the disposition of this Government to do you justice (and which you know them to have declared unasked) or do you mean to force us to do you justice? We do justice sometimes, but never on compulsion." The point of this inquiry Mr. Monroe evaded, by saying that he had no information from his Government on the subject. He, it seems, did not exactly comprehend the object of the inquiry. for in another letter to the Secretary of State, of August 14th, he could not conceive "why it should be made, if some unfriendly measure, such as an embargo, was not intended." In that letter, also, as well as in the one of August 4th, he speaks of the existence of a strong war party in England, and he was therefore—peace being really and truly his object—induced to adopt the most pacific course possible.

The 7th of September put an end to all Mr. Monroe's dreams. He had now received instructions from his Government. If the information of the President's proclamation had shaken his hopes of success, these instructions extinguished them. The application for redress came to England not only with an offensive proclamation on its back, but encumbered with a condition that that redress should not be received unless the subject of impressments was arranged at the same time. A subject, sir, which years had been wasted in vain attempts to arrange. Hear the Secretary himself, and let gentlemen say whether such satisfaction was either reasonably to be demanded, or expected. If they say it was, they say more in favor of the desire of Great Britain to do us justice than I shall ever do. Before I proceed, let me cast one glance more at this proclamation. Could it form, could it be intended to form, part of a specific, sincere system of gaining reparation? No. It was creating a new ground of dispute, instead of leaving the old one single. If the Cabinet had intended to pursue pacific measures, they should have pursued them and them only; or, if coercive, the latter alone. A system partly pacific and partly hostile, is always a miserable one. It is always wise to get rid of one quarrel before you create another. One is enough at one time, and he who is ever getting into new quarrels, by way of accommodating old ones, may be as certain as our Administration are, of never coming to a friendly conclusion about any. But

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he who loads his demands of reparation as the Secretary did, cannot but pant for ill success. The Secretary, in his letter to Mr. Monroe of July 6th, 1807, instructs him to insist on a "formal disavowal of the deed and restoration of the four seamen to the ship from whence they were taken, as things of course and indispensable. As a security for the future, an entire abolition of impressments from vessels under the flag of the United States, if not already arranged, is also to make an indispensable part of the satisfaction?" That is, another and a distinct matter, already proved, incapable of arrangement, must be first adjusted before he would condescend to receive satisfaction for the specific outrage on the Chesapeake; and not only must that matter be first adjusted, but in the very words of the Secretary, "it must be on terms compatible with the instructions" formerly given on the subject. We will not receive satisfaction for this horrible outrage, unless our own terms be yielded us in relation to another very difficult point "as part." It was a strange idea, sir—"as part, an indispensable part, of that satisfaction."

On such terms, I venture to assert no compromise was, because none could possibly be expected. I will now put a question to gentlemen. When Mr. Monroe was instructed by the Cabinet to make the adjustment of the subject of impressments "an indispensable part of the satisfaction," for the attack on the Chesapeake, could it be done with any other expectation, any other view, than that the reparation affected to be pursued should never come at them? Conceding, for the sake of argument, that the terms demanded by our Government in relation to impressments were just, had it not been proved that, on these terms, an adjustment could not be effected? Mr. Monroe, previous to the receipt of his instructions, had paved the way for almost certain redress for the outrage on the Chesapeake. But our Cabinet well knew, that so surely as the water flows down the stream, so surely could the affair of the Chesapeake never be settled by the mode they pursued. No, sir, there never was, and I am afraid never will be, a sincere desire in the Administration, for anything but difficulty and dispute and war with England. But for this, not only the unfortunate affair of the Chesapeake, but every other matter in controversy might long ago have been settled, much to the satisfaction and more to the prosperity of both countries.

I cannot but compassionate Mr. Monroe for the situation in which he was now placed. Our poor Minister having pursued a plain and certain policy—having gained the assent of the British Minister to his opinion that this affair should be kept single—was suddenly obliged to eat his words; he was obliged not only to mingle other matters with this all-important affair, but to mingle with it one which his own experience convinced him placed adjustment utterly beyond the reach of hope.

I am now, sir, safe in advancing as an incontrovertible fact, that before the proclamation was known in England, the Government of that coun-

try had shown every disposition to do us justice, at least in the affair of the Chesapeake. They had declared themselves innocent of all participation in the act; they had promised the punishment of the officer; or, in more courtly language, "His Majesty's displeasure." But the proclamation arrives. Immediately the tone is changed. You have taken (say they) reparation into your own hands. You have studied to prevent the people of your country from seeing that we are capable of doing justice voluntarily. We will not make the reparation, before this proclamation, which we consider a hostile act, is taken off. But in that case we will give the most ample satisfaction.

The Secretary is a wise man. He had very distinctly foreseen that on the proclamation the negotiation would split. But the Secretary is moreover a prudent and a provident man, and therefore, lest the desire of peace and commercial intercourse with this country which its interest dictates to England, might induce the Ministry to disregard this obstruction to reparation, he, to be more secure, fortified himself with another which could not be possibly overcome:—"The matter of impressments must be settled beforehand." That he knew to be impossible. Less prudence, however, would have been sufficient. For although Mr. Canning, in his letter to Mr. Monroe, of September 23, 1807, says, that "it is a matter of regret that you should have been instructed to annex to the demand of reparation for the attack of the Leopard upon the Chesapeake, any proposition whatever respecting the search for British seamen in merchant vessels; a subject which is wholly unconnected with the case of the Leopard and the Chesapeake, and which can only tend to complicate and embarrass a discussion, in itself of sufficient difficulty and importance," although in his letter of the 29th of the same month, he says that the British Government "is willing to look to one subject only, the late aggression, and to provide for it," yet it is evident from the instructions given to Mr. Rose, that the proclamation would of itself have been a sufficient obstruction to the approach of reparation.

Although Great Britain appears to have been determined not to do even justice, while there was any appearance of her having been forced to it, yet she sent a special Minister to this country to offer atonement. That Minister, soon after his arrival, had an interview with Mr. Madison, in which he stated to the Secretary, that he was "expressly precluded by his instructions from entering upon any negotiation for the adjustment of the differences arising from the encounter of His Majesty's ship Leopard and the frigate of the United States the Chesapeake, as long as the proclamation should be in force."

Previous to the actual arrival of Mr. Rose, it had been understood here that he was coming out as a special Envoy, for the express and sole purpose of making satisfaction for the outrage committed in our waters. If I am incorrect, sir, in this assertion, I hope some gentleman will set

me right, for I desire to travel along the great highway of truth and fact. Under a knowledge of this fact, then, the President recommended the laying of an embargo, ostensibly for the purpose "of keeping in safety our essential resources," but in reality, as in the course of the discussion of the embargo bill has been asserted by our embargo gentleman from Virginia and another from Pennsylvania, to operate on Great Britain. And Mr. Rose, on his arrival, was actually cheered by this new evidence of the sincere desire (I believe that is the slang, sir) of our Administration to restore and cultivate the friendly relations so important to both countries! Our Cabinet seems to have been afraid that the proclamation and the demand concerning impressments, with the affair of the Chesapeake, would not be a sufficient protection against Mr. Rose's importunities to give us reparation. To be perfectly secure, therefore, they barricaded themselves by this omnipotent embargo. And now I have no doubt Mr. Madison thought that if the special Envoy could force his satisfaction upon the Administration, in spite of all these fortifications, the very device must be in it. Mr. Rose then arrives—makes the disclosure of his instructions which I have already mentioned, and of which he reminds Mr. Madison in his letter of January 20, 1808. Withdraw your proclamation, so that the reparation we make (such is the substance of the offer) may have all the merit of being voluntary, and I promise you the reparation shall be unobjectionable. But while that proclamation continues in force, the dignity of my Government forbids a disclosure of what that reparation shall consist of. Mr. Madison having now ascertained with precision the instructions which tied down the special Envoy to a defined and prescribed course from which he could not depart, assumes all at once the appearance of great mildness, and abandons the high tone, comes down from his lofty demands, and says that the adjustment of the subject of impressment shall not form "part, an indispensable part of the satisfaction"—nay, he is so little obstinate even about the proclamation, that in his reply of the 8th of March, he says that the President, "adhering to the moderation by which he has been invariably guided, and anxious to rescue the two nations from the circumstances under which an abortive issue to your mission necessarily places them, has authorized me in the event of your disclosing the terms of reparation which you believe will be satisfactory, and on its appearance that they are so, to consider this evidence of the justice of His Britannic Majesty as a pledge for an effectual interposition with respect to all the abuses against which the proclamation was meant to provide, and to proceed to concert with you a revocation of that act bearing the same date with the act of reparation to which the United States are entitled." This was diplomatic skill indeed! If you, Mr. Rose, will do what we very well know you cannot do, we will abandon our high ground. Only be so good as to perform impossibilities—do what you yourself told us you are forbidden to do—

and we will complete the miracle by giving fact in evidence to prove our desire of being in amity with your country. Who after this very ingenious and honest offer of our Cabinet will dare to question its sincerity? Who will dare to deny that they sought, since they proved their desire to obtain, satisfaction by pursuing a course so well calculated to obtain it! Alas! sir, all that can be said of it is, that they kept their original object steadily in view; but the frankness with which Mr. Rose had communicated his instructions, enabled them to make a very specious offer, and which was only made with a view to their own popularity. For however plausible the offer might be, it was no less certain of being unproductive of good, than their former extravagant conduct had been. They were still secured as effectually as ever against the intrusion of reparation.

But it has been said there was a point of honor involved in the question. If that has indeed been so, the case would be varied. But let us examine it, and I venture to assert there was no such thing in it.

The Secretary, in his letter of the 6th of June, already referred to, has said the proclamation was a mere matter of precaution, and could not be considered as a hostile act. And he tells Mr. Monroe, "the scope of the proclamation will signify to you, that the President has yielded to the presumption, that the hostile act of the British commander did not pursue the intention of his Government." These, let it be remembered, are Mr. Madison's own words. At the outset then, he, as well as the President, did not believe the attack on the Chesapeake pursued the intentions of the British Government. And believing it did not, the proclamation could never have been justified as a hostile act. It could be defended only on the ground of its being a precautionary one. And on that ground, as has been seen, Mr. Madison did place it in this letter of June 6th. I will not at this time say, sir, whether the issuing the proclamation for the purpose of preserving tranquillity in the ports and harbors of the United States, was a necessary, or a political step; I will not stop now to examine whether this was the real or the ostensible motive. But I will prove that the keeping in force that proclamation, if it was in truth merely a measure of precaution, was, after the disclosure of Mr. Rose's instructions, the height of folly, to say nothing worse of it.

The President was willing to withdraw the proclamation, if Mr. Rose would disclose what were the terms of reparation he was instructed to offer, and if those terms should be satisfactory, in that case such disclosure of such satisfactory terms would be a pledge given by Great Britain that there should be no recurrence of abuses—and, then, the withdrawing of the proclamation and the act of reparation should bear one date. No, sir, in all this time from June 6, 1807, to March 5, 1808, the proclamation had been represented and justified by our Government, on the mere plea that it was necessary as a precaution—

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any measure—that it was necessary to the maintenance of the tranquillity and security of our harbors. Whenever, therefore, the danger in this respect ceased, the cause of the proclamation ceased; and, of course, the proclamation itself might well cease too. Whether it should continue or not, was not a point of honor; it was a point of calculation merely; and therefore ought to have been continued or discontinued, as upon sound calculations one course or the other should promise most advantage. But surely no point of honor was to be preserved by keeping it on, nor was to be sacrificed by taking it off. Before I looked into the correspondence, I had given into the general idea that the Government had acted right; for I had understood that they persisted in the proclamation, because in some way or other (I had like most others not understood how) their honor or that of the nation required it. But a calm examination, in which I did not permit my feelings to run away with my judgment, has completely convinced me that there is certainly no point of honor in the matter. When Mr. Rose, therefore, disclosed his instructions, which prevented him from negotiating while the proclamation was in force, the only question to be decided by our Cabinet was, will the withdrawing it be more dangerous to our harbors than advantageous in promoting a restoration of harmony? Is it, on calculation, best to withdraw it? It does appear to me, sir, that the question admitted of no doubt. The proclamation at the outset possessed no magic force; it could not keep a fleet out of our harbors. Whether, therefore, it was in existence or not, the physical power of the interdicted ships to enter remained precisely the same. Our vessels might have been attacked, and our defenceless seaport towns might have been battered down about our ears with the same facility as if the proclamation had never been issued.

But the departure of the squadron which annoyed us was prior to—certainly cotemporary with—the arrival of Mr. Rose in this country. There were during the winter no other British vessels off our coast. If, then, the proclamation could by some secret charm keep out of the harbors vessels on the coast, yet as none were on the coast, its suspension for a few days could work no practical mischief. And there could, therefore, be no substantial argument, if in truth it was what the Secretary himself declares, “a mere measure of precaution,” in favor of keeping it on, as an obstruction to that satisfactory reparation which Mr. Rose declared himself ready to make as soon as it was removed. It follows, therefore, inevitably, either that the Administration has deceived the nation as to the cause and object of the proclamation; or that, if in this respect they have spoken the truth, their calculations have been silly and whimsical. Whatever be the truth, the wound our country’s honor has received from this outrageous attack has been suffered to fester till it has grown old, and seems now as incurable, as it is unhealed.

I will present this subject in another view. If

the proclamation had been withdrawn, Mr. Rose was to have disclosed the terms of reparation. Suppose in that event that these terms had not been satisfactory. The proclamation might have been suspended for perhaps three days. And will any one say that the suspension of this wonder-working instrument for three days would have endangered the tranquillity of our ports and harbors? For gentlemen will see, that as soon as the reparation was decided to be unsatisfactory, the proclamation might have been revived.

I will detain the House, sir, but little longer on this subject. This matter has presented itself to my mind so clear, that I have had little difficulty in presenting it in a strong light before the House. And when gentlemen come to answer me, and I hope they will, I entreat them to answer these arguments. I have endeavored to convey them in as plain a manner as I could, for I wish to see them refuted, if they are false. I acknowledge my obligations to the House for hearing me so patiently. I know, sir, a great many fine things may be said about honor, and independence, and all that. But if gentlemen answer me, I must beg them to forego the temptation of these brilliant topics, and to answer my arguments.

If the honor of the country, sir, had required an adherence to the proclamation, I should have been among the last to condemn the Administration. But the Secretary himself yielded this ground when he declared the proclamation to be a mere measure of precaution. And if there was after that any point of honor in the case, it was not by persisting in a course which could be productive of no good.

But the voice of the country, sir, has decided that Great Britain has done all that could be expected of her to repair the injury committed by the Leopard. And it is therefore in vain to attempt to raise a war spirit by empty declamations on that topic.

Sir, that the British Ministry and the British nation are at this moment unfriendly to the United States, I will not deny, for I do not doubt it. It would be strange, indeed, if it were otherwise. Our people, sir, nay, even the members of this House, have had their ears so dinned with the cry of British enmity, that we have at length so acted as to make enemies of those who at first felt no hostility towards us. It was impossible they should feel any. As well might the merchant be the enemy of his best customer. But let gentlemen lay their hand upon their hearts; let the people of this country look into their own bosoms and say whether they find there no feeling of enmity towards Great Britain—no relics of ancient animosity—nothing of that scrutinizing, unforgiving, jealous hostility, which they have been working into a belief that Great Britain feels towards us. After such a great revolution as that which has been accomplished in this country, during which the leading statesmen found it essential to success to keep the public exasperation at the highest point possible, it is not to be wondered at that much of the old feeling should remain; but it will be most sincerely

to be deplored, if this feeling should overcome the good sense of the nation.

I will not deny, nor am I surprised, that Great Britain is now endeavoring to do us all the harm in her power short of commencing actual war upon us. Nor can I bring my mind to believe that retaliation upon France was either the sole or the principal cause of her Orders in Council. She knew these orders must, and I cannot doubt but she intended they should, operate principally upon this country. And I will go farther, sir; I will say that in issuing them she has done no more than what our Administration has made her do, and is delighted at her having done, because it brings them so much nearer to the accomplishment of their favorite object—a war with Great Britain!

Sir, I am not surprised at seeing Great Britain attempting to do us harm. That attempt is the natural result of our own system. The French decrees were not the cause of, but merely a plausible pretext for it. By passing the non-importation act, the Government commenced a system of commercial warfare against Great Britain. They meant by it to make her do that which without compulsion she was unwilling to do. What is the reply? A counteracting measure of commercial warfare. The matter of impressments and the carrying trade could not be settled to our satisfaction. Great Britain would not do us justice willingly. We meant then to coerce her to our terms; and accordingly the non-importation act was passed. If not for the purpose of coercion, for what purpose was it passed, sir? And being passed, what was Great Britain to do? Either on the one hand to say, this talisman is irresistible, and therefore I yield to its power; or, on the other, I cannot yield to it. But if you can pass non-importation acts, I can reply to them by Orders in Council; if you can injure my manufactures and commerce (and you certainly can) I can suppress your trade. Sir, resistance to the measure by which we attempted to coerce necessarily produced these consequences. And "the desire of His Majesty to do all in his power to restore to the commerce of the United States its wonted activity," expressed so sarcastically in Mr. Canning's letter, was merely a better way of telling us that His Majesty was playing our own game back upon us; that he could make his paper-shot tell as distinctly as we could ours, and rather more so. Yes, sir, it will not, it cannot be denied that the non-importation act was a hostile one, because intended for coercion. The British Government always viewed it so. And my position is, that ever since the passage of that act we have been at war with her—not the old-fashioned sort of war, but a new-fangled, philosophical kind of commercial war! We thought we played a strong card, and now we are outrageous because our antagonist has been able to play above us! Great Britain, it turns out, is not only able to resist the force of your system, but to make you feel the distresses incident to a reaction of that system. With the experience of its effect it ought instantly to be

abandoned. It originated in passion, miscalculation, and imbecility, and should not be pursued. We were in affluence and prosperity when it commenced. Where are we now?

A gentleman from Maryland (Mr. K.) has taken great pains to prove that the embargo is the cause of the present low price of produce. Another gentleman from South Carolina (Mr. Williams) has asserted no less stoutly, that the Orders in Council are the true cause. If the last assertion be correct, it is a very unfortunate one for the policy of the embargo system; for, sir, it yields the ground to the adversary—it acknowledges that she has the best of the battle—that she has beat us at our own weapons. And yet instead of discontinuing the "unprofitable contest," we are called upon to plunge deeper and deeper into it. I have been astonished to find those gentlemen, who talk so much of the patriotism of our own people, unwilling to believe that there is patriotism in Great Britain too. If we are willing to bear, so are they. If we would sacrifice everything to our country, so would they too, whenever it becomes a question which shall hold out longest. And, sir, it has come to this already. Much spirit and acrimony is mixed with the contest. Put the case to an Englishman, Will you, to regain the American commerce, confess that that commerce is essential to your existence? Will you consent that, yielding to the embargo and non-importation and non-intercourse system, your Government shall accede to demands which otherwise they would not accede to? What would one of those Englishmen, of whose pride and haughtiness we have heard so much on this floor, say to it? Well, sir, if you cannot then bend the English Government to your terms, and if, instead of making their people your instruments to act upon the Government, you excite an unconquerable spirit of resistance even in them, how is the embargo to be operative? How can you hope that it will bring your enemy at your feet? And if it did not in the end produce this effect, all your sufferings under this delightful experiment will have been to no purpose.

Let me detain the House one moment to inquire what is the character of the war, which is now carried on in Europe? It is on one side a war for conquest, for universal dominion—on the other for self preservation. At the commencement of the French Revolution it had the same character. France fought for self preservation; the combined Powers for conquest. But the parties have changed sides. I take a delight, sir, in remembering that the same feelings which governed me then I yet preserve. I wish neither Power to be able to break down the other. I fear the power of either, when the other shall have been broken down. Therefore, and not because I think more justice or kindness is to be expected from one than the other, I cannot but hope that Great Britain may maintain her ground. Yes, sir, that country is indeed the barrier between Bonaparte and universal empire, not because her morals have undergone any change for the better

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since she combined her force with the Powers of the Continent; but from necessity, from fortune of war. And she is the only Power which can hope successfully to resist the strides of France. She is the defence of the world! Not because she cares much about the world, but because, in defending herself, she necessarily protects all others, who stand behind her. They cannot be reached, until she is first broken down. But that done, the power of France overwhelms the universe. And, sir, should we be then more safe than we are now? Should we be then more safe when the tiger of the land shall mount the shark of the ocean, and having swept the sea, assail our shores with a rapacity unsatiated and an ambition incapable of repose? Let it not be believed. The only Republic which has escaped the fury of him who has subverted the Republics of all countries, even of his own, the ruins of which are the basis of his imperial throne!—No, sir—indeed we could hardly escape the Great Destroyer. I rely much on the patriotism, the bravery, and the perseverance of my countrymen; but I hope they may never be under the necessity of meeting Napoleon, when, having broken down Britain, he is borne upon her navy to the shores of our own country.

But I have been drawn insensibly from my course. It is a war of ambition. And what is the part which we take in it? Have we, sir, not thrown in our whole weight to aid and render effectual the pressure by which France meant to crush her enemy? Have we not done all that we could, when English commerce was excluded from the continent of Europe, to exclude it from the United States also? Napoleon, finding that he could not conquer England by force, had resorted to the expedient of closing up the world against her commerce—well knowing that commerce was her life-blood. The continent of Europe was subject to his nod. No potentate dared to disobey. America was still open, and still free; and we closed America too. America subserved to the utmost extent of her means the French policy! We did all that France, knowing our means, could have reasonably asked; for we did all we could to destroy the commerce of England, although in doing it we sacrificed the prosperity of our country! We passed the embargo act—an act which all the enemies of Great Britain rejoice in—which the French Minister eulogizes and Napoleon applauds. If we intended to aid France, we could have done no more than we have done. If we meant to coerce Britain to our own terms, we have exhausted our means in a single effort.

But what have we done to bring France to justice, to coerce her? What strong measure has been adopted to compel her to rescind her decrees? At the outset, was a single step of dignified and imposing character taken? But gentlemen say, the decrees were not immediately enforced, they were not immediately acted upon; and there was no cause either for resentment or alarm. Because the Orders in Council were expected from Great Britain, the embargo was

necessary; and this makes no little figure in the list of arguments in its support. But the French decrees, though promulgated, were to be considered as a mere joke until they were acted upon! Let me remind gentlemen of the alien law. That, though an act of their own Government—though never acted upon, was long a topic of most brilliant declamation. And those whom that law terrified almost into madness, were perfectly tranquil under a decree violating not only the laws of nations, but the more sacred obligation of treaty. But the Administration, forsooth, flattered itself the decree of Berlin would never be enforced—that it had issued only in sport, and was as harmless as any of our paper-shot! Little could they know of Napoleon who thought so, and little could they wish to know of him. The nation was made to look on with composure; the edge of its indignation was taken off, and the good understanding between the two Republics continued. An embargo on the trade to France was not thought of; our merchants were not even warned of their danger. But at length the decree, and more than the decree of Berlin, was enforced. English Orders in Council were expected—but what they would be no one could exactly tell. Instantly, however, appears the necessity of an embargo—an embargo to coerce England, as was at the time declared on this floor. And not until this session has it been thought expedient to let off some hard words at France—for words is all we have used towards her—throughout there is manifested an anxious solicitude to conciliate France on the one hand, and on the other to irritate and render incurable the wounds we have received from Britain.

You passed the embargo to bring Britain to your feet. The praises of this legislative charm were rung through the country; its magical power was the topic of every Administration print, and for a while the people believed. The "*credo quia impossibile est*," was never more devoutly acted upon. But twelve months have elapsed, and what has it produced? The mountain has been in labor, and I look in vain even for the mouse. The embargo, however, being passed, did the Administration wait until Great Britain cast herself at their feet imploring relief from the pressure of this intolerable measure? No, sir, after some time, a little time, too, wondering why she did not begin to groan under the burden, the Administration (taking them at their own word) sent a messenger to England to inquire if she was not pretty well tired of the embargo? that if she was, they were. If you will quit we will, was the purport of the message. And what was the result of this wise project? What might have been expected. The authors of this irresistibly coercive measure, did play their parts most clumsily. The British Minister could not doubt they were coming to, and no man in his situation would have thought differently. If the offer made to Great Britain was fairly and sincerely made, its rejection only proves that a more miserable plan of coercion than the embargo could not have been devised. And, sir

highly praised as this specific has been, I much doubt whether the prayer of the petitions on your table would not have been complied with, if the Administration could have done so without acknowledging their folly, and sacrificing their popularity.

But as to the proposition, and to speak of it in the sober sadness it deserves. What answer did it receive? Your Minister was told, that if the Orders in Council should be revoked, it would appear to the world as if the British Government had, by the embargo, been forced to abandon them. We cannot, therefore, consent. Since we have gone on so far, we will show to France and to you that we cannot, we do not, even fear to be subdued in this way; the experiment may be as properly made now as at any time, and you may make it till you are satisfied of its inefficacy.

If, sir, our Administration had been sincerely disposed for peace, and acting wisely, had rescinded the proclamation, and repealed the embargo and non-importation acts, and then said now do us justice, the interest which Great Britain, as well as this country, has in the restoration of amicable commercial intercourse, would have left no chance for refusal. And if she had refused, the American people would have rallied round their Government; and I know, sir, that that portion of them with whom I act, forgetting how they had been persecuted, would have sacrificed their resentment at the shrine of their country's independence.

Sir, is it not true that the national animosity towards Great Britain has been so much nourished in this country that it is a test of patriotism even with the Administration? It could not, therefore, be reasonably expected that the British Ministry could have any confidence in mere intimations of returning good will. Nor could any safe calculation be made on the impartiality or spirit of an Administration which had discovered no indignation at the Berlin decree, whose entire resentment has been directed to one of the belligerents only, while its co-operation with the other was manifest and intended to be decisive.

That such were throughout the real feelings of the British Government—nay, that such is the fact, can hardly be doubted by any one who will peruse dispassionately Mr. Canning's letter to Mr. Pinkney of September 23. "If," says he, "the embargo is considered a measure of hostility, His Majesty cannot consent to buy it off." He could not consistently with diplomatic decorum tell Mr. Pinkney in plain terms: Your Government has all along attempted to deceive, when they represented this as a mere municipal regulation for municipal purposes; although he might have brought the speeches of the members of this House in support of the position. But his putting the case even hypothetically, lets you at once into the knowledge of his opinions concerning the motives and the temper of our Government. And he fastens upon them the charge of duplicity, with great civility indeed, but most logically, by putting the case the other way. "If, as it has more generally been repre-

sented by the Government of the United States, it is only to be considered as an innocent municipal regulation, which affects none but the United States themselves; and in which no foreign State has any concern, His Majesty does not conceive that he has the right or the pretension to make any complaint of it, and he has made none. But in *this* light there appears not only no necessity, but no assignable relation, between the repeal by the United States of a voluntary self-restriction, and the surrender by His Majesty of his right of retaliation against his enemies." Probably I shall not make Mr. Canning's meaning more plain, but it is important that his true meaning should be correctly understood.

If your embargo is hostile, inasmuch as it is designed to be coercive, then we will not "buy it off;" you may make the experiment of its efficacy thoroughly.

If it is "an innocent municipal regulation" merely, for mere municipal domestic purposes as to yourselves, and which was never intended to operate upon us, what "reciprocity" is there in offering that if we will give up our retaliation on the enemy, you will give up a measure which you say does not concern us? But your very offer could go only on the ground that your embargo was injurious to us, that you so considered and from the first intended it, and hence it results that you always misrepresented its real character. We are brought, therefore to the first point. Your very proposal leaves no doubt that as it is now, so it was at first, a measure of coercion. And if was so intended originally, we consider it of the first importance to our country, that the futility of this notion of coercing us by this kind of war in disguise—this commercial war, should be proved—for, then it will never be repeated. Though we can stand it, yet it is injurious to us. The greater, therefore, is the wisdom of that policy which determines us to give your system, since it is commenced, a complete trial. For if it fail, as fail it must, we need never apprehend a repetition of it; for the repetition, though not ruinous, must be always inconvenient and unprofitable to us.

If gentlemen will accompany me a little further in this letter, the truth will be still more evident.

"The Government (adds Mr. C.) of the United States is not to be misinformed," (that is they know very well, and always did know very well.) "that the Berlin decree was the practical commencement of an attempt not merely to check or impair the prosperity of Great Britain, but utterly to annihilate her existence through the ruin of her commercial prosperity. They know that in this attempt almost all the Powers of the European Continent have been compelled, more or less, to co-operate." I entreat gentlemen to attend to what follows—"And your Government know that the American embargo, though most assuredly not intended for that end, by some unfortunate concurrence of circumstances, without any hostile inten-

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tions; (Sir, the sarcasm is most severe,) "the American embargo did come in aid of the blockade of the European Continent, precisely at the very moment when, if that blockade could have succeeded at all, this interposition of the American Government would have contributed to its success." If I might be indulged once more in a paraphrase, I would represent Mr. Canning as saying: "Your Government knows that the embargo did come in aid of the system by which France meant to destroy us. Allowing your Cabinet intellect, and allowing they knew what they were about, we must suppose they intended to aid France in her plan to destroy us. And we are the more certain of this, because the embargo was passed at a moment, when if the French plan could have succeeded at all, your 'interposition' would have given us the finishing blow."

Such sir, is the plain English of Mr. Canning's letter; such too, is the real truth; and it is time, high time, that the people of the United States should understand that the enmity is not exclusively on the side of Great Britain. It is all important that they should know that under the plausible pretext of an embargo, "an innocent municipal regulation," their rulers seized upon a critical moment, to press upon Great Britain in the only manner they could, and at a time when their hostility would have been effectual, most probably, if the Spanish revolution had not intervened. If we have cause of complaint, as certainly we have, they have much greater. If we have cause to complain of the violence and injustice of their naval commanders—if our resentment has been inflamed to madness by the attack on the Chesapeake, and the murder of Pierce—they can owe us little kindness, when they know that our Government threw at a critical turn, their whole weight into the scale of France.

The whole of this very masterly letter of Mr. Canning is entitled to most attentive perusal. It is a key which opens to us the secret of the strange and mysterious situation into which we have been brought. It should be carefully read, and that again and again.

I will conclude, however, by soliciting your attention particularly to that part of it in which he says, with a liberality that does him honor, and a sincerity which I cannot doubt, because it is clearly true, on the one hand, "the prosperity of America is essential to the prosperity of Great Britain." And therefore, on the other, "the strength and power of Great Britain are not for herself only, but for the world." This, though it has not always been, is now certainly true.

Looking to the future, he observes, "When those adjustments shall take place, to which, though unfortunately not practicable at this moment, nor under the conditions prescribed to Mr. Pinkney, the undersigned nevertheless confidently looks forward, it will perhaps be no insecure pledge for the continuance of the good understanding between the two countries, that they will have learnt duly to appreciate each other's friendship, and that it will not hereafter be im-

puted to Great Britain, either on the one hand that she envies American industry, as prejudicial to British commerce; nor on the other hand, that she is compelled to court an intercourse with America, as absolutely necessary to her own existence. His Majesty would not hesitate to contribute, in any manner in his power, to restore to the commerce of the United States its wonted activity. And if it were possible to make any sacrifice for the repeal of the embargo, without appearing to deprecate it, as a measure of hostility, he would gladly have facilitated its removal."

One more translation of this diplomatic language, and I have done with the letter. I understand Mr. Canning as saying, at some period or other, our disputes will be settled; your people will then be convinced, that if they can injure us in one way, we can injure them as much in another—that it is as impossible that we should regret your prosperity, as it is that a merchant should repine at the wealth of a planter, fond of luxury, and his constant customer. But, on the other hand, you will not again undertake to quarrel with us under the idea that we cannot live without you. Still we are willing to acknowledge, that your commerce with us is extremely desirable; and therefore if you will enable us, by relinquishing your coercive system, to restore the intercourse between us without our appearing to have yielded to that system, "without our appearing to deprecate it as a measure of hostility," we will make any sacrifice. Relinquish your plan and you shall hear no more of our Orders in Council.

Yes, sir! I do not doubt and I confess I am surprised any one should doubt of the real cause of our difficulties with Great Britain. As our coercion system produced her resistance and retaliation, so would the abandonment of it restore that commercial intercourse which is so inseparably connected with our prosperity. And Mr. Canning gives the assurance of it in terms as unequivocal, as under all the circumstances could be possibly expected, or reasonably desired.

I have said before, and I repeat it again—valuable, important, as our commerce indisputably is to Great Britain, on account of that very value and importance, her Ministry cannot and dare not suffer the present experiment to terminate in a conviction, or even a doubt, of its being essential to her existence. If I am understood, sir, there cannot but be an end of the hope of coercing Great Britain to terms, in this way, until she is no longer able to resist us, and she passes under the dominion of France. And then our condition will be fearful indeed! If you cannot count fairly on the success of the experiment, on the one hand, and if on the other that state of things which alone can bring success may plunge us in overwhelming ruin, our whole system ought to be abandoned.

"The new state of things which has arisen in Europe," the revolution in Spain, has had a most unfortunate effect on the success of the embargo experiment, inasmuch as it has enabled Great

Britain to incorporate, to identify herself with the Spanish people, and that in both hemispheres. And, sir, that which she has gained, not only enables her to bear up under our embargo, but much of it which we might have had is probably lost to us forever. Sir, I should have risked much, to secure the friendship of that nation at this time. If, as a freeman, and the Representative of a free people, I had been inaccessible to the sympathies which all such should feel, for a people deceived and betrayed, rising at length in their might and opposing their whole undivided force, with one great and noble and simultaneous impulse, to resist the subjugation attempted by a foreign tyrant; if I could without emotion have witnessed the march of the gloomy host, to "victory or death;" if without concern I could have seen millions of my fellow-beings, with unbroken firmness, and an unwavering desperation, "struggling in the storms of fate;" yet at least I should not have been induced by any considerations to have abandoned the interest of my own country, when the support of those patriotic heroes was so intimately connected with that interest. But, sir, it has so happened, that from the same cause which makes us mourn our departed prosperity, we have suffered England to unite herself with the hardy yeomanry of Spain, and to oppose, perhaps for the last time, a bold and formidable front, to the overwhelming power, of the conqueror of Europe. If fortunately, sir, instead of following up commercial experiment, we had set our trade at liberty, and, by sending supplies to Spain, had done all we could to assist in her enfranchisement, by enabling her to hold out in her great and noble and glorious purpose; if we had availed ourselves of this auspicious moment, to fasten ourselves upon the affections of an honest and faithful people; not only would our immediate prosperity have been advanced, but we should have bound them to us in a bond of union, strengthened and sanctified by the awful circumstances under which it was formed. Recur, sir, to the services, the assistance which the ill-fated monarch of France rendered us in the Revolution. What have been their effects upon this people? So great, sir, that the gratitude they excited has been transferred from our benefactor to his murderers!—Because they were Frenchmen! And not even yet, sir, has the sentiment ceased to operate upon the American mind. If then, instead of permitting Great Britain to go on without a competitor, "stealing the hearts of the people" of Spain, we had extended to them all the friendly offices in our power; if we had shown an anxiety to make up in the desire of doing what we lacked in the ability, the name of an American might have sounded in Spain like that of brother on this great Continent. We should have formed a union, founded on the sincerity of fraternal attachment, which would almost have made us one people. But if Spain be able to resist, we have lost an opportunity which will never recur. If her restoration to independence shall give to her people any new sentiment towards us, it will not be that of gratitude. For,

judging of the feelings of the nation by the apparent indifference of the Administration, and the language of its immediate partisans—ignorant that there was in the country a humbled and persecuted band, who loved their own independence too much not to wish it to every brave and virtuous people—they will perhaps never be persuaded that there existed here anything but ill will towards them. The unhappy consequences of such an opinion it is unnecessary to expatiate upon.

But a gentleman from Georgia, (Mr. TROUP,) in the course of his observations the other day, remarked that, perhaps, at the very moment he was addressing you, the people of Spain might be imploring mercy at the feet of the conqueror. This presents us with another view of the subject; but a view which ought to have more imperiously coerced our Government to the course which they have neglected. Well, sir, let us suppose it. After resisting, till their means of resistance have perished—their countrymen cut up, and murdered, and destroyed—the remnant of the people of Spain receive the yoke. Suppose the triumph of insatiable ambition complete. Behold Joseph Napoleon, after having marched from Bayonne to Madrid, over the dead bodies of the Spaniards, amid the groans and the shrieks and the execration and the despair of the widows and orphans, behold him seated at length, all over covered with human gore, on the throne of Spain. And what then? Can you doubt that the colonies in South America will be from that moment independent? Or do gentlemen know so little of human nature, so little of Spanish character, as to think it possible that the inhabitants of Spanish America will rush forward to kiss the sceptre which has no ornament but the blood of their brethren? That they will be eager to pollute themselves with the horrible embraces of the murderers of their kindred? No, sir, it is impossible.

The moment, then, that Spain is conquered, her provinces on this continent become independent—and, as things have been managed, under the guarantee, and in the most cordial alliance with Great Britain. We shall have in them, of consequence, hostile and dangerous neighbors; while Great Britain will monopolize their trade, and if our present difficulties continue, perpetually instigate them to hostility against us. All this might have been prevented, if, in relation to Spain only, our Government had pursued the proper course. The merchants applied for leave to resume their commerce with Spain, but a deaf ear was turned to them. Disposed as Great Britain is to do us "harm," she may yet make use of the Spaniards on this continent for that purpose. And though these Spaniards have been long considered as contemptible, let it be remembered that a nation is always regenerated by a revolution. It assumes in such cases always a new and elevated and fearful character. Let us then beware how we make enemies of this people. Let us do all we can to conciliate their friendship. It is not perhaps even now too late to retrieve the ad-

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vantages the Administration have overlooked. A change of conduct may regain us the affections and friendship which have been unnecessarily lost. And this, sir, is to be more desired, when we look forward to what is likely to be the situation of the European Continent if Spain is conquered. It will then be subject to the will and despotism of Napoleon. It will groan beneath that iron sceptre, in the circuit of whose influence no virtue can live, and every effort of liberty is idle. The seat of empire is from that moment transferred from Europe to this continent. There ignorance, and poverty, and hopeless vassalage will draw on a monotonous existence; or if ever they rise, it will be to be crushed by the irresistible hand of power. Europe, impoverished by its long continued wars, and the frequent insurrections to which it will be subject, will no longer be able to cultivate the arts of peace. It will be here then, on this regenerated continent, they may hope to find repose and protection. Let us not sacrifice the bright prospects before us to a visionary experiment.

It is time, sir, that we should retrace our steps. The course we have been running has produced no good; it certainly can produce none. Yet it seems, instead of going back, we are perpetually urged forward. This great measure which was to have restored, secured, and extended our commerce, has entirely destroyed it. Satisfied as the Administration are of its inefficacy, they seem determined to follow it up by a non-intercourse; and that, sir, that is to do wonders indeed! Why will gentlemen suffer themselves to be deceived? The embargo when it had been twelve months in operation was itself a non-intercourse to all substantial purposes; for it is very evident that if we cannot send anything out of the country, we can pay for nothing which is brought into it. The non-intercourse is the old thing after all. It is the old shoe new-ramped.

Sir, my heart bleeds for my poor country, when I see gentlemen determined to persist in this pernicious course—not a beam of hope brightens the prospect. All is darkness and ruin and misery before us. Is it possible we are going on in this way? that we are not to abandon our feeble system till Great Britain yields? It does indeed seem so, sir; for we have been told by a gentleman that when the embargo was laid on, Government did, by doing it, give a pledge to the nation that they would persevere until the ends intended were answered. If, sir, the embargo was such a pledge, the passing of this bill will be a new pledge to the same effect. I warn gentlemen, therefore, to be cautious. If the course they are pursuing be indeed a wrong one, promising no happy result, let them bear in mind, the farther they proceed the more difficult will be their return.

The gentlemen who opposed the system now in operation, have been called upon by the majority to say which would they do—they have been asked for their substitute for the embargo. And I confess I have been somewhat surprised to perceive a little embarrassment in giving the an-

swer. As a Representative of the people, sir, I consider it my duty, as well as my right, to answer the question. And if the Administration should, in doing what I shall advise, retrieve the good opinion of the people, I will not regret it. What, say the majority to us, what would you do? What would you have us do? I will tell them, sir, what they should do. I will not withhold my feeble aid from them in their distress, I should not think it manly, fair, or humane to do so. We are all embarked in the same ship, and must sink or swim together; and although I am but a green hand, and before the mast, I will do all in my power to keep the vessel from going down. What would you have us do? say gentlemen. Sir, I would have them undo all they have done. Yes, sir, all—and at one smack! I would return to the policy of WASHINGTON. I would cut up this embargo system, root and branch. If this prescription be not followed soon, it will be too late. We shall be in a condition in which we shall be able to take no medicine whatever. I know, sir, I am prescribing a bitter pill for the Administration—but it is the only one that will answer. Let them take it therefore, and it will soon work miracles for the good of the country. Instead of going on accumulating the obstacles to accommodation with Great Britain, let us act an open part. Apply the sponge to your embargo, and proclamation, and non-importation; and I will venture to say there are no difficulties between us which honest men could not settle in three hours. Restore us to the policy of the great Father of his Country. We have had enough of theory and experiment and whim. Let us at last have a little old-fashioned practical wisdom.

But gentlemen say this would be submission. How submission? Because we have at last found out that by our system of commercial warfare we cannot coerce Great Britain, is an abandonment of that system submission? God help us, sir, if such positions require argument to refute them. No, sir; if, under the operation of our system Great Britain yields, she submits. And can we expect that she will do what we will not? Let us at length open our eyes to the truth. It is not submission to abandon an inefficacious project. Let us discard our prejudices. Hatred and love render men equally unfit to pursue wise counsels. If Great Britain was to come to your terms in consequence of the embargo, what would you say? that the embargo had done it! And if the embargo had done it, would the submission not be on her part? Under the pretence that we will not submit, considering submission scandalous, we are made to suppose our own conduct very fair, and kind, and generous, when we ask others to do what we shudder at. There is no disgrace in giving up an impracticable project; and "it is noble even to fail in great attempts." Let the Administration have the credit of having failed in the great attempt of coercing Great Britain by an embargo—for a great attempt it certainly was. But as it has failed, there can be no justification for persisting

in it; else, that which was a charming speculation at the outset, will in the end degenerate into downright obstinacy.

Repeal the embargo and non-importation acts, rescind the proclamation, and send these resolutions out of the House, and we shall have a chance at least for peace—for a restoration of the general prosperity. The Orders in Council will not, cannot be persisted in, when you go to the source of our misfortunes—when you lay aside the miserable project of coercing Great Britain by an embargo—when, by resisting the French edicts, you show a determination to defend your rights against the real, because the first aggressor.

Before I sit down I beg leave to call the attention of the House to the course which is meditated to bring France to justice. The second of these resolutions discovers the manner in which it is to be done. But, sir, will France feel the effects of this measure; will she be even displeased at it? Indeed she will not. It will press upon England only. And in the same proportion that it is more powerful than the embargo, in the same proportion will it please, because it will accord with the policy of Napoleon Bonaparte. And in the face of the world you have already received the plaudits of Napoleon Bonaparte for your embargo. Can that, then, be called resistance to the injustice of a foreign Power, which, if she could dictate your course, she would order to be done? Sir, I am at a loss for words to express my astonishment at hearing that very conduct which France wishes us to pursue, to aid her in her projects upon England, called resistance! Gentlemen are eloquent enough when they speak of French injustice and perfidy; but not one of them has ventured to show how the embargo has, or the non-intercourse will operate upon her. The first resolution, indeed, says, that we will not submit to France; but the second, which is to show the kind of resistance we are to make use of, absolutely pledges the nation to that course which France particularly desires! She praised you for imposing the embargo; and if non-intercourse be stronger than embargo, so much the more will your praise be increased. Nay, I should not wonder if you should be rewarded by a volume of French poetry, in praise of your wisdom, virtue, and sincerity. Certainly it will be deserved. Sir, let us not be trifled with in this manner. Let us no longer be dealt with thus unfairly. Do we, by the adoption of these resolutions, resist Great Britain and France? No, sir, they know we do not; and therefore I will not put my trust in the deceivers, who "keep the word of promise to our ear, but break it to our hope." The conduct pursued towards France I will not call submission; that word does not describe its character. It is much worse than submission. We have all along aided her. We are about to aid her by the very measure which is called resistance to her. Is this conduct calculated to coerce France to justice? Sir, it would be insulting to the House to waste words on this subject—I say words—because the absurdity of the proposition is too palpable to admit of argument.

When I pointed out to gentlemen in conversation, the impropriety of professing to resist France, when we have really become her auxiliaries; they have answered, that it cannot be helped. It is calculated they say to strike upon England, and if the lash be not quite long enough to reach France, we cannot help it; that is not their fault. But I entreat them to reflect that the more they wound England, the more do they make it the policy of France to resist; and that if they wish really to have the edicts of both annulled, they do not come a step nearer their object—for whatever England loses by our system, France gains. In a state of war the loss of the one party is the gain of the other. Thus, though we may injure Britain, her sufferings will not tell for us; but for France, we do all we can; but we gain nothing by it. We "rob Peter to pay Paul."

Sir, by embarking against England at this time, we can promise ourselves no good. If we fail, all will agree that our condition will be deplorable. But if we succeed, we are ruined! Our only safety will be in defeat. I have already proved that England cannot, dare not acknowledge the efficacy of any commercial coercion. You have seen enough to know that she cannot yield to you, until she becomes incapable of resistance. Then she falls—into whose hands? Ours? No, sir; into the hands of France. She will cease to exist as a nation; and will you then turn round and fight France? For what? To compel her to let you trade with England, when there is no England to trade with. Your utmost success gives England to France, and you have gained nothing. The whole naval and military establishment of Europe is then at the disposal of Bonaparte. You will indeed have mounted the tiger upon the back of the shark for your own destruction. Yes, sir, your animosity may be gratified by overwhelming the Philistines in one general destruction; but remember you must yourselves be crushed in the ruins of the Pagan temples.

I could have wished that it had so happened that the policy of Washington, in 1794, had been the policy of the last year. I would now implore the House and the Administration to return to it. No beam of hope can cheer us in going forward. Peace cannot be attained by the present course, on the contrary it must lead us to open war. It is not dishonorable to retrace our steps. No country will dispute our pride; we have displayed enough of that; let us at length be persuaded that prudence and wisdom are not the lowest of national virtues; and that prosperity, liberty, and happiness, are not the lowest of national objects.

I have not addressed you, sir, on this occasion because I wished to wound the sensibility of those who are opposed to me in political opinions. I have believed that the present course could bring us to no result but that of disappointment and disgrace, and perhaps ruin; and I have been compelled to give my reasons for the belief. If the past has been indeed wrong, let us not ob-

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stinately plunge on in our error. It is honorable to abandon error. I conjure gentlemen to pause one moment before they proceed, that they may attentively survey the present and the future. The path of happiness from which we have strayed may be easily regained; and God grant we may have the magnanimity to return to it.

Mr. FINDLEY spoke for twenty minutes in reply.

The first resolution, contained in the following words, was divided, so as to take the question first on the part in italic:

"Resolved, That the United States cannot, without a sacrifice of their rights, honor, and independence, submit to the late edicts of Great Britain—and France."

The question was then taken on the first clause of this resolution, and carried—yeas 136, nays 2, as follows:

YEAS—Evan Alexander, Lemuel J. Alston, Willis Alston, jun., Ezekiel Bacon, David Bard, Joseph Barker, Burwell Bassett, William W. Bibb, William Blackledge, John Blake, jun., Thomas Blount, Adam Boyd, John Boyle, Robert Brown, William A. Burwell, William Butler, Joseph Calhoun, George W. Campbell, Epaphroditus Champion, Martin Chittenden, Matthew Clay, John Clopton, John Culpeper, Richard Cutts, John Davenport, jun., John Dawson, Josiah Deane, Joseph Desha, Daniel M. Durell, James Elliot, William Ely, William Findley, James Fisk, Meshack Franklin, Francis Gardner, James M. Garnett, Thomas Gholson, jun., Peterson Goodwyn, Edwin Gray, Isaiah L. Green, John Harris, John Heister, William Helms, James Holland, David Holmes, Benjamin Howard, Reuben Humphreys, Daniel Isley, John G. Jackson, Richard Jackson, Robert Jenkins, Richard M. Johnson, Walter Jones, James Kelly, Thomas Kenan, Philip B. Key, William Kirkpatrick, John Lambert, Joseph Lewis, jun., Edward Lloyd, John Love, Nathaniel Macon, Robert Marion, Josiah Masters, William McCreery, William Milnor, Daniel Montgomery, jr., John Montgomery, Nicholas R. Moore, Thomas Moore, Jeremiah Morrow, John Morrow, Jonathan O. Mosely, Gurden S. Mumford, Roger Nelson, Thomas Newbold, Thomas Newton, Wilson C. Nicholas, Timothy Pitkin, jun., John Porter, Josiah Quincy, John Randolph, John Rea of Pennsylvania, John Rhea of Tennessee, Jacob Richards, Matthias Richards, John Russell, Benjamin Say, Ebenezer Seaver, Samuel Shaw, James Sloan, Dennis Smelt, John Smilie, Jedediah K. Smith, John Smith, Samuel Smith, Henry Southard, Richard Stanford, William Stedman, Clement Storer, Lewis B. Sturges, Peter Swart, Samuel Taggart, Benjamin Tallmadge, John Taylor, John Thompson, Abram Trigg, George M. Troup, Jabez Upham, James I. Van Alen, Philip Van Cortlandt, Archibald Van Horn Killian K. Van Rensselaer, Daniel C. Verplanck, Jesse Wharton, Robert Whitehill, Isaac Wilbour, David R. Williams, Alexander Wilson, Nathan Wilson, and Richard Winn.

NAYS—Barent Gardenier, and William Hoge.

The question being about to be put on the remaining part of the resolution, viz: on the words "and France"—

Mr. RANDOLPH inquired whether it was in order to put a question on these words, as they expressed no definite meaning, containing of themselves no specific proposition to which a response of ay or no could be made?

The SPEAKER declared that it was in order.

Mr. RANDOLPH appealed from this decision, and called for the yeas and nays on the appeal; alleging, as a reason for making it, that no resolution or motion could be divided, except where the sense naturally divided it; and the words "and France," taken separately, contained no proposition which could either be affirmed or denied.

Much desultory debate took place on the appeal from the Speaker's decision; when

Mr. GHOLSON appealed from the decision of the Speaker, permitting the appeal by Mr. RANDOLPH after a question had been taken (on the first clause of the resolution) under the decision appealed from.

The question was then taken on the motion of Mr. GHOLSON, viz: "Is the decision of the Speaker, permitting an appeal, correct?" It was determined in the negative—yeas 16; and thus the question of order was decided.

The question then recurred on the second member of the first resolution; and the same being taken, it was resolved in the affirmative—yeas 113, nays 2, as follows:

YEAS—Lemuel J. Alston, Willis Alston, jun., Ezekiel Bacon, David Bard, Joseph Barker, Burwell Bassett, William W. Bibb, William Blackledge, John Blake, jun., Thomas Blount, Adam Boyd, John Boyle, Robert Brown, William A. Burwell, William Butler, Joseph Calhoun, George W. Campbell, Martin Chittenden, Matthew Clay, John Clopton, John Culpeper, Richard Cutts, John Davenport, junior, John Dawson, Josiah Deane, Joseph Desha, Daniel M. Durell, James Elliot, William Ely, William Findley, James Fisk, Meshack Franklin, Francis Gardner, James M. Garnett, Thomas Gholson, junior, Peterson Goodwyn, Edwin Gray, Isaiah L. Green, John Harris, John Heister, William Helms, James Holland, David Holmes, Benjamin Howard, Reuben Humphreys, Daniel Isley, John G. Jackson, Richard Jackson, Robert Jenkins, Richard M. Johnson, Walter Jones, James Kelly, Thomas Kenan, Philip B. Key, William Kirkpatrick, John Lambert, Joseph Lewis, junior, Edward Lloyd, John Love, Nathaniel Macon, Robert Marion, Josiah Masters, William McCreery, William Milnor, Daniel Montgomery, jun., John Montgomery, Nicholas R. Moore, Thomas Moore, Jeremiah Morrow, John Morrow, Gurden S. Mumford, Roger Nelson, Thomas Newbold, Thomas Newton, Wilson C. Nicholas, Timothy Pitkin, jun., John Porter, John Rea of Pennsylvania, John Rhea of Tennessee, Jacob Richards, Matthias Richards, John Russell, Benjamin Say, Ebenezer Seaver, Samuel Shaw, Dennis Smelt, John Smilie, Jedediah K. Smith, John Smith, Samuel Smith, Henry Southard, Richard Stanford, William Stedman, Clement Storer, Lewis B. Sturges, Samuel Taggart, John Taylor, John Thompson, Abram Trigg, George M. Troup, Jabez Upham, James I. Van Alen, Philip Van Cortlandt, Archibald Van Horn, Killian K. Van Rensselaer, Daniel C. Verplanck, Jesse Wharton, Robert Whitehill, Isaac Wilbour, David R. Williams, Alexander Wilson, Nathan Wilson, and Richard Winn.

NAYS—Barent Gardenier, and William Hoge.

The main question was then taken that the House do agree to the said first resolution as reported from the Committee of the Whole, in the words following, to wit:

"Resolved, That the United States cannot, without a sacrifice of their rights, honor, and independence, submit to the edicts of Great Britain and France:"

And resolved in the affirmative—yeas 118, nays 2, as follows :

YEAS—Evan Alexander, Lemuel J. Alston, Willis Alston, junior, Ezekiel Bacon, David Bard, Joseph Barker, Burwell Bassett, William Blackledge, John Blake, junior, Thomas Blount, Adam Boyd, John Boyle, Robert Brown, William A. Burwell, William Butler, Joseph Calhoun, George W. Campbell, Epaphroditus Champion, Martin Chittenden, Matthew Clay, John Clopton, John Culpeper, Richard Cutts, John Davenport, jun., John Dawson, Josiah Deane, Joseph Desha, Daniel M. Durell, James Elliot, William Ely, William Findley, James Fisk, Meshack Franklin, Francis Gardner, James M. Garnett, Thomas Gholson, junior, Peterson Goodwyn, Edwin Gray, Isaiah L. Green, John Harris, John Heister, William Helms, James Holland, David Holmes, Benjamin Howard, Reuben Humphreys, Daniel Ilsey, John G. Jackson, Richard Jackson, Robert Jenkins, Richard M. Johnson, Walter Jones, James Kelly, Thomas Kenan, Philip B. Key, William Kirkpatrick, John Lambert, Joseph Lewis, jun., Edward Lloyd, John Love, Nathaniel Macon, Robert Marion, Josiah Masters, William McCree-ry, William Milnor, Daniel Montgomery, junior, John Montgomery, Nicholas R. Moore, Thomas Moore, Jeremiah Morrow, John Morrow, Jonathan O. Mosely, Gurden S. Mumford, Roger Nelson, Thomas Newbold, Thomas Newton, Wilson C. Nicholas, Timothy Pitkin, jun., John Porter, Josiah Quincy, John Randolph, John Rea of Pennsylvania, John Rea of Tennessee, Jacob Richards, Matthias Richards, John Russell, Benjamin Say, Ebenezer Seaver, Samuel Shaw, James Sloan, Dennis Smelt, John Smilie, Jedediah K. Smith, John Smith, Henry Southard, Richard Stanford, William Stedman, Clement Storer, Lewis B. Sturges, Samuel Taggart, Benjamin Tallmadge, John Taylor, John Thompson, Abram Trigg, George M. Troup, Jabez Upham, James I. Van Alen, Philip Van Cortlandt, Archibald Van Horn, Killian K. Van Rensselaer, Daniel C. Verplanck, Jesse Wharton, Robert Whitehill, Isaac Wilbour, David R. Williams, Alexander Wilson, Nathan Wilson, and Richard Winn.

NAYS—Barent Gardenier, and William Hoge.

WEDNESDAY, December 14.

A Message, received from the President of the United States on the thirteenth instant, was read, transmitting a report of the Commissioners appointed under the act of March 29th, 1806, concerning a road from Cumberland to Ohio, being a statement of the proceedings under the act, since their last report communicated to Congress.—Referred to Messrs. JEREMIAH MORROW, JOHN G. JACKSON, LLOYD, LYON, and REA of Pennsylvania.

The bill from the Senate, entitled "An act supplemental to an act, entitled 'An act for extending the terms of credit on revenue bonds, in certain cases, and for other purposes,'" was read twice, and committed to the Committee of the whole House to-morrow.

The bill sent from the Senate, entitled "An act to change the post route from Annapolis to Rockhall, by Baltimore to Rockhall," was read twice,

and committed to the Committee on Post Offices and Post Roads.

The House proceeded to consider the second resolution reported by the select committee appointed on that part of the President's Message, at the commencement of the present session, which relates to our foreign relations, and to which the Committee of the Whole reported their agreement on the first instant; which said second resolution is contained in the words following, to wit :

"Resolved, That it is expedient to prohibit, by law, the admission, into the ports of the United States, of all public or private armed or unarmed ships or vessels belonging to Great Britain or France, or to any other of the belligerent Powers having in force orders or decrees violating the lawful commerce and neutral rights of the United States; and, also, the importation of any goods, wares, or merchandise, the growth, produce, or manufacture, of the dominions of any of the said Powers, or imported from any place in the possession of either."

Mr. MILNOR opposed the resolution in a speech of about an hour; and Mr. FISK supported it in a speech of an hour and a half; when the House adjourned, without taking the question.

THURSDAY, December 15.

Mr. LEWIS, from the Committee on the District of Columbia, presented a bill authorizing a lottery to raise a sum of money for the purpose of building a church in the town of Alexandria, in the District of Columbia, for the use of the Episcopal Congregation in the said town; which was read twice, and committed to a Committee of the Whole on Monday next.

On motion of Mr. JESS B. THOMAS,

Resolved, That a committee be appointed to inquire into the expediency of extending the right of suffrage in the Indiana Territory; and that the said committee have leave to report thereon by bill or otherwise.

Ordered, That Messrs. THOMAS, CULPEPER, GOODWYN, BLAKE, and SLOAN, be appointed a committee, pursuant to the said resolution.

Mr. THOMAS presented to the House sundry resolutions of the Legislative Council of the Indiana Territory, relative to an extension of the right of suffrage therein; which were read, and, together with such parts of the resolutions of the House of Representatives of that Territory, presented on the fourteenth ultimo, as relate to the same subject, referred to the select committee last appointed,

Mr. LEWIS presented to the House a representation from Samuel H. Smith, Robert Brent, and Thomas Corcoran, a committee appointed by the Levy Court of the county of Washington, in the District of Columbia; praying that the said Levy Court may be vested with full power to lay out and repair public roads, and to erect and repair bridges in the said county, under such conditions as the wisdom of Congress shall seem meet.

The said representation was read, and, together with a copy of certain proceedings of the Levy

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Court aforesaid, referred to the Committee for the District of Columbia.

Mr. L. also presented a petition of the Vestry of the Protestant Episcopal Church in the City of Washington, praying that the petitioners may be authorized by law, to raise, by way of lottery, a sum not exceeding eight thousand dollars, for the purpose of finishing the building of a church in the said city, and the payment of debts already incurred on account of the same.—Referred to the Committee for the District of Columbia.

Mr. ERPES presented to the House certain returns or statements relative to the amount of free male inhabitants, and the number of votes taken at elections held in the counties of Randolph and St Clair, in the Territory of Indiana, together with the depositions of sundry persons in that Territory, relative thereto; which were referred to the committee appointed, on the thirteenth instant, "to inquire into the expediency of dividing the Indiana Territory."

On motion, of Mr. JOHNSON, the letter and representation of Thomas Paine, presented on the fourth of February last, was referred to the Committee of Claims.

FOREIGN RELATIONS.

The House resumed the consideration of the second resolution reported from the Committee of the Whole on the first instant, which was depending yesterday at the time of adjournment.

Mr. UPHAM spoke against it for about three quarters of an hour. The following is the concluding portion of his speech, being all which the compiler has been able to recover.

This embargo system, said Mr. U., will indeed destroy our commerce, as far as it can be done by human laws. And this I verily believe to have been the object of those who projected and recommended this system. Yes, sir, I do believe that the object of those who projected and recommended this system was, and now is, to annihilate your active commerce—to form this into a Chinese country. How far and to how many they have exposed "the whole ground," I will not pretend to say. The object, in their view, was unquestionably a laudable one. They undoubtedly had in view the permanent happiness of their country. This, sir, I am bound to suppose—for I must not, I do not call in question their motives. They considered, that the seeds of war between this and the other nations of the earth, were sown on the ocean—that the foundations of all our national conflicts were laid in the prosecution of commerce; that such was the relative situation of this country, separated from the great belligerent Powers of the world by the Atlantic ocean, that it was scarcely possible for us to be involved in war, if we should adopt and scrupulously preserve the scheme of "a dignified retirement,"—a *terra-pin* system—if we should draw and keep ourselves within our shell.

The projectors of this system, although they might be fully sensible of the advantage of commerce, in raising a revenue and in enriching the nation, yet they might be convinced, that its dis-

advantage, as a source of war, was far greater. They might calculate upon a ten years' war, say once in fifty years. They might place the advantage of commerce to its credit, and the disadvantage of war, as a consequence of commerce, to its *debit*, and make up very honestly a footing against it. However fallacious and utopian, and indeed ridiculous this sort of calculation may appear to me, I am convinced of its being very honestly adopted by those who recommended the embargo system, under the present reign of political philosophy or philosophical policy.

I am, sir, induced to believe, that the real object of those who projected and recommended this system, was to destroy our commerce, because they must have had some object, and it could not have been intended as a precautionary measure, so far as it respects any apprehensions from the British Orders in Council—for they were not known in this country to exist at the time the President recommended the first embargo law, the 18th of December, 1807, nor when the law was passed, the 22d of the same December. I say, sir, in the face of the House and in the face of the nation, that the British Orders in Council were not known in this country to exist when the first embargo law was passed. I say so, because I attended, with much interest, to the whole of the debate upon the passage of the law, and the orders were not once mentioned. If the advocates of this law had known of the existence of the British orders, we should surely have heard of them on this floor. If they had been known to the President, his knowledge, in some form or shape, would have found its way within these walls.

The object then of this measure was not precautionary, so far as it respects anything to be apprehended from the British Orders in Council. And as to the decrees of France, nothing, as I have before suggested, very serious, was to be feared from them. So long as England with her navy was at war with France, it certainly would not have been thought necessary to lay a general embargo as a precautionary measure against the decrees of the latter, whatever might be considered prudent in case a permanent peace should take place between these nations—an event which will happen when—and not before—the millennium shall commence. As to any expectation of coercing to terms by the embargo, those two great belligerent Powers, or either of them, who have so long maintained the balance of power among all the Powers of the earth, the expectation never could have been entertained by any rational man. No, sir, the real object was neither precaution nor coercion, in my belief. It was to destroy our active commerce—to form this country into a China.

Again, sir, if the measure was intended solely as a precautionary measure, why make it permanent? Why not a temporary embargo upon your ships and vessels? An honorable gentleman from New York, (Mr. MUMFORD,) I very well recollect, moved an amendment so that the law should be temporary and not perpetual. He moved an

amendment so as to limit the embargo to sixty days. But his amendment was lost. Nothing but a general and perpetual embargo would do.

I ask again, sir, if "the act was a measure of precaution only, called for by the occasion," why make the law perpetual, instead of temporary? If it was "strictly a measure of precaution, required by the dangers incident to external commerce," why was not the amendment offered by the gentleman from New York (Mr. MUMFORD) adopted?

As further evidence, Mr. Speaker, that the embargo, was intended as a permanent measure—a measure to destroy commerce—I will refer you to the answer of the President of the United States, to the Legislature of the State of New Hampshire. With your leave, sir, I will read an extract from this answer, speaking of the embargo: "It gave us time to make a last appeal to the reason and reputation of nations. In the meanwhile, I see with satisfaction that this measure of self-denial is approved and supported by the great body of real citizens; that they meet with cheerfulness the temporary privations it occasions, and are preparing with spirit to provide for themselves those comforts and conveniences of life, for which it would be unwise ever more to resort to distant countries."

Now, sir, this can be understood but one way. It admits of no comment. It speaks for itself. "I see with satisfaction" that "the great body of real citizens are preparing with spirit to provide for themselves those comforts and conveniences of life, for which it would be unwise ever more to resort to distant countries."

But, Mr. Speaker, the persisting still in this system, and we perceive by the President's Message at the commencement of the present session of Congress that he does persist in it, is enough of itself to convince me that the object is the annihilation of your commerce. Yes, sir, it is conclusive and irresistible evidence to my mind.

There never was before, sir, a general and perpetual embargo laid in any country from the beginning of the world. There was never an embargo before, general or special, perpetual or temporary, continued for the length of time our own has been continued. It is almost a year since the law imposing this embargo was enacted. And, sir, it is not to be repealed. The system is to be persisted in. It is to be executed more vigorously. Sir, can any person doubt of its object?

However, Mr. Speaker, commerce in this country cannot be destroyed by human laws. No, sir, the commerce of this country cannot be annihilated by your embargo laws. These laws will be evaded; they will be violated; they are in derogation of the common and national rights of the citizens. The suspension of commerce and navigation is so at variance with all the feelings, the customs and habits and interest of the people of the Northern States, that they will evade, they will hazard the penalties, and violate your laws suspending the means of their existence. They will consider that to do it is no *malum in se*, but merely *malum prohibitum*. It is time to speak out; these laws cannot be permanently enforced.

I will not say as my honorable colleague, who sits before me, (Mr. QUINCY,) has said, however true I believe it to be, I will not say, that you may as well enact and execute laws to control and counteract the laws of nature, to control the elements of Heaven. That you may as well make and enforce laws to prevent the flowing of the water, the circulation of the air, &c. But this I will say, sir, that you may as well, by your laws, induce the people of New England to abandon forever their springs and their wells as to abandon forever the ocean. You may as well attempt to deprive them of the use of their fresh as of their salt waters. They have been as long and as constantly in the use of the latter as of the former. Yes, sir, you may rely upon it, you may as well coerce by law the people of New England to abandon permanently the use of their springs and their wells in their ordinary culinary concerns, as to coerce them by law permanently to abandon the use of the ocean. Why, sir, they have been constantly in the use of this common and national privilege ever since their ancestors landed on the shores of Plymouth. The ancestors of the people of New England early employed themselves in fishing, and transported their fish, with their lumber, to the West Indies, which were settled before that country, and there exchanged them for the "comforts and conveniences of life."—Their posterity has ever since been extending their commerce, "it has grown with their growth and strengthened with their strength." No, sir, they cannot—they will not give it up.

But it is said, sir, to give up this embargo system, is submission—disgraceful submission.

The whole state of our foreign relations seems to be brought by your committee on so much of the President's Message as respects those relations to a sort of *triplebranch* alternative—submission, embargo, or war with both nations. As to war with both nations at the same time, while those nations are engaged in an inveterate and deadly war with each other—this has been set in its proper ridiculous point of light by other gentlemen. I shall say nothing about it. Its total impracticability has been sufficiently illustrated.

But for my life, I cannot distinguish between the embargo and submission. I cannot see how gentlemen conjure with the embargo so as to make it other than submission.

A gentleman from Virginia, who spoke early on this subject, (Mr. CLOFTON,) observed, that to navigate the ocean and pursue our commerce as pointed out by the belligerent nations, in their orders and decrees, would unquestionably be submission abject submission; but to relinquish navigation, and to give up entirely our commerce, in consequence of these orders and decrees, is no submission at all. Now, sir, I do not understand this. My neighbor orders me to build and repair the fences around my farm in a certain way; in some places, he directs me to erect walls, in others, to make what we in our country call Virginia fence. He also prescribes in what manner I shall till and cultivate my farm, and with what seeds I shall sow and plant it. Now, according to this gentle-

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man from Virginia, if I follow the orders and the directions of my neighbor, it is submission; but if, in consequence of his interference in my concerns, by his commands and directions, I repair and build no fences at all around my farm and forbear to put any seeds into my ground or to till or cultivate my farm in any way—if in consequence of his orders I permit my farm to go into decay and my lands to lie fallow and common—if, indeed, I abandon my farm altogether with all its profits, this forsooth is no submission!

Again, Mr. Speaker, what is the subject-matter of all our controversy, with France and England? Surely it will be agreed, that the subject-matter of all our difficulties with these nations relates to our rights to navigate the ocean and carry on our commerce. They say the ocean must be navigated by us under certain restraints, and that our commerce must be managed under certain limitations and conditions. We say these limitations and restraints are contrary to the laws and usages of nations. All agree, at least in their speeches on this floor, that the use of the ocean, that our commerce, is of the utmost importance to us—that our seamen are employed by it, fed they and their families are by it, fed and clothed and made happy; that our citizens are enriched and our national exchequer caused to overflow. Now, sir, what can we do? Why, sir, by our embargo laws, we abandon the ocean and give up our commerce, and still talk about embargo or submission. By the embargo we submit to yield up all our rights on the ocean, and still present to the nation the alternative of embargo or submission. In consequence of the British orders and French decrees, we abandon all our rights on the ocean, everything in dispute, and in the same breath we say—we vote—we gravely and solemnly resolve, we cannot, without a sacrifice of our rights, our honor, and our independence, submit to these same orders and decrees.

But, Mr. Speaker, gentlemen ask us for a substitute. They inquire what measure is to be adopted, if the embargo is to be given up. Why, sir, I think we are on sure ground as to that. There is no hazard. The country cannot be in a worse situation than it now is, borne down and groaning under the present system. We are, sir, committing a national suicide.

To inquire for a substitute, is like a man in the very act of committing suicide asking in what other way he shall preserve his life. Yes, sir, like a man in the very act of cutting his own throat, upon being solicited to desist, inquiring in what manner than by cutting his throat he can save his life.

I have done, Mr. Speaker. As I am convinced that your embargo has not answered and will not answer any of the avowed purposes of its advocates; as it oppresses no nation but our own; as its object, in fact, is to destroy our own active commerce; as to continue it is infinitely greater and more disgraceful submission, than to repeal it, I hope most earnestly it will be repealed.

Mr. LIVERMORE followed in opposition to the resolution, in a speech of about an hour.

Mr. BOYD spoke in support of it, for about twenty minutes.

Mr. TAYLOR followed, on the same side, in a speech of about an hour.

Mr. COOK spoke a few minutes, in explanation of his former remarks.

A motion was made to adjourn, and negatived—54 to 49.

Mr. PITKIN said, that he wished to deliver his sentiments on this important subject, and did not wish to commence at this late hour; and renewed the motion to adjourn; which was carried—57, to 51.

FRIDAY, December 16.

Mr. LEWIS, from the Committee for the District of Columbia, presented a bill supplementary to the act, entitled "An act to amend the charter of Alexandria;" which was read twice, and committed to a Committee of the Whole on Monday next.

Mr. JOHN MONTGOMERY, from the committee appointed, on the 15th ultimo, "to inquire if any, and what, compensation ought to be made to Captain Pike, and his companions, for their services in exploring the Mississippi river, in their late expedition to the sources of the Osage, Arkansas, and La Platte rivers, together with their tour through New Spain, made a report thereon; which was referred to a Committee of the Whole on Tuesday next.

Mr. JOHN MONTGOMERY, from the same committee, presented a bill making compensation to Captain Zebulon M. Pike and his companions; which was read twice, and committed to the Committee of the Whole last appointed.

The SPEAKER laid before the House a letter from the Secretary of the Treasury, accompanying his report, and sundry statements marked A, B, C, and D, prepared in pursuance of the "Act supplementary to the act, entitled 'An act to establish the Treasury Department,'" which were referred to the Committee of Ways and Means, and two thousand copies of the report, and three hundred copies of the letter and statements accompanying the same, ordered to be printed for the use of the members.

Mr. THOMAS presented a petition of sundry inhabitants of Knox county, in the Indiana Territory, in opposition to the prayer of petitions of the inhabitants of the counties of Randolph and St. Clair, presented on the 6th of April last, for a division of the said Territory into two separate governments.—Referred to the committee appointed, the 13th instant, on the expediency of dividing the Indiana Territory.

On a motion made by Mr. GARDENIER, that when this House adjourns, it will adjourn to meet on Monday next; the question was taken thereupon, and passed in the negative—yeas 43, nays 58, as follows:

YEAS—Evan Alexander, William W. Bibb, John Campbell, Martin Chittenden, John Davenport, jr., William Ely, John W. Eppes, Barent Gardenier, Francis Gardner, James M. Garnett, William Hoge, David Holmes, Richard Jackson, Robert Jenkins, Walter

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Jones, James Kelly, Phillip B. Key, William Kirkpatrick, Joseph Lewis, jr., Edward St. Loe Livermore, Edward Lloyd, Robert Marion, William Milnor, Thos. Newton, Timothy Pitkin, jr., Josiah Quincy, John Randolph, Jacob Richards, Benjamin Say, Richard Stanford, William Stedman, Lewis B. Sturges, Samuel Taggart, John Taylor, George M. Troup, Jabez Upham, Philip Van Cortlandt, Archibald Van Horn, Killian K. Van Rensselaer, David R. Williams, Alexander Wilson, Nathan Wilson, and Richard Winn.

YAYS—Lemuel J. Alston, David Bard, Joseph Barker, William Blackledge, John Blake, jr., Thomas Blount, Adam Boyd, Robert Brown, William A. Burwell, William Butler, Joseph Calhoun, Matthew Clay, John Clopton, John Culpeper, Richard Cutts, John Dawson, Joseph Desha, James Fisk, Meshack Franklin, Edwin Gray, Isaiah L. Green, John Harris, John Heister, William Helms, James Holland, Benjamin Howard, Daniel Hsley, Richard M. Johnson, John Lambert, John Love, Wm. McCreery, Daniel Montgomery, jun., John Montgomery, Nicholas R. Moore, Jeremiah Morrow, John Morrow, Gurdon S. Mumford, Roger Nelson, Thomas Newbold, John Porter, John Rea of Pennsylvania, John Rhea of Tennessee, Matthias Richards, Samuel Riker, John Russel, Lemuel Sawyer, Ebenezer Seaver, Samuel Shaw, James Sloan, Dennis Smelt, John Smilie, Jedediah K. Smith, John Smith, Samuel Smith, Clement Storer, Peter Swart, Jesse Wharton, and Robert Whitehill.

The House resumed the consideration of the second resolution reported from the Committee of the Whole, on the 1st instant, which was depending yesterday at the time of adjournment.

Mr. NEWTON supported the resolution and the report generally in a speech of about two hours and a half; when the House adjourned.

SATURDAY, December 17.

On a motion made by Mr. ALEXANDER WILSON, that the House do now adjourn until Monday morning, 11 o'clock, the question was taken thereupon, and passed in the negative—yeas 5, nays 39, as follows:

YAYS—Abram Trigg, Philip Van Cortlandt, Archibald Van Horn, Killian K. Van Rensselaer, and Alexander Wilson.

NAYS—Willis Alston, jun., Joseph Barker, William W. Bibb, John Blake, jun., William Butler, Joseph Calhoun, John Clopton, John Culpeper, James Fisk, Meshack Franklin, Francis Gardner, Edwin Gray, Isaiah L. Green, John Harris, William Helms, Daniel Hsley, Thomas Kenan, John Lambert, Nathaniel Macon, William Milnor, Daniel Montgomery, jun., Jeremiah Morrow, John Morrow, Roger Nelson, Thomas Newbold, Timothy Pitkin, jun., Josiah Quincy, John Rhea of Tennessee, Jacob Richards, Ebenezer Seaver, Jedediah K. Smith, John Smith, Clement Storer, Benjamin Tallmadge, John Taylor, John Thompson, Geo. M. Troup, James I. Van Alen, and Robert Whitehill.

It having appeared by the foregoing vote, that a quorum, consisting of a majority of the whole number of members, was not present, a motion was made by Mr. VAN CORTLANDT, that the SPEAKER be requested to direct the Doorkeeper to send for absent members, for the purpose of forming a quorum to proceed on the business before the House; and the question being taken

thereupon, it passed in the negative—yeas 9, nays 50, as follows:

YAYS—John Davenport, jun., David Holmes, Robert Jenkins, Edward St. Loe Livermore, Philip Van Cortlandt, Archibald Van Horn, Killian K. Van Rensselaer, Alexander Wilson, and Richard Winn.

NAYS—Willis Alston, jun., Joseph Barker, William W. Bibb, William Blackledge, John Blake, jun., William Butler, Joseph Calhoun, John Clopton, John Culpeper, John W. Eppes, William Findley, James Fisk, Meshack Franklin, Francis Gardner, Thomas Gholson, jun., Edwin Gray, Isaiah L. Green, John Harris, Reuben Humphreys, Daniel Hsley, John Lambert, Nathaniel Macon, William Milnor, Daniel Montgomery, jun., Nicholas R. Moore, Jeremiah Morrow, John Morrow, Roger Nelson, Thomas Newbold, Thos. Newton, Timothy Pitkin, jun., Josiah Quincy, John Rhea of Tennessee, Jacob Richards, Lemuel Sawyer, Ebenezer Seaver, Samuel Shaw, James Sloan, Jedediah K. Smith, Samuel Smith, Clement Storer, Benjamin Tallmadge, John Taylor, John Thompson, Abram Trigg, George M. Troup, James I. Van Alen, Robert Whitehill, David R. Williams, and Nathan Wilson.

A sufficient number of members to form a quorum having appeared, and taken their seats in the House, Mr. Lewis, from the Committee for the District of Columbia, presented a bill supplementary to an act, entitled "An act authorizing the erection of a bridge over the river Potomac, within the District of Columbia;" which was read twice, and committed to a Committee of the Whole.

A message from the Senate informed the House that the Senate have passed a bill, entitled "An act to provide for arming, manning, and fitting out for immediate service, all the public ships of war, vessels, and gunboats, of the United States;" to which they desire the concurrence of this House.

NATURALIZATION LAWS.

Mr. BURWELL reported a bill to establish an uniform rule of naturalization throughout the United States. He observed, that it would be recollected that he had suggested a modification in this bill, but the committee had not been able to concur in opinion on the subject, and he reported the bill in the same form as it was proposed last session, intending to propose his modification in Committee of the Whole.

The bill was twice read, and referred to a Committee of the Whole, and made the order of the day for Monday three weeks.

IMPORTATION OF SALT.

Mr. LIVERMORE said, that from information received from various parts of the United States, it appeared that the article of salt, so essential for public support, was very scarce, and had risen in his country 100 per cent. that is, to two dollars per bushel. He was, therefore, induced to offer the following resolution:

Resolved, That the Committee of Commerce and Manufactures be instructed to inquire into the expediency of permitting certain vessels to depart from the ports and harbors of the United States for the purpose of importing salt; and that they have leave to report by bill or otherwise.

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The House agreed to consider the resolution—58 to 25.

Mr. CUTTS said, that he observed by a paper containing the price current, that the price was but 6s. 6d. per bushel.

Mr. BACON said, that as this was a subject on which an instantaneous decision should not be made, he should move that it lie on the table.

Mr. LIVERMORE said that the price of this article was rapidly rising, and it was extremely desirous that vessels should be permitted to go to Turk's island for the purpose of bringing in salt.

The motion that it lie on the table was carried—ayes 51.

FOREIGN RELATIONS.

The unfinished business of yesterday was taken up—the question being on the following resolution:

Resolved, That it is expedient to prohibit, by law, the admission into the ports of the United States of all public or private armed or unarmed ships or vessels belonging to Great Britain or France, or to any other of the belligerent Powers, having in force orders or decrees violating the lawful commerce and neutral rights of the United States; and also the importation of any goods, wares, or merchandise, the growth, produce, or manufacture of the dominions of any of the said Powers, or imported from any place in the possession of either.

Mr. RHEA of Tennessee supported the resolution in a speech of near two hours.

Mr. TAGGART said: Mr. Speaker, not being much in the habit of addressing this House, I feel a degree of diffidence on the present occasion. But as I have listened with patience and attention to the lengthy discussion which has taken place, and as the subject itself is all-important, embracing nothing less than the dearest interest of the nation, and perhaps involving in its consequences the existence of our independence itself, I shall make no apology for obtruding some observations on the House even at this late stage of the debate.

As I find that gentlemen have not strictly confined themselves to the positions contained in the resolutions on which we are called to vote; nor to the report of the Committee on Foreign Relations, on which these resolutions are predicated; but have extended their views to the whole subject of our foreign relations, I shall beg the indulgence of the House, while I attempt to pursue the same course. Indeed it seems to me proper that the debate should take this direction; for, if I understand the reasoning of the Committee of Foreign Relations, the adoption of these resolutions is connected with, and come in aid of the present system, now in operation; I mean the embargo.

Some gentlemen, who have preceded me, have observed that they did not enter on the discussion expecting to effect any alteration in the sentiments of a single individual in the House; intimating, as I understood them, that the discussion was rather designed for the public than for the House of Representatives. At this late hour of the debate, and after the lengthy and brilliant

display both of eloquence and argument, which has been made, and which has, probably, had but little effect in altering opinions already formed, it would be a piece of vanity which I should not wish to possess, should I address you with any such expectation. But as I shall probably record my name in a small minority, on the several questions which will be taken, and as that portion of the community which I represent has the same stake at issue with their fellow-citizens in the decision of the present question, some explanation of the reasons of my conduct may be due to them.

While I express my dissent, *in toto*, from the course which has been pursued, and which it still appears to be the determination to follow, and enter my solemn protest against all responsibility for the consequences, I shall probably decline the call often made upon the minority, by members in the majority, to submit resolutions, propositions, or measures, which in our opinions ought to be pursued in preference to the present. It must be familiar to the recollection of gentlemen that during the last session of Congress, when the subject of the embargo was under consideration, propositions submitted by the minority were uniformly refused so much as a consideration by the House. This gives but poor encouragement for the submission of any propositions at present.

I shall not take up the time of the House by entering into an historical detail of the wrongs and injuries we have received from the different belligerents, from time to time. This has been repeatedly done in the course of the debate. The injuries, particularly of one of the belligerents, have been descanted upon with all the glow of the most impassioned eloquence, and the whole catalogue of the aggressions of many years have been collected into a focus, for the present occasion. We have not only had the full catalogue of actual wrongs enumerated, but to these have been added a great number of intentional injuries, and we have ventured to penetrate into her views and motives, not only in what she has actually done, but in what, it has been discovered some how or other, that she intended to do. The injuries of the other Power have been commented upon more briefly, but some pretty strong lines of the picture have been exhibited to view. Could we by the aid of a magical wand, or in some other way, transport the rulers of Great Britain into our galleries, to hear our debates, in which they might have all their political sins brought to their remembrance, possibly it might bring them to repentance, and we might see the end of our difficulties. Could Bonaparte, and a few of his Princes, Dukes, and Ministers of State, be made of the party, it might be worth while to fill up the strong outlines which have been given, with the proper coloring, if any hope existed that it might have a similar effect. But all this would have but little to do with the discussion of the subject now before the House. The inquiry now is, not what injuries we have received from one or both the belligerents, from time to time, but what measures are proper for us to adopt in the present cri-

sis, in order to secure our liberties and independence, and guard our maritime and commercial rights, against the present and future encroachments of both.

Nor shall I inquire, with metaphysical nicety, which of the belligerents have done us the greatest injury, or whose conduct has been the most outrageous—that of Great Britain, in throwing such obstacles in the way of our trade to France and those European nations which are in alliance with her, by her Orders in Council, as, taken in connexion with the French decrees, amount to a prohibition of all trade to that part of the continent of Europe which is under her control, while the colonies are left open; or that of France, who interdicts all commerce with Great Britain and her dependencies, and declares an American vessel which had been so much as visited, or even spoken to by a British cruiser, to be a good prize, and the ship denationalized; and in the execution of her decrees, takes, sequesters, and confiscates our vessels and cargoes, or scuttles and burns them on the high seas. I think it must be allowed that there is a shade of difference, at least in the manner in which the two nations execute their systems of aggressions. Great Britain is, I believe, not in the habit of confiscating vessels under her Orders of Council; at least, I have heard of but few complaints on that subject. Nor will it be necessary to inquire which of the belligerents has done us the most actual harm. It is readily granted that Great Britain, on account of her maritime superiority is capable of doing us the most injury in that part in which we are the most vulnerable. I am however far from submitting to the accuracy of the calculation of gentlemen who tell us of the almost countless millions she would put into her own coffers, as a tax upon the industry of the United States, in consequence of her Orders of Council. These calculations are bottomed upon the supposition, that sales, as extensively as formerly, might be made on the continent of Europe, after paying the tax or tribute imposed by the orders. But is this the fact? I believe not. Independent of the Orders in Council, the French decrees amount to a virtual prohibition of all commerce to France and her dependencies; for what prudent merchant would send a cargo to France, and what insurance company would underwrite one, liable to confiscation on all the arbitrary, capricious constructions of these decrees, and subject to all the vexatious proceedings under them? These decrees, as fortified by the Orders in Council, amount rather to a prohibition of this commerce, than a tax upon it. A gentleman from South Carolina (Mr. WILLIAMS) asked the question some days since of a gentleman from Rhode Island, (Mr. R. JACKSON,) at what rate of premiums a vessel could now be insured to France, subject to the risk of the British Orders in Council. Meaning, as I supposed, to convey this idea, that the whole risk was owing to the Orders in Council. But, if it can be ascertained what the rate of insurance would be if the orders should be repealed, while the orders continued in force, only between that and the present rate, whatever it

may be, would be justly chargeable to the Orders in Council. But Great Britain imposes a tax or tribute on cargoes coming from France and her dependencies, and bound to the United States. Admitted; but few or no vessels can enter during the continuance of the present system: certainly few will come out. Consequently no great sums could come into the British coffers. But in certain cases we are permitted to burn our property. I have no knowledge of this fact, only what is obtained from statements on this floor. Admitting it to be correct, it certainly must be much worse than any of the proceedings of France. The one gives us the trouble and pain of burning our own property; the other, in her superior kindness, takes that trouble off our hands, and kindly burns it herself.

I shall also waive, as foreign to the present discussion, any inquiry whether our Administration has or has not discovered any undue partialities for or against either of the belligerents, contrary to that rigid impartiality towards nations at war, which is the true policy of neutrals. Much has been said about a French party and a British party in America. I would fondly indulge the hope that we all belong to an American party; for whatever may be our party bickerings at home, I think we can, at present, have but few motives to attach us to the conduct of either nation, as it respects us. As it respects the cause for which the two nations are contending with each other, there may be an honest preference. But a man who would cherish an attachment to any foreign nation, to the prejudice of his own country, is one with whom I have no fellowship; and I would be loth to impute such a predilection to any gentleman of this House. But as these things do not bear particularly on our present subject, and would lead to a wide field of unprofitable discussion, I shall leave them.

My remaining observations shall be directed to the system which has been adopted with a view to extricate us out of the difficulties in which we have been involved, by the clashing interests of the different belligerents. As a permanent part of the system, we are stared in front with the embargo. I will not call it *Monstrum horrendum, informe, ingens, cui lumen ademptum*; I will call it by its own proper name—*Embargo*—that all-powerful engine of bloodless war, as it has been called, which was to coerce the nations of Europe into an acquiescence in our demands. This embargo we are now told is almost forgotten in Europe, at least all attention to it is said to be absorbed by the superior glare of passing events. But, my word for it, half a century will not obliterate the remembrance of it in America. It is true, none of the resolutions proposed by the committee, at the close of their report, makes express mention of the existing embargo. But, in the reasoning of the committee, this is mentioned as one of the evils out of which we have to make a choice; for it seems, we have only a choice of evils, and the resolutions seem to be intended further to fortify the measure.

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After the lengthy discussions which have already taken place, it will be almost impossible, in directing my observations to this subject, to avoid repeating some observations already advanced. Here I must claim the indulgence granted to others.

In adverting to the subject of the embargo, I shall consider it—1st. In respect to its constitutionality; 2d. In respect to its expediency and utility, or the probability of its producing upon foreign nations any of the coercive effects contemplated.

As it respects the constitutionality of the embargo, I am sensible that I tread on very tender, delicate ground. I shall, therefore, endeavor to step over it lightly. I am sensible that I shall be met in the threshold with the opinions of our courts of law, some of which have decided the embargo to be Constitutional. I have a high veneration for judicial decisions, and am always disposed to bow before them with becoming reverence. Perhaps a perusal of the reasonings on which these decisions were founded, would remove my objections. But never having had that opportunity, and knowing that such decisions are not always infallible, for this plain reason, that they oftentimes clash with each other; knowing also, that such decisions, even with regard to your embargo laws, are not always relied on as the true construction, but a different cause has been adopted for carrying their provisions into execution; I hope I shall be permitted to express my doubts of the constitutionality of a law imposing a permanent embargo. In what clause of the Constitution is this delegation of such a power to the Congress of the United States, either expressed or implied? Here it will be perhaps necessary to beg pardon of some gentlemen for using the term "permanent embargo." But I cannot retract it. I know that several gentlemen who voted in favor of the law, have declared, on the floor of this House, that they had no idea of an embargo as a permanent measure. So far as it respects their own intentions, I am bound to give full faith and credit to the declarations of gentlemen. But supposing that every member of the House was to express individually on the floor that such was his intentions, would that alter the nature of the law? I believe not. I have very little acquaintance with the modes of procedure in courts of justice; therefore I hope that, in what I am about to state, professional men will set me right, if I am incorrect. But I take it to be a maxim of jurisprudence that, in the decision of important causes, resort must be had to the best evidence the nature of the case admits. An affidavit is considered as an inferior kind of evidence to that of a witness examined in open court. There are many cases in which affidavits cannot be admitted, particularly in criminal cases, where life or limb is at hazard. But the evidence of a solemn, public, regularly authenticated record, is superior to parole testimony, and cannot be shaken by it, because it is a higher and more conclusive kind of evidence. Among all public records, none can claim a higher au-

thority than the statute book of the United States. Appealing thus to your statute book, Mr. Speaker, as to evidence of the highest kind, and finding no clause in the law itself which indicates that it will expire by its own limitation, as is the case of temporary laws, I think I am authorized to denominate it a permanent embargo. By this I do not mean that it is irrevocable, or like the laws of the Medes and Persians which alter not. The repeal of it, however, is not within the control of this House, even although an unanimous vote should be in favor of the measure, and the circumstance may occur that it cannot be repealed by both branches, without the concurrence of two-thirds of each in favor of the measure.

In the eighth section of the first article of the Constitution, power is given to Congress to regulate commerce with foreign nations, between the several States, and with the Indian tribes. In the ninth section of the same article, Congress is expressly prohibited from laying a duty or tax upon the exports of any State. And in the tenth amendment to that instrument, which has been ratified by the several States so as to become part of the Constitution, we find it stated, that the powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved by it, to the States respectively, or to the people. Congress may regulate commerce. If a power to interdict or annihilate commerce, is a necessary appendage to the power of regulation, then; it must be confessed that Congress possess that power. But, Mr. Speaker, supposing you should hand your watch to a proper artisan, in order to have it regulated, and he should dash it to pieces in your presence, would you call this regulating? I believe not. But might he not plead in his justification the construction put upon the power vested in Congress, by the Constitution, to regulate commerce? Supposing the affair did not proceed that length. Supposing he only removed the mainspring, and laid it aside, to consume with filth and rust, and told you that he would replace it again, and reduce all the wheels into order, so as to make it an excellent watch, on the happening of certain events entirely without his own control; would that be considered as a legitimate appendage to his power of regulating? I believe not. But could he not prove that he possessed this right, by the construction put upon the Constitution of the United States? Congress is expressly prohibited by the Constitution from laying a duty upon exports, to the amount of so much as one single cent. Can it be supposed that the same instrument containing that prohibition should, upon any principles of fair construction, authorize the total interdiction of exports? Supposing that an express article for the purpose of empowering Congress to interdict all foreign commerce, say for one, two, or three years, or permanently, had been agitated in the Convention which framed the Constitution; can it be supposed that that body, tremblingly alive to all encroachments, either upon personal liberty or State rights, would have ac-

ceded to such an article? No, it would have been spurned with contempt, as containing, not the mere germ, but the very quintessence of despotism; and no idea was, I trust, then entertained by what far-fetched construction, a justification of such a measure would be attempted hereafter. What would be thought of an interdict upon agriculture? Would any person suppose that Congress possess legitimate powers to say to the inhabitants of any one district, you shall hereafter abstain, either permanently or during the pleasure of the Government, from plowing, sowing, reaping, &c. Is there any person who would attempt to justify the issuing of such a mandate on Constitutional grounds? I believe not. But commercial pursuits are equally lawful and laudable with agriculture, and the merchant is equally entitled to the fostering care of Government with the man who cultivates the soil. Nay, were it not for a market for surplus produce, and for the reception of such articles in return as are furnished by the merchant, where would be the prosperity of agriculture itself? The farmer would be deprived of the most powerful stimulus to industry. A controversy between the merchant and the agriculturist would, pretty much, resemble the controversy in the fable between the hands and the feet on one side, and the belly on the other. Withdraw the support from the latter and all the members will languish.

But waiving any further consideration of the constitutionality of the embargo, I take it for granted that it is, on all hands, allowed to be a great evil in itself. It can only be endured in the expectation that it will be the means of procuring some great future good, or for the sake of avoiding a still greater impending evil. I shall not consider its comparatively greater pressure upon one part of the United States than another. I shall make no comparison between Northern, Southern, or Middle States. All I believe find its pressure to be sufficiently hard. I shall not pretend to say that it bears harder on that section of the country which I have the honor to represent, than it does upon other parts. I believe it does not. Although it is very sensibly felt, yet, in a district inhabited principally by farmers, settled on small plantations, enjoying a tolerably fruitful soil, which yields a competency to the hand of industry; and where domestic manufactures are probably as far advanced as in most places, we can bear it as long as our neighbors. I presume it is much more distressing on our seaboard. I wish to consider it as affecting the whole, and there are two points of view in which it presents itself:

1st. As a measure of precaution as it respects ourselves.

2d. As a measure of coercion in respect to the different belligerents against whom we have causes of complaint.

In both these points of view I shall attempt to consider it. As a precautionary measure, we are told that it has preserved our ships and seamen, and an immense property, which I think the chairman of the Committee on our Foreign

Relations estimated at upwards of one hundred millions, that would otherwise have fallen into the hands of the enemy.

As it respects our ships, if their laying at our wharves at the annual loss of seven or eight millions, the estimated amount of freight alone, while the decay is quite as great, probably greater, than if they were wafted over every part of the Union, can with propriety be called preservation—so far as the loss by capture would have been greater than that occasioned by their present inaction and decay, their preservation may be ascribed to the embargo.

As it respects the preservation of our seamen, I doubt the fact whether they may be at all considered as preserved by this measure. Our seamen have disappeared; and it is the opinion of men possessing favorable opportunities for information, that if the embargo was now raised it would be with the greatest difficulty that seamen could be found to man half our ships. Not only have British seamen, who were cloaked under fraudulent American protections, deserted our shores, but many Americans have emigrated with them. The correctness of this fact I find disputed, particularly by a gentleman from South Carolina, (Mr. WILLIAMS,) who has made a very high encomium on the patriotism of American seamen. They are now, says the gentleman, in the bosom of their country; the moment their services are wanted, they will flock to your shores. No doubt, some are in this situation. But I seriously doubt, whether their number would be sufficient to answer any sudden emergency. Many of our seamen have no other means of subsistence than the ocean, and, having always been accustomed to that mode of life, are unfit for any other species of industry. You may as well change a carpenter into a watchmaker, as transform a sailor into a cultivator of the soil. Deprived of their customary means of support by an exclusion from the ocean, they have no alternative left, but either to beg or commit depredations on the property of others. Their spirits are too high to brook the first, and their honesty proof against the last. I make no doubt but the patriotism of American seamen is equal to that of any other seamen in the world. But *sine Cerere et Baccho friget Venus*, saith the poet. Put this into plain, homely English, and apply it to patriotism, i. e. without something to eat and drink, aye, and something for clothing too, patriotism will soon cool. Mere patriotism will be found worse than *soup maigre*, or water gruel, to satisfy the cravings of hunger, nor will it clothe the naked. It will not transform your sailors into chameleons, and enable them to live upon air. It is not then justly a matter of wonder, if many of our seamen—deprived of subsistence by the operation of your laws, in the only way in which they have been accustomed to obtain it, should seek that employment and support in a foreign country, of which they are unjustly deprived in their own; the whole weight of their patriotism to the contrary notwithstanding. Our system is at least of this advantage to the British nation: they obtain our seamen without either the trou-

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ble or odium of impressment. I will suppose the patriotism of the gentleman from South Carolina equally warm, equally glowing with that of any other gentlemen in this House, perhaps in this nation. But supposing Government should interdict the only occupation by which he could gain a subsistence, and by an act, of which he could neither see the necessity, the justice, nor the policy, reduce him to the situation of making the choice between begging and emigration; his love of country would cool. And as I find he sometimes quotes scripture, I shall take the liberty of suggesting a passage which would, in such a state of things, probably occur to his mind: "if they persecute you in one city, flee to another."

As to property supposed to have been saved by this precautionary measure. This has been, I believe, stated by the chairman of the Committee on Foreign Relations to amount to more than one hundred millions, equal to the total of our exports of both foreign and domestic articles for one year. But predictions, permit me to say, of what might have happened in a different state of things, are but little to be regarded. That property to a limited amount may have been saved, I do not dispute. But so far as we can ground our calculations on matter of fact, the amount is greatly overrated, probably one thousand per cent., or it may be more. Our valuable India ships which were at sea, and exposed to the ravages both of the British Orders of Council and the French decrees have, I believe, escaped capture, and returned in safety, as well as many other ships of different descriptions, and many that chose not to return, in order to keep out of the clutches of the embargo, still navigate the ocean in safety. But, as their safety will be ascribed to their sailing under odious and detestable British licenses, I shall leave them out of the account, and mention another description of ships. I mean such as have sailed by special permission of the President of the United States. I have heard no particular complaint of vessels of this description, and if the business had not been found to be profitable, so much eagerness to obtain these permissions would not have been discovered. So far as we, therefore, from having saved property and shipping to immense amounts by our embargo, that I think it quite problematical whether, had commerce been permitted to take its usual course, the United States would not have been richer at this moment than they are by the course we have adopted; the whole amount of captures to the contrary notwithstanding.

As a measure of coercion, which, as appeared from the declarations of the advocates of the law, was intended to operate principally against Great Britain, I think it must by this time have spent its force, and has completely failed. It appears that we have entirely overrated our importance both to Europe and the West Indies, and that the idea of starving them into a disposition to respect our rights, is wholly visionary. We were to starve the West Indies, raise insurrections among the British manufacturers, and to compel them to grant us peace on our

own terms, and also to compel France to rescind her obnoxious decrees. But after a whole year's painful experience—I say painful, on our part—what has it done? Has it starved the poorest negro on the poorest plantation in the West Indies? Has it extorted a single concession from either of the belligerents? If you cannot starve a man to death, or at least bend him to your will in one year, I shall not hesitate to pronounce that man to be ever hereafter proof against starvation. What do the belligerents do? After tendering the offer of repealing the embargo to the British Government, as an equivalent for its rescinding the Orders of Council, what are we told? The sarcastic British Secretary tells us, it is a mere municipal regulation of your own, in which we have no right to interfere, nor have we made any complaint. He tells us "that His Majesty would not hesitate to contribute, in any manner in his power, to restore the commerce of the United States to its wonted activity; and if it was possible to make any sacrifice for the repeal of the embargo, without appearing to deprecate it as a measure of hostility, he would gladly have facilitated its removal as a measure of inconvenient restriction to the American people." Whatever may be our opinion of the pity expressed, all must, I believe, feel the force of the sarcasm.

From France, it is said, we have received no answer to a similar proposal. That we have received no direct or explicit answer to a communication made on that subject to the French Government, by our Minister at Paris, is readily admitted, and that for the best of all possible reasons. I do not find, from any document in the possession of the House, that any such direct application has ever been made. But that we have received such a virtual answer as must carry conviction to every mind so forcible that he who runs may read, is, I think, evident from the general complexion of the correspondence of our Minister at Paris, particularly from his letter of August 28, 1808, printed in our public documents. If from the knowledge he had of the temper of that Court, he either dared not make the application direct, or was fully persuaded that to make it would be not only fruitless but injurious; no further answer was necessary.

Other evidence is also before the nation, which clearly shows the light in which our embargo is viewed by the Emperor Napoleon. Newspaper evidence, it is true; but evidence, the authenticity of which has not, that I know of, been called in question. I allude to the report of one of the Ministers of State, whether of exterior relations, war, marine, or finance, I do not now recollect, in which he compliments our dignified retirement by means of our embargo, in a manner rather warmer, and manifesting greater interest than I would wish to see in the agent of a foreign Government. Had the embargo been a measure which His Imperial Majesty Napoleon wished to have removed, because disagreeable to him, what Minister is there under his control who dare to make such a report? No, it rather appears that

he views it as a measure not at all hostile to his views, but as calculated to aid his system of humbling the naval pride, and destroying the commercial superiority of Great Britain. Bring up the non-intercourse to the aid of the embargo, and we more fully meet the wishes of Napoleon, and second, in the only way, perhaps, within our power, his views of universal domination. If the embargo, then, during the space of one whole year, in which it has been in operation, and in which it must have spent its principal force, as it respects foreign nations, has had no coercive effect upon either of the belligerents, what prospect is there that it will have any such effect in future?

But, say gentlemen, this effect has been hitherto defeated by evasions of the law, by which partial supplies have gone out, and by the clamor which has been raised against it by a factious, discontented minority. Only let us persevere with steadiness, and make it manifest to the nations of Europe that we will adhere to our system, and enforce it with such strictness as to prevent evasions in future; and those who have injured us will yet be compelled to abandon the ground they have taken. Foreign nations have, hitherto, flattered themselves that the United States would relax, therefore they have persevered. As soon as they are convinced of their mistake they will recede. Here let us notice the consistency of gentlemen: Onewhile the opposers of the embargo are a very small, a very inconsiderable minority. Nineteen out of twenty at least were, last winter, stated to be in favor of the measure. Strange, that such a small, inconsiderable minority, and those, of course, composed of the most worthless part of the community, should all at once become so powerful and influential as to defeat the effect which the wise measures of Government were calculated to have upon foreign nations. There is the proclamation of the President of the United States, stating that, at an early date, the ordinary proceedings of our courts of justice were insufficient to carry the law into effect. The proceedings in the Legislatures of several States, some in stopping, and others in attempting to stop suits at law for the collection of debts, on account of the pressure occasioned by the embargo. Have we any such evidence as these that the measure bears hard upon foreign nations? No doubt your embargo laws have been evaded to a certain extent. Probably they will continue to be evaded, in spite of all the vigilance of Government. Probably the loudest declaimers in favor of the system have had their full share in these evasions. Perhaps these statutes may be carried into complete effect; but, perhaps, it cannot be done without the prostration of your liberties. It is impossible to impress upon the minds of the people at large that the same degree of moral turpitude is attached to the violation of such laws as your embargo, which they feel at the violating of statutes which, by the common consent of mankind, are at all times and in every change of circumstances, calculated for the well-being of

society. In proportion as penalties are multiplied, and increase in severity, public pity towards the sufferer will be excited, and indignation will be roused against the law itself.

Need I remind gentlemen of the majority, of the sedition law? Whenever a crisis arrives in which the good sense of the virtuous part of the community is not sufficient to aid the civil power in the execution of your laws, and it is found necessary to have recourse to the military, I shall tremble for the liberty of my country. I hope that, so long as the law is in force, it will be executed, and will be productive of no convulsion. But, should it be necessary to resort to a military force to execute our laws, in our Republican Government, it would much abate the pleasure and pride which I feel in being a citizen of a free country. Nothing can, in my opinion, have a greater tendency to defeat the effect of your laws upon foreign nations, and impress upon them the belief that we cannot long submit to them, than a knowledge of the means to which it is found necessary to resort in order to carry them into execution. The execution of your laws has already been written in blood, and it is probable that it must soon be stained with a deeper crimson die. This blood will call for vengeance somewhere. From the measure still contemplated to carry them into effect, I turn with horror. Look at the bill on your table, now pending before the Senate; look at the letter from the Secretary of the Treasury, proposing ways and means for their more complete execution with the whole apparatus of gunboats, revenue cutters, standing troops, &c. Foreign nations are well acquainted with the nature and genius of our Government, as well as with the attachment of our citizens to personal liberty. It is not, therefore, to be wondered at if they should harbor an opinion, that a system savoring so strongly of despotism could not long be submitted to by a free people.

But while we think it strange that foreign nations should be so unwise as to calculate on our receding, let us reverse the picture, and see upon what kind of evidence it is on which we calculate that the pressure of our embargo will be so great as to compel them to abandon their orders and decrees. A speech made in favor of a petition against the Orders in Council; a pamphlet, written by a popular opposition member of Parliament, deeply concerned in the American commerce and funds; extracts of private letters from several places in Great Britain; paragraphs of news, stating some advance in the price of cotton, or that flour is high in some part of the West India islands, or the account of an insurrection of a score or dozen weavers in Manchester, are caught with avidity and considered as evidences strong as proofs from Holy Writ that Great Britain cannot much longer adhere to her orders, although, perhaps, a fair balance might be struck confronting letter against letter, pamphlet against pamphlet. Does this appear anything like evidence on the subject? But, of late, we are told of the failure of the crop of wheat in Great Britain, and this, it is thought, will work wonders in

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our favor. On this subject, I allude to no secret communications submitted to Congress. I shall be cautious how I tread on that ground; I allude to news communicated in some of our public prints, and verbal information received from a gentleman of this District, who spent the principal part of the last Summer in Great Britain. Other gentlemen have received letters from correspondents, perhaps equally well informed, of a different complexion. Perhaps both accounts may be correct, so far as they go. It is by no means uncommon for crops to fail partially in some districts in a country, and be abundant in others. But, admitting the report of a failure to be true, in the fullest extent, would the repeal of our embargo grant them such relief that, in order to obtain it, they would be compelled to relinquish what was viewed to be a great national measure? By a statement to which I have had access, and which I believe to be mainly accurate, I find that the greatest exportation of wheat and flour from the United States, amounted, in one year, to within a fraction of one hundred and sixty-eight million pounds of flour. The population of Great Britain and Ireland, including the navy, is estimated at about sixteen and a half millions of souls. Allowing one pound of flour per diem to each person, the whole quantity we could export would afford a supply of bread but for little more than ten days. Considering the necessary waste in that article, this would not be an extravagant allowance. How great a relief from the horrors of famine would a supply of bread for ten or eleven days afford? Twenty or thirty days, at short allowance, would make up the balance. Such are our means of coercion in the article of flour.

I will now go upon the supposition that our embargo is about to be carried into complete effect, and that we can shut ourselves up so close, that no article whatsoever can escape from our ports. Let us inquire whether there would then be a probability that it would have the coercive effect contemplated? I go upon the supposition that firmness in favor of a system is equal on both sides of the water. This comparison will render its coercive effect problematical at least. In our embargo system it is necessary to keep in view two things—its action upon the different belligerents, and its reaction upon ourselves. I think it to be a sound position that the European world, taken in connexion with the West Indies, must be of more consequence to the United States than the United States can be to any one European nation. There is no one nation but what can do better without us and our commerce than we can do without the whole commercial world. Of course the reaction of our embargo upon ourselves must be stronger than its action upon any other nation. Supposing it, then, to act upon any one European nation, say either France or Great Britain, with five degrees of force, and react upon ourselves with twenty degrees, instead of humbling other nations, and bringing them to our feet—if you choose that phrase—we will teach them to do without us, and must, in the end,

shrink from the unequal contest. The gentleman from South Carolina (Mr. WILLIAMS) has said, not that the existence of the West Indies, (for it appears that, after a year's experience, the idea of absolute starving is pretty much given up,) but the profitable existence of the West Indies, as it respects Europe, depends upon supplies produced from this country, and he has instanced the article of lumber, an article of indispensable necessity to the West India planter. As the West Indies have been in the habit of obtaining supplies from this country, no doubt but a temporary inconvenience is felt; but the bitterness of this, I should suppose, to be in a great measure past. Is there no other country from which these articles for the West India market can be procured? May not the hitherto but partially explored forests of Canada and Nova Scotia afford, at least, a partial supply? Where is the vast Continent of America subject to Spain, many parts of which are so contiguous to the West Indies? Does that country contain no forests affording lumber? As the soil of that country is fertile, and the climate adapted to the raising of a great variety of productions, nothing is wanting to that country but industry and more extended cultivation, to enable it to supplant us entirely in the business of furnishing supplies for the West Indies, and that want the continuation of our embargo will supply with rapidity. But the gentleman says that he would rather burn all the surplus cotton, rice, flour, tobacco, &c., than export it during the present state of things; and that such a measure, by showing we were determined to persevere at every hazard, would soon bring the belligerents to their senses. I admire the spirit of the gentleman, without subscribing to the correctness of the opinion. In some cases it is a good rule for a man to judge another by himself. When that gentleman feels a spirit spurning at coercion glowing in his breast, it will, I should think, lead him to suppose that a similar spirit, spurning indignantly at our coercive system, may glow in the breasts of the inhabitants of that country, which is the land of our forefathers' sepulchres. If, then, a determination to submit to partial and temporary inconveniences rather than be coerced to abandon measures, which either a sound or mistaken policy has led them to adopt, be equally strong in the inhabitants of both countries, and the embargo system reacts upon ourselves with much more force than it acts upon either of the nations we would wish to affect by it, we must be the principal sufferers in this kind of warfare. So far am I from believing that we can coerce either Great Britain or France by our embargo, it is my decided opinion that, if we keep it on until either one or both these nations become our humble petitioners to remove it, we will keep it on forever. Great Britain, in particular, might then calculate on enjoying the commerce of the world unrivalled.

Having examined what consequences may reasonably be expected from our embargo as a measure to coerce foreign nations, it is time now to take a glance at some of its most obvious effects

upon ourselves, especially if its duration should be much longer protracted. And here permit me to consider what I view to be its bearing, not merely on our present but our future commerce. At present we see it prostrated, and the danger is that it will be destroyed, past all hope of revival. Another gentleman from South Carolina (Mr. TAYLOR) has represented the embargo to be an act of kindness to our merchants, in preserving them from destruction. Congress has acted toward them the part of a kind, indulgent parent, in preserving them from ruin. I believe that gentleman to be a friend to the mercantile interests of the country. He is incapable of uttering a sentiment of that kind, which he does not feel. But I fear that, in this instance, his tenderness for merchants and commerce will prove too much like the kindness of the ape for her young, who, out of mere tenderness and affection, squeezes them to death. In one point of view, commerce may be compared to a virtuous young lady whose esteem may be acquired and preserved by kindness and attention, but when once her esteem is forfeited and her confidence lost by improper treatment, it can hardly be regained. The American commerce, although very extensive, yet, as to age, is but in its infancy. Handle it a little roughly, and it may be banished forever from our shores; for when once it is directed to other channels, it may be impossible to bring it back to its old course. The history of commerce, since its revival in Europe, is in point. We have seen Florence, Venice, Antwerp, Brussels, and other places in the Netherlands, in their turn, the emporiums of foreign commerce. More lately Holland, and still later Great Britain, have been places where commerce was most flourishing, but we do not find that when once commerce had forsaken or been driven from a place, that it has ever returned.

Were it not that gentlemen appear to have so great an aversion to reckoning by dollars and cents, I would also make an observation or two upon its consequences with respect to our revenue. This has, however, been done some time ago, in a manner, which, to me, appeared unanswerable by the gentleman from Virginia, (Mr. RANDOLPH.) Indeed, I have heard no sober answer attempted, but abundance of declamation about patriotism, love of country, as superior to all calculations, spirit of 1776, &c. But, would it not be well enough, here, instead of all this unmeaning declamation, to have a little cool matter-of-fact calculation. However the contempt of dollars and cents may be a popular theme for declamation, yet, in a national point, they will be found to be far from so unimportant as they are represented. We are said to be on the eve of a war. I fear this may soon prove to be our real situation. Are we to suppose that patriotism, or the spirit of 1776, so much talked of, of late, will raise, clothe, march, and support an army? Or can the wheels of Government be kept in motion without the aid of dollars and cents? Where shall we get a supply in future, if the embargo is to be continued, and followed up with the pro-

posed non-intercourse? There was something observed by the gentleman from South Carolina, (Mr. WILLIAMS,) which I did not hear, and therefore only know, by report, about the extent to which our embargo, by cutting off supplies from the West Indies, would affect the British revenue, which, I understand, he estimated at one third of the whole amount. This, he considered as a pressure she was ill able to support, and would probably oblige her to relax her orders. That it would affect the British revenue to half that amount, remains to be proved. But can the gentlemen tell to what an extent a continued suspension of commerce would affect the revenue of the United States? More than one-third, more than two-thirds, and, I believe, more than four-fifths. But, we have fourteen millions in the Treasury. Very well; a full Treasury is a very good thing. But, how long will that sum carry on a war, and defray the other necessary expenses of Government? We are playing the part of the boy in the fable, who had the hen that laid the golden eggs. We have got golden eggs in our Treasury, but, with some want of foresight, we are strangling the hen that lays them from day to day. Shall we resort to direct taxes? The experiment has been tried, with what success is familiar to the House. But we must be sensible that, if obliged to resort to that expedient, during the continuance of the embargo, it must be under circumstances much more disadvantageous than formerly; for, during the entire suspension of foreign commerce, which is the only channel through which we are furnished with a circulating medium, where is the farmer or planter, who has no market for his surplus produce, to obtain money to pay his taxes? and the very name of loans has of late been so very odious that no man, I conclude, would think of applying to that resource. And even this resource would soon be dried up by a continued embargo, for where will be the funds to support public credit, in order to facilitate the procuring of loans?

Let us next view the consequences of the system as it respects our liberties. In no way are the liberties of a people more endangered than by clothing a Chief Magistrate with new, unusual, or unconstitutional powers. Here I am far from intending any reflection, either upon our present Chief Magistrate, or upon the present Secretary of State, who is I suppose the Chief Magistrate elect. I only observe, that the more popular a Chief Magistrate is, the more dangerous it is to invest him with unusual powers. A precedent naturally grows out of it, and power once delegated, is with difficulty resumed; and that which was at first a temporary benefit becomes at last an incurable evil. Such were the consequences of the Roman Dictatorship. When Cincinnatus was brought from his plow to be invested with the office of Dictator, and returned to his plow again after he performed the requisite service for his country, the Romans experienced no inconvenience. But under a Sylla, a Marius, a Pompey; and a Cæsar, the city, as well as the fairest provinces of the republic, were deluged in blood,

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shed in civil wars; multitudes of the most distinguished citizens destroyed by proscriptions and massacres, and a set of monsters, under the name of Emperors, successively swayed the sceptre over a degraded and enslaved people. Another instance we have in point of Gustavus Vasa, or Gustavus the First, of Sweden. He was the Washington of Sweden, who, after delivering his country from a most cruel bondage and vassalage to Denmark, was constituted first Administrator, and afterwards King of Sweden, and at length clothed with almost unlimited power. The virtuous Gustavus was the father of his people. The Swedes were happy under his government. But his son, clothed with the same authority, proved an odious tyrant. It will not be a sufficient pledge to assure us that we are out of danger, to say that we are under a government of laws and not of men; for if I am to lose life, liberty, or property unjustly, it makes but little difference to me whether it is by the mandate of a Nero, or the law of a Draco.

But it is said by gentlemen, that if the embargo were now removed, our trade is so restricted by the belligerents that it could amount to little or nothing. We cannot go to France. There is no place to which we can go without being interdicted, either by the decrees of the one, or the orders of the other. This was some time ago particularly insisted upon by the Committee of Foreign Relations. But the observations of a gentleman from Virginia (Mr. NEWTON) are more fresh in my recollection. He in a very particular and elaborate manner, took all our commerce, one piece after another, and filtered it all away to nothing, proving that we had no commerce at all left which deserved the name, which we could pursue, even if the embargo were taken off. This is a pitiful and degraded situation; and, because we cannot go everywhere, we submit to the degradation and say we will go nowhere. I shall not attempt to follow the gentleman through his minute and elaborate investigation of the annihilation of our commerce. I shall barely observe that if his view is a just one, it contains one of the most powerful arguments which could be advanced for the repeal of the embargo. If we have no commerce, why keep a law in force to restrain it, which requires so much irritation? Our merchants are generally so eagle-eyed in what respects their own interest, that if they can find no commerce worth pursuing they will embargo themselves. Why not suffer them to manage their own affairs in their own way? Why pass one law after another fortified with such extraordinary provisions, to embargo that which is said to have no existence? There seems to be a manifest absurdity in this kind of legislation. I am far from believing this view of the state of our commerce to be a just one. I believe that we have much profitable commerce left, and commercial men would soon explore important channels. I felt the justice of a remark made some days ago by a gentleman from Rhode Island, (Mr. JACKSON,) that commerce was like water, which, if left to seek its own course, would find its level,

and if left to regulate itself, articles would always find their way to places where they were wanted for consumption. And it is the opinion of commercial men of good information, that, were it not for the existing embargo, although our commerce would not flourish as it had done during the wars in Europe, we might still have as much as during a time of profound peace. May not commerce be compared to water in another respect; that when forced by violence to seek a new channel, it is with difficulty induced back again to its old course? This is an object worthy of the attention of the cotton planter in particular—a staple which is most unquestionably the most valuable to the cultivator of all our American exports. Were cotton produced nowhere but in the United States, we might easily starve the market. But, as it is the natural production both of Asia, Africa, and South America, as well as the West Indies, by withholding these supplies, which lie perishing on our hands, we encourage the cultivation in other countries, and teach the consumers to explore new channels for a supply. In this way a market may be irrecoverably lost.

But in this case we must go to Great Britain or France, and that would be degrading submission; it would be base and dishonorable. I confess I have not at all that nice sense of honor which some gentlemen speak of; nor can I see either degradation or submission in some things which so sensibly injure their feelings. I have often heard it as a maxim, that there is no friendship in trade. So fully am I impressed with its truth, that were your embargo law removed—for I would not violate that—and we not in actual hostility, had I on hand a cargo of rice, cotton, flour, or tobacco, I should have no scruple in selling it either to an Englishman or a Frenchman at a fair and honorable price; I should consider myself as doing him no particular favor, much less as submitting to him at all.

Although none of the resolutions presented for our acceptance by the Committee of Foreign Relations refers, in express terms, to the embargo, yet I considered myself as not materially deviating from the subject before the House, in being thus particular in taking notice of it, because the resolutions, particularly the second, form a part of the same system; and, because, in the dilemma in which we are placed, in the opinion of the committee, this is one of the evils out of which we are necessitated to make a choice—for it seems we have only a choice of evils. War with both nations, submission, or a continuance of the present suspension of commerce; and the second resolution in particular is to come in, in aid of the existing embargo.

A tame submission is justly considered as out of the question—a measure which nobody advocates. War with both nations, or with any two nations animated with sentiments of the most deadly hostility against each other, is a novel kind of warfare, and I am apt to think an absolute new thing under the sun, the discovery of which has been reserved for the Committee of Foreign Relations. A menacing attitude may

perhaps be kept up against two nations at war with each other; or, two nations at actual war may make peace, and then unite to give us a drubbing. But while they continue to be at war with each other, let us be ever so fond of fighting, we cannot be at war with both if we try. No, the moment a war takes place with one, we are virtually, if not actually, in alliance with the other. Make war with Great Britain—attempt the reduction of Canada, for instance, and Bonaparte will immediately tender you the homage of his high consideration, and will praise your spirit as warmly as he now eulogizes your dignified retirement. And although, on account of the incivility of the British fleet, he may not be able to send an army to your assistance, yet if one of your ships can fight its way to his shores, she may do it in safety, with the hazard of either sequestration or capture. And on the other hand, grant letters of marque and reprisal against France, and you will find no more trouble from the British Orders of Council.

With respect to the resolutions presented by the Committee of Foreign Relations, I considered that one which has already passed, as of little importance, either one way or the other. Considered as a kind of political test, I felt no very strong objection against taking it, although I considered the question whether the United States were, and of right ought to be, free, sovereign, and independent States, to have been long since decided and not to be brought into question at this time. I find, however, a degree of importance attached to it, in the opinion of some gentlemen, which, had I contemplated at the time, my vote would perhaps have been different. As the second resolution is evidently connected with the embargo, I am of course opposed to it. But notwithstanding the lengthy discussion which has taken place, I am not yet convinced that the first resolution is not at war with the second, and with the whole system we have adopted, and seem still determined to pursue. How is it that the orders of Great Britain and the decrees of France affect us? They affect our maritime rights. Our liberties on the ocean are restricted to a certain extent. And to show to Great Britain, France, and all the world, that we will not submit to these encroachments, we abandon the ocean altogether, and do even more than they require—a new way of showing our spirit, to be sure, but bearing no resemblance to the spirit of '76.

But say gentlemen, we do not submit. The embargo is resistance. Great Britain says you must trade with me. We resist. France says you must trade with me. We resist, and say we will trade with neither of you. This I conceive to be not true in fact. Neither France nor Great Britain says you must trade with me. They only give us liberty to do as we please. But, admitting there was a command, our embargo and non-intercourse is a submission to it, as far as the nature of the case admits. We submit, partly to the one, and partly to the other; and, between both, our submission is complete, for we submit to each of the belligerents, so far as submission to the one

is not inconsistent with a similar submission to the other. Certainly our non-intercourse with Britain is submission to France, and our non-intercourse with France is submission to Britain; and that, to make the most of our embargo, it is, according to the view given of it by its advocates, half the one and one half the other.

But what shall be done, is the question? Shall we go to war? I answer yes, in the last resort, if no other mode can be found to extricate us out of our present difficulties, and maintain our independence—and if there is any prospect that the object in pursuit can be obtained by going to war. I am not however convinced that a war with either, much less with both nations, would be the result of an abandonment of our present system. In the year 1793 Great Britain commenced extensive depredations on our commerce. An attempt was made* to resort to a war of commercial restrictions. A non-intercourse act was in considerable forwardness, but without any of these coercive measures actually in force, an attempt was made at negotiation. It proved successful, without the aid of either non-importation, embargo, or hostile proclamations. But to aid it, preparations were made for war, and the energies of the nation were called into operation. A treaty was the consequence, which, although not satisfactory to all in some of its provisions, yet, while it was in force, we have prospered under its operation, in a manner beyond all former example, I understand this treaty might have been renewed, but the offer was declined. I do not say that this backwardness on our part has been any cause of our present difficulties with that nation. In the years 1797 and 1798, France commenced most extensive depredations on our commerce, in direct violation of her treaty with us, and rejected our messengers of peace with contempt. We passed a non-intercourse law, but we did not rest here. We called forth the resources of the nation, and prepared for events. Partial hostilities were commenced; but firmness, on the one hand, and conciliation on the other, were again crowned with success. At the present time a serious misunderstanding has taken place between the United States and two foreign nations. The one has, in a most wanton, shameful, and unprovoked manner, violated her treaty with us—the other, with whom we have no commercial treaty, interrupts our lawful commerce, in such a manner as, it is said, violates the law of nations. We have commenced negotiations, with the aid of commercial coercive restrictions. We have taken the olive branch in one hand, and we have elevated our scourge, such as it is, with the other. We have assumed a menacing attitude, and have uttered many high-sounding words. This mode of negotiation has been, for a considerable time, in the full tide of, I cannot say very, successful experiment. We have had such a fair trial of its efficacy, that I think it is high time it was abandoned. If the measure be a wise one, and in certain cases powerful, the United States have been peculiarly unfortunate, either in the time of its application, or in selecting the subjects on which it was to operate.

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In the year 1805, Great Britain either adopted or revived certain regulations which were very injurious to the commerce of the United States. Our table was loaded with petitions from the commercial cities of the Union. Our Minister abroad remonstrated, and as a remedy for the evil, and to show our resentment of the injury, as well as to aid negotiation, we passed the non-importation law. Before that law was passed, at least before the passage of it was known in Europe, the orders were relaxed, and captures discontinued; and the causes of complaint in some measure removed. So that the non-importation law had no other effect than to embarrass our Ministers in arranging matters in dispute.

Equally unfortunate was the time of sending back the rejected treaty. Whether it was or was not as good a treaty as we had a right to expect, I pretend not to say. Probably it was as good as could be obtained—but whether it was or was not, the time of sending it back was peculiarly unfortunate, for the purpose of obtaining any amelioration. The Ministry under whose auspices it had been negotiated were now no longer in power, and the new Ministry were supposed to be less disposed than their predecessors to make concessions to the United States. Though willing to ratify the original treaty, yet they declined making any alteration. A similar fatality has attended our embargo system, considered as a coercive measure against Great Britain. At the time when our law was passed the pressure upon that nation in Europe was great. The coalition among the Northern Powers was completely dissolved, and she was left to contend single-handed against almost the whole European world. It was thought that this state of things, in connexion with our embargo, would make so great a pressure, that she must yield to what we conceived to be our just demands. Indeed it was predicted, with confidence, that in the course of a few months at furthest she must fall under the power of the conqueror of Europe, and, in this way, we were to obtain relief from all our maritime embarrassments. An event unlooked for, which, however it may affect our contest with the nations of Europe, yet will, I hope, prove most favorable to the cause of humanity, has, in a great measure removed that pressure for the present. By the late opening made in Europe, and the access thereby gained to the American continent, she has probably gained as much as she would lose by the annihilation of her commerce with the United States. It is time that we abandon this inefficient system—inefficient as it respects other nations, and ruinous to ourselves. If we are to have war, as seems to be the opinion of gentlemen, let us prepare for it; but if there is any hope from negotiation, let us attempt it without having recourse to those factitious aids which must ever be embarrassing in negotiating with a high spirited people; and let us not direct the energy of the nation, the boasted spirit of '76, of which we hear so much, to the sole purpose of harassing our own citizens.

Whether we are in that situation that would

be now prudent to go to war, I shall not decide, as that is not a question now before the House. A wise man in ancient times has said, with good advice make war. I shall only mention two or three cases in which I would not go to war: I would not go to war without a great and important object, the attainment of which was our undoubted right; I would not go to war for any object, however important it might be, as long as there was a prospect of obtaining it in any other way; I would not go to war, unless there was a well grounded probability of obtaining the object in view by war. Nor would I go to war merely for a point of honor, where everything pertaining to national prosperity and safety might be obtained without. It is true, nations may do like individuals. A man conceives himself to be insulted. He challenges the man who insults him—they meet, and he receives a wound which disables him during the remainder of his life. But he saves his honor. So a nation may go to war for a point of honor, and, as the fate of war is uncertain, may receive a severe drubbing. But national honor is saved. Like the gallant Francis, King of France, who when he was defeated and taken prisoner in the fatal battle of Pavia, by his enemy and rival, Charles the Fifth, when he saw that all was lost, wrote, upon the field of battle, this laconic epistle to the Queen Regent: "*Madam, we have lost all but our honor.*" The American people, would, I trust, wish to avoid such a war as this. And I think they will not long assert their rights, only by abandoning them. But although deeply interested in peace, as being the true interest of our country, and always ready to welcome the returning prospect of its continuance with heartfelt satisfaction, yet, if after all endeavors to preserve it shall prove fruitless, they should in the end be compelled to engage in a just and necessary war, no doubt the American people would meet it with firmness.

Mr. RANDOLPH moved to adjourn, alleging as a reason for the motion the situation in which the House found itself, many members being absent.

The question on adjournment was taken by yeas and nays, and negatived—yeas 42, nays 68, as follows:

YEAS—Evan Alexander, Joseph Barker, John Campbell, Epaphroditus Champion, Martin Chittenden, John Davenport, jun., Daniel M. Durell, James Elliot, Francis Gardner, Edwin Gray, John Harris, William Hoge, Reuben Humphreys, Richard Jackson, Robert Jenkins, James Kelly, Philip B. Key, Joseph Lewis, jun., Edward St. Loe Livermore, Nathaniel Macon, Josiah Masters, William Milnor, Daniel Montgomery, jun., Jonathan O. Mosely, Gurdon S. Mumford, Thomas Newbold, Timothy Pitkin, jun., John Randolph, John Rhea of Tennessee, John Russell, James Sloan, Richard Stanford, Lewis B. Sturges, Peter Swart, Samuel Taggart, Benjamin Tallmadge, John Thompson, Abram Trigg, Jabez Upham, Archibald Van Horn, Killian K. Van Rensselaer, and David R. Williams.

NAYS—Lemuel J. Alston, Willis Alston, jun., Ezekiel Bacon, David Bard, Burwell Bassett, William Blackledge, John Blake, jun., Thomas Blount, Adam Boyd, John Boyle, Robert Brown, William A. Bur-

well, William Butler, Joseph Calhoun, Matthew Clay, John Clopton, Orchard Cook, Richard Cutts, John Dawson, Joseph Desha, John W. Eppes, William Findley, James Fisk, Meshack Franklin, Thomas Gholson, jun., Peterson Goodwyn, Isaiah L. Green, John Heister, Wm. Helms, James Holland, David Holmes, Benjamin Howard, Daniel Hsley, John G. Jackson, Richard M. Johnson, Walter Jones, Thomas Kenan, John Lambert, John Love, Robert Marion, William McCreery, John Montgomery, Nicholas R. Moore, Thomas Moore, Jeremiah Morrow, John Morrow, Roger Nelson, Wilson C. Nicholas, John Porter, John Rea of Pennsylvania, Jacob Richards, Matthias Richards, Benjamin Say, Ebenezer Seaver, Samuel Shaw, Dennis Smelt, Jedediah K. Smith, John Smith, Henry Southard, Clement Storer, John Taylor, James I. Van Alen, Jesse Wharton, Robert Whitehill, Isaac Wilbour, Alex. Wilson, Nathan Wilson, and Richard Winn.

A division of the question on the resolution depending before the House was then called for by Mr. DAVID R. WILLIAMS:—Whereupon, so much of the said resolution being read, as is contained in the words following, to wit:

Resolved, That it is expedient to prohibit, by law, the admission into the ports of the United States of all public or private armed or unarmed ships or vessels belonging to Great Britain or France, or to any other of the belligerent Powers having in force orders or decrees violating the lawful commerce and neutral rights of the United States;

A motion was made by Mr. VAN HORN to amend the original resolution as reported from the Committee of the Whole House, by striking out, after the words "goods, wares, or merchandise," the following words: "the growth, produce, or manufacture of the dominions of any of the said Powers;" and by adding, to the end of the said resolution, the following words:

"And that the act laying an embargo on all ships and vessels in the ports and harbors of the United States, and the several supplementary acts thereto, be repealed, so far as to allow the ships and vessels belonging to, and wholly navigated by, citizens of the United States, to depart with their cargoes for places not in the possession of any of the said belligerent Powers; and that the citizens of the United States be authorized to arm and equip their merchant vessels, and repel by force any assault or hostility which shall be made or committed by any vessel belonging to any of the said Powers, and may subdue and capture the same; and may retake any vessel, owned as aforesaid, which may have been captured by any vessel belonging to any of the said Powers."

A question of order was then moved by Mr. D. R. WILLIAMS, whether the said motion of Mr. VAN HORN, as a substitute for a member of the said original resolution, was admissible according to the standing rules and orders of the House.

The SPEAKER decided, as his opinion, that the said proposed amendment was in order, as not being a substitute for the member of the original resolution proposed to be stricken out:

Whereupon, the question was taken that the House do agree to the proposed amendment for striking out the words as before recited, and passed in the negative.

The question then recurred on the amendment

proposed by Mr. VAN HORN: when a motion was made by Mr. UPHAM that the House do now adjourn; and the question being put thereupon, it passed in the negative—yeas 45, nays 69, as follows:

YEAS—Evan Alexander, William W. Bibb, John Campbell, Epaphroditus Champion, Martin Chittenden, John Culpeper, John Davenport, jun., Daniel M. Durell, James Elliot, William Ely, Francis Gardner, Edwin Gray, John Harris, William Hoge, Richard Jackson, Robert Jenkins, James Kelly, Philip B. Key, Joseph Lewis, jun., Edward St. Loe Livermore, Nathaniel Macon, Josiah Masters, William Milnor, Jonathan O. Mosely, Gurdon S. Mumford, Timothy Pitkin, junior, Josiah Quincy, John Randolph, James Sloan, John Smith, Samuel Smith, Richard Stanford, William Stedman, Lewis B. Sturges, Peter Swart, Samuel Taggart, Benjamin Tallmadge, John Thompson, Abram Trigg, Jabez Upham, Philip Van Cortlandt, Archibald Van Horn, Killian K. Van Rensselaer, David R. Williams, and Nathan Wilson.

NAYS—Lemuel J. Alston, Willis Alston, jun., Ezekiel Bacon, David Bard, Burwell Bassett, William Blackledge, John Blake, junior, Thomas Blount, Adam Boyd, John Boyle, Robert Brown, William A. Burwell, William Butler, Joseph Calhoun, George W. Campbell, Matthew Clay, John Clopton, Orchard Cook, John Dawson, Joseph Desha, John W. Eppes, William Findley, Meshack Franklin, Barent Gardener, Thos. Gholson, jun., Peterson Goodwyn, Isaiah L. Green, John Heister, James Holland, David Holmes, Benjamin Howard, Daniel Hsley, John G. Jackson, Richard M. Johnson, Walter Jones, Thomas Kenan, John Lambert, John Love, Robert Marion, William McCreery, Daniel Montgomery, junior, John Montgomery, Nicholas R. Moore, Thomas Moore, Jeremiah Morrow, John Morrow, Roger Nelson, Thomas Newbold, Thomas Newton, Wilson C. Nicholas, John Porter, John Rea of Pennsylvania, John Rhea of Tennessee, Matthias Richards, Benjamin Say, Ebenezer Seaver, Samuel Shaw, Dennis Smelt, John Smilie, Jedediah K. Smith, Henry Southard, Clement Storer, John Taylor, James I. Van Alen, Jesse Wharton, Robert Whitehill, Isaac Wilbour, Alexander Wilson, and Richard Winn.

A division of the question was then called for on the amendment proposed by Mr. VAN HORN, from the commencement thereof, and ending at the word "repealed," in the third line of the said amendment: And the question to agree to the said division of the proposed amendment being stated from the Chair, Mr. VAN HORN withdrew the said amendment from the Clerk's table.

A motion was then made by Mr. LEWIS that the House do now adjourn, and the question being taken thereupon, it passed in the negative—yeas 48, nays 69, as follows:

YEAS—William W. Bibb, John Campbell, Epaphroditus Champion, Martin Chittenden, Orchard Cook, John Culpeper, Samuel W. Dana, John Davenport, jr., Daniel M. Durell, William Ely, Francis Gardner, Edwin Gray, John Harris, William Hoge, Reuben Humphreys, Richard Jackson, Robert Jenkins, James Kelly, William Kirkpatrick, Joseph Lewis, jr., Edward St. Loe Livermore, Nathaniel Macon, Josiah Masters, William Milnor, Daniel Montgomery, jr., Jonathan O. Mosely, Gurdon S. Mumford, Timothy Pitkin, jr., Josiah Quincy, John Randolph, James Sloan, John Smith, Samuel

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Smith, Richard Stanford, William Stedman, Lewis B. Sturges, Peter Swart, Samuel Taggart, Benjamin Tallmadge, John Thompson, Abram Trigg, Jabez Upham, Philip Van Cortlandt, Archibald Van Horn, Killian K. Van Rensselaer, Daniel C. Verplanck, David R. Williams, and Nathan Wilson.

YEAS—Lemuel J. Alston, Willis Alston, jr., David Bard, Burwell Bassett, William Blackledge, John Blake, jr., Thomas Blount, Adam Boyd, John Boyle, Robert Brown, William A. Burwell, William Butler, Joseph Calhoun, George W. Campbell, Matthew Clay, John Clopton, Richard Cutts, John Dawson, Joseph Desha, John W. Eppes, William Findley, James Fisk, Meshack Franklin, Barent Gardenier, Thomas Gholson, jr., Peterson Goodwyn, Isaiah L. Green, John Heister, James Holland, David Holmes, Benjamin Howard, Daniel Hsley, John G. Jackson, Richard M. Johnson, Walter Jones, Thomas Kenan, John Lambert, John Love, Robert Marion, William McCreery, John Montgomery, Nicholas R. Moore, Thomas Moore, Jeremiah Morrow, John Morrow, Roger Nelson, Thomas Newbold, Thomas Newton, Wilson C. Nicholas, John Porter, John Rea of Pennsylvania, John Rhea of Tennessee, Matthias Richards, Benjamin Say, Ebenezer Seaver, Samuel Shaw, Dennis Smelt, John Smilie, Jedediah K. Smith, Henry Southard, Clement Storer, John Taylor, George M. Troup, James I. Van Alen, Jesse Wharton, Robert Whitehill, Isaac Wilbour, Alexander Wilson, and Richard Winn.

A motion was made, by Mr. LEWIS, to amend the original resolution depending before the House, by adding to the end thereof the following words:

"And, also, that the act laying an embargo on all ships and vessels in the ports and harbors of the United States, with all acts supplementary thereto, be repealed."

A question of order was moved by Mr. MACON, whether an amendment containing the substance of a proposed resolution referred to a Committee of the Whole House, and made the order for a certain day, can be received as an amendment to the resolution under consideration, embracing a distinct subject. Whereupon Mr. SPEAKER decided, as his opinion, that the proposed amendment could not be received, unless the Committee of the Whole House was discharged from the consideration of a resolution moved by Mr. CHITTENDEN on the tenth ultimo, and several subsequent resolutions proposed, and referred to the same Committee of the Whole House.

From which decision of the Chair, an appeal was made by Mr. STANFORD; and, on the question, "Is the said decision of the Chair correct?" it was resolved in the affirmative—yeas 86; nays 32, as follows:

YEAS—Willis Alston, jr., Ezekiel Bacon, David Bard, Joseph Barker, William W. Bibb, William Blackledge, John Blake, jr., Thomas Blount, Adam Boyd, John Boyle, Robert Brown, William A. Burwell, William Butler, Joseph Calhoun, George W. Campbell, Matthew Clay, John Clopton, Orchard Cook, Richard Cutts, John Dawson, Joseph Desha, Daniel M. Durell, John W. Eppes, William Findley, James Fisk, Meshack Franklin, Peterson Goodwyn, Isaiah L. Green, John Heister, William Helms, James Holland, David Holmes, Benjamin Howard, Reuben Humphreys, Daniel Hsley, John G. Jackson, Richard M. Johnson, Walter Jones, Thomas Kenan, William Kirkpatrick, John Lambert,

John Love, Nathaniel Macon, Robert Marion, Josiah Masters, William McCreery, Daniel Montgomery, jr., John Montgomery, Nicholas R. Moore, Thomas Moore, Jeremiah Morrow, John Morrow, Gurdon S. Mumford, Roger Nelson, Thomas Newbold, Thomas Newton, Wilson C. Nicholas, John Porter, John Rea of Pennsylvania, John Rhea of Tennessee, Jacob Richards, Matthias Richards, Benjamin Say, Ebenezer Seaver, Samuel Shaw, James Sloan, Dennis Smelt, John Smilie, Jedediah K. Smith, John Smith, Henry Southard, Clement Storer, Peter Swart, John Taylor, John Thompson, George M. Troup, James I. Van Alen, Philip Van Cortlandt, Daniel C. Verplanck, Jesse Wharton, Robert Whitehall, Isaac Wilbour, David R. Williams, Alexander Wilson, Nathan Wilson, and Richard Winn.

YEAS—Evan Alexander, Lemuel J. Alston, Burwell Bassett, John Campbell, Epaphroditus Champion, Martin Chittenden, John Davenport, jr., James Elliot, William Ely, Francis Gardner, Thomas Gholson, jr., John Harris, Richard Jackson, Robert Jenkins, James Kelly, Philip B. Key, Joseph Lewis, jr., Edward St. Loe Livermore, William Milnor, Jonathan O. Mosely, Timothy Pitkin, jr., Josiah Quincy, John Randolph, John Russell, Richard Stanford, William Stedman, Lewis B. Sturges, Samuel Taggart, Benjamin Tallmadge, Jabez Upham, Archibald Van Horn, and Killian K. Van Rensselaer.

A motion was then made, by Mr. LEWIS, to amend the original resolution under consideration, by adding to the end thereof the following words:

"Add, also, that the act approved on the twelfth of March, one thousand eight hundred and eight, entitled 'An act in addition to the act, entitled 'An act supplementary to the act, entitled 'An act laying an embargo on all ships and vessels in the ports and harbors of the United States,' be repealed on the first day of January next."

A question of order was moved by Mr. SMILIE, whether, according to the standing rules and orders, the said proposed amendment could be received and acted upon by the House. Whereupon, Mr. SPEAKER decided, as his opinion, that it was not in order, as it partially embraced the substance of a proposed resolution already referred to a Committee of the whole House, and not considered or reported on by the said Committee to the House.

From which decision of the Chair, an appeal was made to the House by Mr. LEWIS; and, on the question, "Is the said decision of the Chair correct?" it was resolved in the affirmative—yeas 84, nays 31, as follows:

YEAS—Lemuel J. Alston, Willis Alston, jr., Ezekiel Bacon, David Bard, Joseph Barker, William W. Bibb, William Blackledge, John Blake, jr., Thomas Blount, Adam Boyd, John Boyle, Robert Brown, William A. Burwell, William Butler, Joseph Calhoun, George W. Campbell, Matthew Clay, John Clopton, Orchard Cook, Richard Cutts, John Dawson, Joseph Desha, Daniel M. Durell, John W. Eppes, William Findley, James Fisk, Meshack Franklin, Peterson Goodwyn, Isaiah L. Green, John Heister, William Helms, James Holland, David Holmes, Benjamin Howard, Reuben Humphreys, Daniel Hsley, John G. Jackson, Richard M. Johnson, Walter Jones, Thomas Kenan, William Kirkpatrick, John Lambert, John Love, Robert Marion, Josiah Masters, William McCreery, Daniel Montgomery, jr., John Montgomery, Nicholas R. Moore, Jeremiah Morrow,

John Morrow, Gurdon S. Mumford, Roger Nelson, Thomas Newbold, Thomas Newton, Wilson C. Nicholas, John Porter, John Rea of Pennsylvania, John Rea of Tennessee, Jacob Richards, Matthias Richards, Benjamin Say, Ebenezer Seaver, Samuel Shaw, James Sloan, Dennis Smelt, John Smilie, Jedediah K. Smith, John Smith, Henry Southard, Clement Storer, Peter Swart, John Taylor, John Thompson, George M. Troup, James L. Van Alen, Daniel C. Verplanck, Jesse Wharton, Robert Whitehill, Isaac Wilbour, David R. Williams, Alexander Wilson, Nathan Wilson, and Richard Winn.

YAS—Evan Alexander, Burwell Bassett, John Campbell, Epaphroditus Champion, Martin Chittenden, John Culpeper, Samuel W. Dana, John Davenport, jr., James Elliot, William Ely, Francis Gardner, Thomas Gholson, jr., Edwin Gray, John Harris, Richard Jackson, Philip B. Key, Joseph Lewis, jr., Edward St. Loe Livermore, William Milnor, Jonathan O. Mosely, Timothy Pitkin, jr., Josiah Quincy, John Russell, Richard Stanford, William Stedman, Lewis B. Sturges, Samuel Taggart, Benjamin Tallmadge, Jabez Upham, Archibald Van Horn, and Killian K. Van Rensselaer.

The question then recurring on the first member of the original resolution, as proposed to be divided on a motion of Mr. D. R. WILLIAMS, and hereinbefore recited, a division of the question on the first said member of the resolution was called for by Mr. GARDENIER, from the commencement of the same to the words "Great Britain," as contained in the words following, to wit:

"Resolved, That it is expedient to prohibit, by law, the admission into the ports of the United States of all public or private armed or unarmed ships or vessels belonging to Great Britain."

Mr. GARDENIER spoke half an hour in explanation of his reasons for taking the question separately as to Great Britain and France.

The question being taken that the House do agree to the same, it was resolved in the affirmative—yeas 92, nays 29, as follows:

YAS—Lemuel J. Alston, Willis Alston, jr., Ezekiel Bacon, David Bard, Joseph Barker, Burwell Bassett, William W. Bibb, William Blackledge, John Blake, jr., Thomas Blount, Adam Boyd, John Boyle, Robert Brown, William A. Burwell, William Butler, Joseph Calhoun, George W. Campbell, Matthew Clay, John Clopton, Orchard Cook, Richard Cutts, John Dawson, Joseph Desha, Daniel M. Durell, John W. Eppees, James Fisk, Meshack Franklin, Thomas Gholson, jr., Peterson Goodwin, Isaiah L. Green, John Heister, William Helms, James Holland, David Holmes, Benjamin Howard, Reuben Humphreys, Daniel Hsley, John G. Jackson, Richard M. Johnson, Walter Jones, Thomas Kenan, William Kirkpatrick, John Lambert, John Love, Nath'l Macon, Robert Marion, Wm. McCreery, Daniel Montgomery, jr., John Montgomery, Nicholas R. Moore, Thomas Moore, Jeremiah Morrow, John Morrow, Gurdon S. Mumford, Roger Nelson, Thomas Newbold, Thomas Newton, Wilson C. Nicholas, John Porter, John Randolph, John Rea of Pennsylvania, John Rea of Tennessee, Jacob Richards, Matthias Richards, Benjamin Say, Ebenezer Seaver, Samuel Shaw, James Sloan, Dennis Smelt, John Smilie, Jedediah K. Smith, John Smith, Samuel Smith, Henry Southard, Richard Stanford, Clement Storer, Peter Swart, John Taylor, John Thompson, Abram Trigg, Geo. M. Troup, James I. Van Alen, Philip Van Cort-

landt, Archibald Van Horn, Daniel C. Verplanck, Jesse Wharton, Robert Whitehill, Isaac Wilbour, David R. Williams, Alexander Wilson, Nathan Wilson, and Richard Winn.

YAS—John Campbell, Epaphroditus Champion, Martin Chittenden, John Culpeper, Samuel W. Dana, John Davenport, jr., James Elliot, William Ely, Barent Gardener, Edwin Gray, John Harris, Richard Jackson, Robert Jenkins, Philip B. Key, Joseph Lewis, jr., Edward St. Loe Livermore, Josiah Masters, William Milnor, Jonathan O. Mosely, Timothy Pitkin, jr., Josiah Quincy, John Russell, William Stedman, Lewis B. Sturges, Samuel Taggart, Benjamin Tallmadge, Jabez Upham, and Killian K. Van Rensselaer.

A farther division of the question was moved by Mr. ELLIOT, on the said first member of the resolution, on the words "or France," immediately following the words "Great Britain," hereinbefore recited: And the question being put thereupon, it was resolved in the affirmative—yeas 97, nays 24, as follows:

YAS—Lemuel J. Alston, Willis Alston, jun., Ezekiel Bacon, David Bard, Joseph Barker, Burwell Bassett, William W. Bibb, William Blackledge, John Blake, jun., Thomas Blount, Adam Boyd, John Boyle, Robert Brown, William A. Burwell, William Butler, Joseph Calhoun, George W. Campbell, Matthew Clay, John Clopton, Orchard Cook, Richard Cutts, John Dawson, Joseph Desha, Daniel M. Durell, James Elliot, John W. Eppees, William Findley, James Fisk, Meshack Franklin, Barent Gardener, Thomas Gholson, jun., Peterson Goodwyn, Edwin Gray, Isaiah L. Green, John Heister, William Helms, James Holland, David Holmes, Benjamin Howard, Reuben Humphreys, Daniel Hsley, John G. Jackson, Richard M. Johnson, Walter Jones, Thomas Kenan, Wm. Kirkpatrick, John Lambert, John Love, Nathaniel Macon, Robert Marion, Josiah Masters, William McCreery, Daniel Montgomery, jun., John Montgomery, Nicholas R. Moore, Thomas Moore, Jeremiah Morrow, John Morrow, Gurdon S. Mumford, Roger Nelson, Thomas Newbold, Thomas Newton, Wilson C. Nicholas, John Porter, John Randolph, John Rea of Pennsylvania, John Rea of Tennessee, Jacob Richards, Matthias Richards, Benjamin Say, Ebenezer Seaver, Samuel Shaw, James Sloan, Dennis Smelt, John Smilie, Jedediah K. Smith, John Smith, Samuel Smith, Henry Southard, Richard Stanford, Clement Storer, Peter Swart, John Taylor, John Thompson, Abram Trigg, George M. Troup, James I. Van Alen, Philip Van Cortlandt, Archibald Van Horn, Daniel C. Verplanck, Jesse Wharton, Robert Whitehill, Isaac Wilbour, David R. Williams, Alexander Wilson, Nathan Wilson, and Richard Winn.

YAS—Evan Alexander, John Campbell, Epaphroditus Champion, Martin Chittenden, John Culpeper, Samuel W. Dana, John Davenport, jun., William Ely, John Harris, Richard Jackson, Robert Jenkins, Philip B. Key, Joseph Lewis, jun., William Milnor, Jonathan O. Mosely, Timothy Pitkin, jun., Josiah Quincy, John Russell, William Stedman, Lewis B. Sturges, Samuel Taggart, Benjamin Tallmadge, Jabez Upham, and Killian K. Van Rensselaer.

And on the question that the House do agree to the second member of the said second resolution, contained in the words following, to wit:

"Or to any other of the belligerent Powers having in force orders or decrees violating the lawful commerce and neutral rights of the United States."

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It was resolved in the affirmative—yeas 96, nays 26, as follows:

YEAS—Lemuel J. Alston, Willis Alston, jun., Ezekiel Bacon, David Bard, Joseph Barker, Burwell Bassett, William W. Bibb, William Blackledge, John Blake, jun., Thomas Blount, Adam Boyd, John Boyle, Robert Brown, William A. Burwell, William Butler, Joseph Calhoun, George W. Campbell, Matthew Clay, John Clopton, Orchard Cook, Richard Cutts, John Dawson, Joseph Desha, Daniel M. Durell, John W. Eppes, William Findley, James Fisk, Meshack Franklin, Francis Gardner, Thomas Gholson, jun., Peterson Goodwyn, Edwin Gray, Isaiah L. Green, John Heister, William Helms, James Holland, David Holmes, Benjamin Howard, Reuben Humphreys, Daniel Hsley, John G. Jackson, Richard M. Johnson, Walter Jones, Thomas Kenan, William Kirkpatrick, John Lambert, John Love, Nathaniel Macon, Robert Marion, Josiah Masters, Wm. McCreery, Daniel Montgomery, jr., John Montgomery, Nicholas R. Moore, Thomas Moore, Jeremiah Morrow, John Morrow, Gurdon S. Mumford, Roger Nelson, Thomas Newbold, Thomas Newton, Wilson C. Nicholas, John Porter, John Randolph, John Rea of Pennsylvania, John Rhea of Tennessee, Jacob Richards, Matthias Richards, Benjamin Say, Ebenezer Seaver, Samuel Shaw, James Sloan, Dennis Smelt, John Smilie, Jedediah K. Smith, John Smith, Samuel Smith, Henry Southard, Richard Stanford, Clement Storer, Peter Swart, John Taylor, John Thompson, Abram Trigg, George M. Troup, James I. Van Alen, Philip Van Cortlandt, Archibald Van Horn, Daniel C. Verplanck, Jesse Wharton, Robert Whitehill, Isaac Wilbour, David R. Williams, Alexander Wilson, Nathan Wilson, and Richard Winn.

NAYS—Evan Alexander, John Campbell, Epaphroditus Champion, Martin Chittenden, John Culpeper, Samuel W. Dana, John Davenport, jun., Jas. Elliot, William Ely, Barent Gardenier, John Harris, Richard Jackson, Robert Jenkins, Philip B. Key, Joseph Lewis, jun., William Milnor, Jonathan O. Mosely, Timothy Pitkin, jun., Josiah Quincy, John Russell, William Stedman, Lewis B. Sturges, Samuel Taggart, Benjamin Tallmadge, Jabez Upham, and Killian K. Van Rensselaer.

The question then being on the residue of the said resolution contained in the following words:

“And, also, the importation of any goods, wares, or merchandise, the growth, produce, or manufacture, of the dominions of any of the said Powers, or imported from any place in the possession of either.”

Mr. RANDOLPH moved to adjourn—ayes 46.

Mr. R. then spoke for about two hours and a half against the resolution.

The question was then taken, and resolved in the affirmative—yeas 82, nays 36, as follows:

YEAS—Lemuel J. Alston, Willis Alston, jun., Ezekiel Bacon, David Bard, Joseph Barker, Burwell Bassett, William W. Bibb, William Blackledge, John Blake, jun., Thomas Blount, Adam Boyd, John Boyle, Robert Brown, William A. Burwell, William Butler, Joseph Calhoun, George W. Campbell, Matthew Clay, John Clopton, Richard Cutts, John Dawson, Joseph Desha, Daniel M. Durell, John W. Eppes, William Findley, James Fisk, Meshack Franklin, Francis Gardner, Thomas Gholson, jun., Peterson Goodwyn, Edwin Gray, Isaiah L. Green, John Heister, William Helms, James Holland, David Holmes, Benjamin Howard, Reuben Humphreys, Daniel Hsley, John G. Jackson,

Richard M. Johnson, Walter Jones, Thomas Kenan, William Kirkpatrick, John Lambert, John Love, Nathaniel Macon, Robert Marion, William McCreery, John Montgomery, Nicholas R. Moore, Thos. Moore, Jeremiah Morrow, John Morrow, Roger Nelson, Thos. Newbold, Thomas Newton, Wilson C. Nicholas, John Porter, John Rea of Pennsylvania, John Rhea of Tennessee, Jacob Richards, Matthias Richards, Benjamin Say, Ebenezer Seaver, Samuel Shaw, Dennis Smelt, John Smilie, Jedediah K. Smith, John Smith, Henry Southard, Richard Stanford, Clement Storer, John Taylor, George M. Troup, James I. Van Alen, Jesse Wharton, Robert Whitehill, Isaac Wilbour, David R. Williams, Alexander Wilson, and Richard Winn.

NAYS—Evan Alexander, John Campbell, Epaphroditus Champion, Martin Chittenden, John Culpeper, Samuel W. Dana, John Davenport, jun., Jas. Elliot, William Ely, Barent Gardenier, John Harris, Richard Jackson, Robert Jenkins, James Kelly, Philip B. Key, Joseph Lewis, jun., Matthew Lyon, Josiah Masters, William Milnor, Jonathan O. Mosely, Gurdon S. Mumford, Timothy Pitkin, jun., Josiah Quincy, John Russell, James Sloan, Lewis B. Sturges, Peter Swart, Samuel Taggart, Benjamin Tallmadge, John Thompson, Abram Trigg, Jabez Upham, Philip Van Cortlandt, Archibald Van Horn, Killian K. Van Rensselaer, and Nathan Wilson.

The main question was then taken that the House do agree to the said second resolution, as reported from the Committee of the Whole House, and resolved in the affirmative—yeas 84, nays 30, as follows:

YEAS—Lemuel J. Alston, Willis Alston, jun., Ezekiel Bacon, David Bard, Joseph Barker, Burwell Bassett, William W. Bibb, William Blackledge, John Blake, jun., Thomas Blount, Adam Boyd, John Boyle, Robert Brown, William A. Burwell, William Butler, Joseph Calhoun, George W. Campbell, Matthew Clay, John Clopton, Richard Cutts, John Dawson, Joseph Desha, Daniel M. Durell, John W. Eppes, William Findley, Jas. Fisk, Meshack Franklin, Francis Gardner, Thomas Gholson, jun., Peterson Goodwyn, Edwin Gray, Isaiah L. Green, John Heister, William Helms, James Holland, David Holmes, Benjamin Howard, Reuben Humphreys, Daniel Hsley, John G. Jackson, Richard M. Johnson, Walter Jones, Thos. Kenan, William Kirkpatrick, John Lambert, John Love, Nathaniel Macon, Robert Marion, William McCreery, John Montgomery, Nicholas R. Moore, Thos. Moore, Jeremiah Morrow, John Morrow, Roger Nelson, Thos. Newbold, Thomas Newton, Wilson C. Nicholas, John Porter, John Rea of Pennsylvania, John Rhea of Tennessee, Jacob Richards, Matthias Richards, Benjamin Say, Ebenezer Seaver, Samuel Shaw, Dennis Smelt, John Smilie, Jedediah K. Smith, John Smith, Henry Southard, Richard Stanford, Clement Storer, John Taylor, George M. Troup, James I. Van Alen, Archibald Van Horn, Daniel C. Verplanck, Jesse Wharton, Robert Whitehill, Isaac Wilbour, David R. Williams, Alexander Wilson, and Richard Winn.

NAYS—Evan Alexander, John Campbell, Epaphroditus Champion, Martin Chittenden, John Culpeper, Samuel W. Dana, John Davenport, jun., Jas. Elliot, William Ely, Barent Gardenier, John Harris, Richard Jackson, Robert Jenkins, James Kelly, Philip B. Key, Joseph Lewis, jun., Matthew Lyon, Josiah Masters, William Milnor, Jonathan O. Mosely, Timothy Pitkin, jun., Josiah Quincy, John Russell, James Sloan, L. B. Sturges, Samuel Taggart, Benjamin Tallmadge, Jabez

Upham, Philip Van Cortlandt, and Killian K. Van Rensselaer.

And on the question that the House do concur with the Committee of the Whole in their agreement to the third resolution, in the words following, to wit:

Resolved, That measures ought to be immediately taken for placing the country in a more complete state of defence:

It was unanimously resolved in the affirmative.

On motion of Mr. GEORGE W. CAMPBELL,

Ordered, That the second resolution be referred to the committee appointed on so much of the Message from the President of the United States, at the commencement of the present session, as respects our relations with foreign Powers, with leave to report thereon by way of bill, or bills.

On motion of Mr. GEORGE W. CAMPBELL,

Ordered, That the third resolution be referred to the committee appointed, on the 8th ultimo, on so much of the said Message from the President of the United States as relates to the Military and Naval Establishments, with leave to report thereon by bill, or bills.

MONDAY, December 19.

Mr. HOLMES, from the Committee of Claims, presented a bill for the relief of Augustin Serry; which was read twice, and committed to a Committee of the Whole to-morrow.

On motion of Mr. PITKIN,

Resolved, That the Committee of Claims be instructed to inquire whether any, and, if any, what, alterations are necessary to be made in the laws relative to placing on the pension list those persons who have been wounded in the line of their duty, in the service of the United States, since the Revolutionary war; and to report thereon by bill, or otherwise.

The bill sent from the Senate, entitled "An act to provide for arming, manning, and fitting out for immediate service, all the public ships of war, vessels, and gunboats, of the United States," was read twice, and committed to the Committee of the Whole, to whom was referred, on the 10th instant, a bill authorizing the appointment and employment of an additional number of Navy officers, seamen, and marines.

The House resolved itself into a Committee of the Whole on the bill authorizing the payment of certain pensions by the Secretary of War, at the seat of Government. The bill was reported with several amendments thereto; which were twice read, and agreed to by the House.

Ordered, That the said bill, with the amendments, be engrossed, and read the third time to-morrow.

The House resolved itself into a Committee of the Whole on the bill to amend the judicial system of the United States. [The bill goes to authorize the circuit judge to hold district courts, where, from sickness or other cause, the district judge is unable to discharge his duties, and makes

the justice of the Supreme Court the judge of competency in the district judge.]

Mr. LIVERMORE said such a provision appeared necessary, but he thought there was something wrong in vesting the power of determining on the competency of the district judge in this way. He, therefore, moved that the Committee rise, with a view, if it prevailed, to move for a recommitment of the bill.

This course was objected to by Messrs. D. R. WILLIAMS, TAYLOR, and MARION, and supported by Messrs. ELY, GHOLSON, and the mover. The Committee rose, were refused leave to sit again, and the bill was referred to a select committee.

Mr. DANA presented a letter from the Society of United Brethren for propagating the Gospel, accompanying a donation of their works, which was read.

MIRANDA'S EXPEDITION.

Mr. LOVE called for the order of the day on the report of the committee on the subject of the thirty-six persons confined in Carthagena, South America. The following is the resolution reported by the committee:

Resolved, That the President of the United States be requested to adopt the most immediate and efficacious means in his power to obtain from the Viceroy of Grenada, in South America, or other proper authority, the liberation of thirty-six American citizens, condemned on a charge of piracy, and now held in slavery in the vaults of St. Clara, in Carthagena, and that the sum of ——— dollars be appropriated to that purpose.

Mr. D. R. WILLIAMS moved to postpone the consideration of the subject indefinitely. Negatively—50 to 36.

The House then went into a Committee of the Whole on the subject—39 to 33.

Mr. LOVE moved to amend the resolution by striking out the words in italics, and inserting "authorized to request."—Carried, ayes 54.

Those gentlemen who supported this resolution in the debate were Messrs. LOVE, LYON, BACON, NELSON, SLOAN, and WILBOUR. Those who opposed it were Messrs. D. R. WILLIAMS, TAYLOR, SMILIE, MACON, and SOUTHARD.

The gentlemen who opposed the resolution, among other objections, contended that an agreement to the resolution would but involve the Government in difficulty without answering any good purpose; that it would in fact be aiding the attempt of a certain party to prove that the General Government had some connexion with this expedition originally, which it certainly had not; that the facts set forth in the petition were wholly unsupported by evidence; that these persons had engaged themselves in a foreign service; that they had become weary of the privileges of freemen, and had entered into a hostile expedition against a foreign country, and, in so doing, had been taken, condemned for piracy, and immured as a punishment for that offence; that the British Government, having been at the bottom of this business, was the proper power to release these persons, and indeed had applied to the Spanish commander for the purpose; that even were the

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United States bound by the laws of justice or humanity to intercede for these persons, they knew not to whom to make application, and would probably meet with a refusal, perhaps a rude one, if any judgment could be formed from the present situation of our affairs with Spain; that if gentlemen wished for objects on which to exercise their humanity, they might find them in the lacerated backs of our impressed seamen, without extending it to criminals. In reply to an observation of Mr. LYON, that if we did not get these men Great Britain would do so, and employ them to extend her naval force, Mr. MAOON replied, if she did, she was welcome to keep them; but she was in the habit of supplying her navy with seamen from our vessels, without the trouble which the acquisition of these men might occasion her.

In reply to these objections, and in support of the resolution, the humanity of the House was strongly appealed to. It was urged that the Government could in no wise be involved by an appeal to the generosity of the provincial government; that these men had not wilfully committed piracy, but had been deluded under various pretences to join the expedition; that they had joined it under a belief that they were entering into the service of the United States; that, even admitting them to have been indiscreetly led to join the enterprise, knowing it to be destined for a foreign service, yet, that they had been sufficiently punished by the penalty they had already undergone; that it was wholly immaterial what inference any persons might draw from the conduct of the United States in this respect, as to their concern with the original expedition; that such considerations should have no weight with the House; that if these poor fellows were guilty, they had repented of it; and Mr. NELSON quoted on this point the Scriptures, to show that there should be more joy over one sinner that repenteth than over ninety and nine who have no need of repentance. In reply to an intimation that it was not even ascertained that they were American citizens, Mr. BACON observed that one of them had been born in the same town in which he was, and was of a reputable family.

The resolution was negatived by the Committee—49 to 31.

The Committee rose and reported the resolution, which report the House agreed now to consider—ayes 57.

Mr. LYON moved to adjourn—ayes 34.

Mr. FISK called for the yeas and nays on concurrence with the Committee.

Mr. GARDNER moved to adjourn—ayes 34.

The question of concurrence with the Committee in their disagreement to the resolution, was decided by yeas and nays, as follows:

YEAS—Lemuel J. Alston, Willis Alston, jr., David Bard, Joseph Barker, Burwell Bassett, William Blackledge, Thomas Blount, Adam Boyd, Robert Brown, William Butler, Joseph Calhoun, Matthew Clay, Joseph Desha, John W. Eppes, William Findley, Thomas Gholson, jr., Peterson Goodwyn, John Heister, William Helms, James Holland, David Holmes, Bon-

jamin Howard, Walter Jones, John Lambert, Nathaniel Macon, Robert Marion, Daniel Montgomery, jr., Nicholas R. Moore, Thomas Moore, Jeremiah Morrow, John Morrow, Thomas Newbold, Thomas Newton, Wilson C. Nicholas, John Porter, John Rea of Pennsylvania, John Rhea of Tennessee, Jacob Richards, Matthias Richards, Ebenezer Seaver, Samuel Shaw, Dennis Smelt, John Smilie, Jedediah K. Smith, Samuel Smith, Henry Southard, John Taylor, Robert Whitehill, D. R. Williams, and Alexander Wilson—50.

NAYS—Ezekiel Bacon, William W. Bibb, John Blake, jr., Martin Chittenden, John Clopton, John Culpeper, James Elliot, James Fisk, Francis Gardner, Isaiah L. Green, John Harris, Reuben Humphreys, Daniel Isley, Richard Jackson, Robert Jenkins, William Kirkpatrick, John Love, Matthew Lyon, Josiah Masters, William McCreery, William Milnor, John Montgomery, Gurdon S. Mumford, Timothy Pitkin, jr., Samuel Riker, John Russell, Benjamin Say, James Sloan, Lewis B. Sturges, Abram Trigg, Jabez Upham, James I. Van Alen, Archibald Van Horn, and Isaac Wilbour—34.

On motion, the House adjourned.

TUESDAY, December 20.

A new member, to wit: JOSEPH STORY, returned to serve in this House, as a member for the State of Massachusetts, in the room of Jacob Crowninshield, deceased, appeared, produced his credentials, was qualified, and took his seat in the House.

An engrossed bill authorizing the payment of certain pensions by the Secretary of War, at the seat of Government, was read the third time, and passed.

Mr. ALEXANDER, from the committee appointed on the thirteenth instant, presented a bill prescribing the effect of records of judgment or decrees of courts of one State in another State; which was read twice, and committed to a Committee of the Whole on Thursday next.

Mr. NELSON, from the committee appointed on the twenty-eighth ultimo, presented a bill for the relief of the infirm, disabled, and superannuated officers and soldiers of the late and of the present Army of the United States; which was read twice, and committed to a Committee of the Whole to-morrow.

The House resolved itself into a Committee of the Whole on the bill for the relief of certain persons therein mentioned. The bill was reported without amendment, and ordered to be engrossed, and read the third time to-morrow.

The House resolved itself into a Committee of the Whole on the bill for continuing for a further time the authority of the Commissioners of Kaskaskia. The bill being gone through, the Committee rose and reported the bill, which was ordered to be engrossed for a third reading to-morrow.

The bill authorizing the division and subdivision of squares and lots in the City of Washington; and the bill for the relief of sundry citizens of Knox county, Kentucky, having gone through the Committee of the Whole, were ordered to be engrossed for a third reading.

Mr. DANA said, as it was probable that the situation of the revenue might require the consideration of the House during this session, it would be acceptable to the members of the House to have as ample information on the subject as could be conveniently obtained. From this and other considerations, he was induced to offer the following resolution:

“Resolved, That the Secretary of the Treasury be directed to lay before the House a general statement of the sums annually received at the Treasury of the United States since the commencement of the proceedings under the Constitution, exhibiting distinctly the proceeds of the customs, internal revenue, loans, and miscellaneous receipts for each year, with the amount of the respective branches of the customs, and the charges thereon.”

The resolution was agreed to.

Mr. POINDEXTER, after a few prefatory remarks, offered the following resolution:

“Resolved, That the select committee to whom was referred a bill from the Senate ‘further to amend the judicial system of the United States,’ be instructed to inquire into the expediency of extending jurisdiction to the superior courts of the several Territories of the United States in which a district court has not been established, for the trial of treason, and other offences committed against the laws of the United States within the limits of the said Territories, and to empower said courts to pronounce such judgment or sentence on conviction of the offender or offenders, as the law directs.”

The resolution was agreed to.

THE EMBARGO.

A motion was made by Mr. CHITTENDEN that the House do now resolve itself into a Committee of the Whole on a resolution proposed by him, the tenth ultimo, for a repeal of the several acts laying an embargo on all ships and vessels in the ports and harbors of the United States; and the question being taken thereupon, it passed in the negative—yeas 49, nays 64, as follows:

YEAS—Evan Alexander, Burwell Bassett, Thomas Blount, John Boyle, John Campbell, Martin Chittenden, John Culpeper, Samuel W. Dana, John Davenport, jr., James Elliot, William Ely, John W. Eppes, Barent Gardenier, Edwin Gray, John Harris, William Helms, David Holmes, Daniel Halsey, Richard Jackson, Robert Jenkins, James Kelly, William Kirkpatrick, John Lambert, Edward St. Loe Livermore, Nathaniel Macon, Robert Marion, William Milnor, Nicholas R. Moore, John Morrow, Jonathan O. Mosely, Timothy Pitkin, jr., Josiah Quincy, John Rhea of Tennessee, Jacob Richards, John Russell, James Sloan, Samuel Smith, Richard Stanford, Lewis B. Sturges, Samuel Taggart, Benjamin Tallmadge, John Taylor, Abram Trigg, Jabez Upham, Archibald Van Horn, Daniel C. Verplanck, Jesse Wharton, and David R. Williams.

NAYS—Lemuel J. Alston, Willis Alston, jr., Ezekiel Bacon, David Bard, Joseph Barker, William W. Bibb, John Blake, jr., Adam Boyd, Robert Brown, William Butler, Joseph Calhoun, George W. Campbell, Matthew Clay, John Clopton, Richard Cutts, John Dawson, Josiah Deane, Daniel M. Durell, William Findley, Meshack Franklin, Thomas Gholson, jr., Peterson Goodwyn, Isaiah L. Green, John Heister,

James Holland, Benjamin Howard, Reuben Humphreys, Richard M. Johnson, Thomas Kenan, John Love, William McCreery, Daniel Montgomery, jr., John Montgomery, Thomas Moore, Jeremiah Morrow, Gurdon S. Mumford, Roger Nelson, Thomas Newbold, Thomas Newton, Wilson C. Nicholas, John Porter, John Pugh, John Rea of Pennsylvania, Matthias Richards, Samuel Riker, Lemuel Sawyer, Benjamin Say, Ebenezer Seaver, Samuel Shaw, Dennis Smelt, John Smilie, Jedediah K. Smith, John Smith, Henry Southard, Clement Storer, Joseph Story, Peter Swart, John Thompson, George M. Troup, Robert Whitehill, Isaac Wilbour, Alexander Wilson, Nathan Wilson, and Richard Winn.

POST ROADS.

Mr. STANFORD moved the following resolution, observing that he thought it important at this particular juncture in our affairs, that some provision should be made to establish a communication by mail between the seat of the General and State Governments, as direct, certain, and expeditious as possible. This not being the case at present, his object was to instruct the proper committee to make the necessary inquiry:

“Resolved, That the Committee on Post Offices and Post Roads be instructed to inquire into the expediency of establishing a mail stage from Fayetteville, in North Carolina, to Cheraw court-house, Camden, Columbia, Augusta, and Milledgeville, in Georgia, and that they report by bill or otherwise.”

The resolution was agreed to.

REVENUE BONDS.

On motion of Mr. NEWTON, the House resolved itself into a Committee of the Whole, on the bill from the Senate supplemental to an act for extending the terms of credit on revenue bonds in certain cases.

This bill provides that the payment of all bonds given subsequent to the date of the act, to which this is a supplement, for duties on coffee, sugar, &c., imported into the United States, and for duties on other importations of the same articles, shall be suspended during the continuance of the embargo.

Mr. NEWTON proposed an amendment to the bill excepting from its scope those articles imported by *permission*, (conformably to the supplementary embargo law,) in payment for debts due from foreign countries.—Agreed to.

Mr. NEWTON proposed a new section to the bill for refunding such of the above duties as have already been paid into the Treasury, subject to repayment, however, on the same conditions as other duties of the same description.

Some desultory discussion took place on this amendment; and a motion was made that the Committee rise to give time for further consideration of the subject, and carried; and the bill was recommitted to the Committee of Commerce and Manufactures.

NAVIGATION LAWS.

Mr. DANA observed that he had a few days ago submitted a resolution for authorizing the owners of merchant vessels permitted to arm to associate for common defence; which had been re-

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ferred to the Committee of the Whole, to whom was referred the motion to repeal the embargo. Mr. D. observed that vessels engaged in certain trades, as in the East India trade, were already permitted to arm. He wished that a general law should be passed authorizing the owners of such vessels to associate for common defence, to keep off pirates in time of peace, or belligerent assault in time of war. It was a resolution wholly unconnected with the repeal of the embargo; he therefore moved that the Committee of the Whole be discharged from the further consideration of the resolution.—Agreed to, and referred to Messrs. DANA, QUINCY, McCREERY, MUMFORD, and SAY.

On motion, the House adjourned.

WEDNESDAY, December 21.

Mr. THOMAS presented to the House certain proceedings of the grand jury of the county of Randolph, in the Indiana Territory, at a circuit court held in and for the said county, in the month of November last, stating the hardships and inconveniences to which the persons composing the said grand jury, and other inhabitants of the county aforesaid, have been and are now subjected, in consequence of their connexion with the people situated in that part of the Territory eastward of the river Wabash, and praying such relief in the premises as to the wisdom of Congress shall seem meet.—Referred to the committee appointed, the thirteenth instant, to inquire into the expediency of dividing the Indiana Territory.

On motion of Mr. BARKER,

Resolved, That the Committee of Commerce and Manufactures be directed to inquire whether any alteration or amendment of an act passed last session of Congress, entitled "An act for erecting a light-house on the south side of the island Sapelo, and for placing buoys and beacons in several places," be necessary, in order that said act may comport with the several petitions, on which said act was grounded, and report such an amendatory bill as may be necessary.

Mr. STORY presented several petitions on different subjects. Amongst them was one from the inhabitants of Marblehead, praying further bounty on their fish. In introducing this petition, Mr. S. read a letter from the petitioners to him enclosing the petition. He moved the reference of the petition to the Committee of Ways and Means.—Agreed to.

Mr. D. R. WILLIAMS expressed his satisfaction at the letter just read; and observed that he was rejoiced to hear that their fish was not *all spoiled* with keeping, as had been so often predicted and asserted.

An engrossed bill to revive and continue the authority of the Commissioners of Kaskaskia, was read the third time, and passed.

An engrossed bill authorizing the proprietors of squares and lots in the City of Washington to have the same subdivided, and admitted to record, was read the third time, and passed.

An engrossed bill for the relief of certain persons therein mentioned was read the third time.

Resolved, That the said bill do pass, and that the title be, "An act for the relief of William White, and others."

CAPTAIN PIKE'S EXPEDITION.

On motion of Mr. J. MONTGOMERY, the House resolved itself into a Committee of the Whole, on the bill making compensation to Z. M. Pike and his companions.

[The first section of this bill grants to Captain Pike and his companions a certain quantity of land. The second section allows them double pay during the time they were engaged in exploring the Western country.]

Mr. STANFORD moved to strike out the first section of the bill; which was negatived—53 to 38.

The second section was stricken out—42 to 35.

A considerable debate took place on this bill, in which Messrs. MONTGOMERY, LYON, and ALEXANDER, supported the bill; and Messrs. MACON, DURELL, STANFORD, and TALLMADGE, opposed it.

The bill being gone through, was reported to the House.

THURSDAY, December 22.

A message from the Senate informed the House that the Senate have passed a bill, entitled "An act to enforce and make more effectual an act, entitled 'An act laying an embargo on all ships and vessels in the ports and harbors of the United States,' and the several acts supplementary thereto;" to which they desire the concurrence of this House.

Mr. LEWIS, from the Committee for the District of Columbia, presented a bill authorizing a lottery to raise a sum of money for the purpose of finishing a church in the City of Washington, in the District of Columbia, for the use of the Episcopal Congregation in the said city; which was read twice, and committed to a Committee of the Whole on Friday next—48 to 35.

FOREIGN LICENSES.

Mr. NEWTON reported a bill "to deprive, in certain cases, vessels of their American character, and to prevent, under certain disabilities, any citizen of the United States taking a license from any foreign Power to navigate the ocean, or to trade with any other foreign and independent Power."

[The first section of this bill provides that every ship or vessel which sailed for a foreign port or place on or before the — day of — 180 , shall, in case such ship or vessel shall not return to some port or place on or before the — day of — 1809, forfeit and lose all the benefits and privileges appertaining to a ship or vessel of the United States, &c.; provided, such vessel be not detained by capture or by an embargo, and when so detained shall return so soon as released.

The second section provides, that if any citizen of the United States shall solicit, take, accept, or use, or suffer any person acting under his or her

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authority to solicit, take, accept, or use a license or permission procured from any foreign Power whatsoever for his or her vessel to pass to, or trade with, any foreign and independent Power, such person shall be considered as having committed a high offence; for the commission of which he or she shall forfeit the right and privilege of owning or navigating ever afterwards any vessel pursuant to the laws of the United States. This section to commence and be in operation from and after the — day of — 1809.]

The bill was twice read, and referred to a Committee of the Whole.

Mr. GARDNER, after a few prefatory observations, in which he stated his wish to obtain a direct decision on the question of the embargo, and his anxiety and that of his constituents, that it should be repealed, and that the parting word from his neighbors was, "for God's sake take off the embargo before you return," proposed the following resolution:

Resolved, That the acts laying an embargo on all the ships and vessels within the ports and harbors of the United States, and the several acts supplementary thereto, be repealed on the first of February next.

The SPEAKER declared this motion to be out of order, as a similar motion was already before a Committee of the Whole.

ENFORCING THE EMBARGO.

A bill from the Senate for enforcing and making effectual the embargo laws, was read the first time.

It was then read the second time—ayes 79—and referred to a Committee of the Whole.

On the question, for what day it should be the order, Monday, the most distant day, was negatived—55 to 47.

To-morrow and Saturday were then named. [The question must, by the rules of the House, be taken on the most distant day.]

Mr. QUINCY called for the yeas and nays on the question whether it should be postponed till Saturday.

On this motion a short but warm discussion arose, in which Messrs. SMILIE, EPPES, and BACON, opposed the postponement, as it would serve no purpose but to delay enforcing the measure; and Messrs. GARDENIER, ELLIOT, QUINCY, LIVERMORE, SLOAN, LYON, MACON, and DANA, supported the postponement till Saturday, in order to give time for full consideration and examination of the bill. Messrs. GARDENIER, ELLIOT, QUINCY, LIVERMORE, LYON, and SLOAN, denounced the principles of the bill itself.

It was made the order of the day for Saturday in preference to Monday—61 to 58, as follows:

YEAS—Evan Alexander, Jos. Barker, John Blake, jr., John Campbell, Epaphroditus Champion, Martin Chittenden, John Culpeper, Samuel W. Dana, John Davenport, jr., Daniel M. Durell, James Elliot, William Ely, Barent Gardener, Francis Gardner, James M. Garnett, Edwin Gray, Isaiah L. Green, John Harris, William Helms, Reuben Humphreys, Daniel Illey, Richard Jackson, Robert Jenkins, James Kelly, Joseph Lewis, jr., Edward St. Loe Livermore, Edward

Lloyd, Matthew Lyon, Nathaniel Macon, Robert Marion, William Milnor, Nicholas R. Moore, Jeremiah Morrow, John Morrow, Jonathan O. Moely, Gurdon S. Mumford, Thomas Newbold, Timothy Pitkin, jr., Josiah Quincy, Samuel Riker, John Russell, James Sloan, Samuel Smith, Henry Southard, Richard Stanford, William Stedman, Joseph Story, Lewis B. Sturges, Peter Swart, Samuel Taggart, Benjamin Tallmadge, John Thompson, Abram Trigg, Jabez Upham, James I. Van Alen, Philip Van Cortlandt, Archibald Van Horn, Daniel C. Verplanck, Isaac Wilbour, David R. Williams, and Nathan Wilson.

NAVS—Willis Alston, jr., Ezekiel Bacon, David Bard, Burwell Bassett, William W. Bibb, William Blackledge, Thomas Blount, Adam Boyd, John Boyle, Robert Brown, William A. Burwell, William Butler, Joseph Calhoun, Matthew Clay, John Clopton, Richard Cutts, John Dawson, Josiah Deane, Joseph Desha, John W. Eppes, Wm. Findley, Meshack Franklin, Thomas Gholson, jr., Peterson Goodwyn, John Heister, James Holland, David Holmes, Benjamin Howard, John G. Jackson, Richard M. Johnson, Walter Jones, Thomas Kenan, William Kirkpatrick, John Lambert, John Love, William McCreery, Daniel Montgomery, jr., John Montgomery, Thomas Moore, Roger Nelson, Thomas Newton, Wilson C. Nicholas, John Rea of Pennsylvania, John Rhea of Tennessee, Jacob Richards, Matthias Richards, Lemuel Sawyer, Ebenezer Seaver, Samuel Shaw, Dennis Smelt, John Smilie, Jedediah K. Smith, John Smith, Clement Storer, John Taylor, George M. Troup, Robert Whitehill, and Richard Winn.

SEAMEN AND MARINES.

On motion of Mr. NELSON, the House resolved itself into a Committee of the Whole on the bill authorizing the President of the United States to employ an additional number of seamen and marines. To the same Committee was referred the bill from the Senate to fit out all the frigates, &c.

Mr. NELSON stated that the President had already authority to fit out the vessels of the United States, but was authorized to employ but 1,425 seamen. It was now proposed to fit out 171 gunboats and ten small vessels of war, for which purpose 2,000 seamen and marines and proportionate midshipmen and corporals were wanted.

Mr. STORY moved that the present bill lie on the table in order to take up the bill from the Senate; which was negatived—53 to 38.

Mr. NEWTON moved to insert 4,440 seamen, wishing at this time to strengthen the Executive arm, to give authority to employ all our vessels; which was negatived—yeas 36.

It was agreed to insert 2,000—yeas 71.

The principle of the bill was supported by Messrs. VARNUM, NEWTON, NELSON, and STORY, and opposed by Messrs. MACON, HOLLAND, and D. R. WILLIAMS.

It was urged on the one hand that the nation should be placed in a complete state of defence, and all the active force of the nation be called into action; and on the other, in addition to the general arguments against a naval force, that the present embargo and non-intercourse system was at variance with a system of active preparation; that if one be adopted, the other is unnecessary.

DECEMBER, 1808.

Domestic Salt—Seamen and Marines.

H. OF R.

The blank for the appropriation was filled with \$1,649,895 98.

The Committee rose and reported the bill, and obtained leave to sit again on the bill from the Senate—yeas 61.

FRIDAY, December 23.

An engrossed bill authorizing the appointment and employment of an additional number of navy officers, seamen, and marines, was read the third time, and passed.

Mr. NEWTON, from the Committee of Commerce and Manufactures, presented a bill authorizing the issuing of debentures in certain cases; which was read twice and committed to a Committee of the Whole on Tuesday next.

DOMESTIC SALT.

Mr. BURWELL offered the following resolution:

Resolved, That it is expedient to inquire into the extent to which the article of salt is or can be supplied from the salt establishments within the United States; and that effectual means be immediately taken to procure a supply equal to our consumption.

Mr. B. observed that it would be perceived by the House that the object which he had in view was to inquire into the capacity of the United States to produce an article of our consumption so essential that it could not be dispensed with. He believed it to be a fact that in some parts of the United States salt existed to a great extent; that in the Western country there were salt springs which produced better salt than that imported. In the State of New York, particularly, he had been informed that salt was sold at those salines at one dollar per. bbl. of five bushels. The reason why so much had been heretofore imported was, that vessels going to Liverpool with our heavy produce, brought back salt as ballast. He did not believe that the scarcity of this article, spoken of by the gentleman from Massachusetts (Mr. LIVERMORE,) the other day, did exist. The quantity in the country was found by the speculators far to exceed that spoken of; and the ascertaining this fact had arrested their operations—salt having fallen in Baltimore to 80 or 85 cents a bushel.

The resolution was adopted, and it was ordered that the committee to be appointed do consist of seven members.

A motion was made by Mr. GARDENIER, that the House do reconsider their vote, directing that the committee appointed, pursuant to the foregoing resolution, shall consist of seven members; and the question being taken thereupon, it was resolved in the affirmative.

A motion was then made by Mr. GARDENIER, that the committee on the said resolution do consist of seventeen members: and the question being put thereupon, it was resolved in the affirmative. And Mr. BURWELL, Mr. KIRKPATRICK, Mr. LIVERMORE, Mr. BLACKLEDGE, Mr. JACOB RICHARDS, Mr. MOSELY, Mr. LAMBERT, Mr. NICHOLAS R. MOORE, Mr. STORER, Mr. JEREMIAH MORROW, Mr. TROUP, Mr. LEMUEL J. ALSTON, Mr. How-

ARD, Mr. SAMUEL SMITH, Mr. WHARTON, Mr. WILBOUR, and Mr. SHAW, were appointed a committee, pursuant thereto.

A motion was made by Mr. GARDNER, that the resolution proposed by Mr. LIVERMORE, on the seventeenth instant, for the purpose of granting permission to certain vessels to "clear out and depart from the ports and harbors of the United States for the purpose of importing salt," be referred to the committee last appointed: and the question being taken thereupon, it passed in the negative.

The said proposed resolution was then again read at the Clerk's table, and agreed to by the House, in the words following, to wit:

Resolved, That the Committee of Commerce and Manufactures be instructed to inquire into the expediency of allowing certain vessels to clear out and depart from the ports and harbors of the United States, for the purpose of importing salt; and that they report thereon by bill, or otherwise.

SEAMEN AND MARINES.

The House proceeded to consider the amendments reported on the twenty-second instant, from the Committee of the Whole, to the bill, entitled "An act authorizing the appointment and employment of an additional number of Navy officers, seamen, and marines," which lay on the table: Whereupon, the second amendment, to fill up the blank in the eighth line of the bill with the words, "thousand," was, on the question put thereupon, agreed to by the House—yeas 77, nays 29, as follows:

YEAS—Evan Alexander, Lemuel J. Alston, Willis Alston, jun., Joseph Barker, Burwell Bassett, Thomas Blount, Adam Boyd, John Boyle, Robert Brown, William A. Burwell, William Butler, Joseph Calhoun, George W. Campbell, Matthew Clay, John Clopton, John Culpeper, John Dawson, Joseph Desha, Daniel M. Durell, John W. Eppes, William Findley, James Fisk, Meshack Franklin, James M. Garnett, Thomas Gholson, jr., Peterson Goodwyn, Edwin Gray, John Heister, David Holmes, Benjamin Howard, Reuben Humphreys, Daniel Hsley, Richard M. Johnson, Walter Jones, Thomas Kenan, William Kirkpatrick, John Lambert, John Love, Robert Marion, Daniel Montgomery, jr., John Montgomery, Nicholas R. Moore, Thomas Moore, Jeremiah Morrow, John Morrow, Gordon S. Mumford, Roger Nelson, Wilson C. Nicholas, John Porter, John Pugh, John Rhea of Tennessee, Jacob Richards, Matthias Richards, Samuel Riker, Lemuel Sawyer, Ebenezer Seaver, Samuel Shaw, James Sloan, Dennis Smelt, John Smilie, Jedediah K. Smith, John Smith, Samuel Smith, Clement Storer, Peter Swart, John Taylor, John Thompson, George M. Troup, James I. Van Alen, Philip Van Cortlandt, Daniel C. Verplanck, Jesse Wharton, Robert Whitehill, Isaac Wilbour, Alexander Wilson, Nathan Wilson, and Richard Winn.

NAYS—Ezekiel Bacon, William Blackledge, John Blake, jr., John Campbell, Epaphroditus Champion, John Davenport jr., Josiah Deane, Barent Gardenier, Francis Gardner, Isaiah L. Green, William Helms, Richard Jackson, Robert Jenkins, Joseph Lewis, jun., Edward Lloyd, Nathaniel Macon, William Milnor, Jonathan O. Mosely, Thomas Newton, Timothy Pitkin, jun., Richard Stanford, William Stedman, Joseph

H. OF R.

Daniel Cotton—Foreign Relations.

DECEMBER, 1808.

Story, Lewis B. Sturges, Benjamin Tallmadge, Abram Trigg, Jabez Upham, Archibald Van Horn, and David R. Williams.

The other amendments reported from the Committee of the Whole being twice read, were, on the question severally put thereupon, agreed to by the House.

A new section to the bill was offered by Mr. STORY, authorizing the President to hire sundry vessels to enforce the embargo and revenue laws, and appropriating money for the purpose.

The SPEAKER said it could not be in order, as all bills having appropriations of money must previously be discussed in Committee of the Whole.

Mr. STORY withdrew the amendment, observing that on reflection, his object could be met by the bill on the subject from the Senate.

Mr. D. R. WILLIAMS made a few observations in opposition to the bill; stating that the idea of naval defence was ridiculous and futile. If gentlemen were for war, he would go with them with all his soul at the proper time; but did not like these half measures. If the House went on in this extravagant manner it would lead the country to ruin. Loans would have to be resorted to, and they would then be able to continue the embargo, which, if persisted in sternly, he believed would obtain for us better terms than could be had after the most triumphant war that gentlemen could imagine.

The yeas and nays were taken on engrossing the bill for a third reading, and carried—yeas 93, nays 17, as follows:

YEAS—Evan Alexander, Lemuel J. Alston, junior, Ezekiel Bacon, David Bard, Joseph Barker, Burwell Bassett, William W. Bibb, William Blackledge, John Blake, jun., Thomas Blount, Adam Boyd, John Boyle, Robert Brown, William A. Burwell, William Butler, Joseph Calhoun, George W. Campbell, Matthew Clay, John Clopton, Richard Cutts, John Dawson, Josiah Deane, Joseph Desha, Daniel M. Durell, James Elliot, John W. Eppes, William Findley, Jas. Fisk, Meshack Franklin, Barent Gardenier, Thomas Gholson, jr., Peterson Goodwyn, Edwin Gray, Isaiah L. Green, John Harris, John Heister, William Helms, David Holmes, Benjamin Howard, Reuben Humphreys, Daniel Hsley, John G. Jackson, Robert Jenkins, Richard M. Johnson, Walter Jones, Thomas Kenan, William Kirkpatrick, John Lambert, John Love, Robert Marion, William McCreery, William Milnor, Daniel Montgomery, jr., John Montgomery, Nicholas R. Moore, Jeremiah Morrow, Gurdon S. Mumford, Roger Nelson, Thomas Newbold, Thomas Newton, Wilson C. Nicholas, John Porter, John Pugh, John Rhea of Tennessee, Jacob Richards, Matthias Richards, Samuel Riker, Ebenezer Seaver, Samuel Shaw, Dennis Smelt, John Smilie, Jedediah K. Smith, John Smith, Henry Southard, Clement Storer, Joseph Story, Lewis B. Sturges, Peter Swart, John Taylor, John Thompson, George M. Troup, James I. Van Alen, Archibald Van Horn, Daniel C. Verplanck, Jesse Wharton, Robert Whitehill, Isaac Wilbour, Alexander Wilson, Nathan Wilson, and Richard Winn.

NAYS—John Campbell, Epaphroditus Champion, Martin Chittenden, John Culpeper, James Holland, Richard Jackson, Joseph Lewis, jun., Nathaniel Macon, Josiah Masters, Jonathan O. Mosely, Timothy Pitkin, jr.,

Samuel Smith, Richard Stanford, Samuel Taggart, Benjamin Tallmadge, Jabez Upham, and David R. Williams.

DANIEL COTTON.

The House resolved itself into a Committee of the Whole, on the report of the Committee of Claims on the petition of Daniel Cotton.

[This is a case in which the petitioner's vessel was chartered by the United States to go to Tunis. Whilst there, she was compelled to go on a voyage by the Bey, (under the authority of the existing treaty with the United States, which permits the Bey to use any merchant vessel of the United States paying therefor a *reasonable* compensation,) who paid a certain sum for the charter, but not the amount which the service was worth. The petitioner claims the balance from the United States, as he undertook the voyage without a knowledge of, or previous to, the existence of the treaty, and was compelled under that treaty to proceed on a voyage for the Bey, at a loss to himself.]

The report was, after considerable discussion, agreed to, 63 to 30. The Committee reported their agreement to the House, who concurred in it, and the resolution was referred to the Committee of Claims, with instructions to bring in a bill.

FOREIGN RELATIONS.

The following Message was received from the President of the United States:

To the House of Representatives of the United States :

According to the request of the House of Representatives, in their resolution of November eleventh, that copies should be laid before them of all acts, decrees, orders, and proclamations, affecting the commercial rights of neutral nations, issued or enacted by Great Britain and France, or any other belligerent Power, since the year one thousand seven hundred and ninety-one, and also of an act placing the commerce of America in English ports, upon the footing of the most favored nation, I now transmit them a report of the Secretary of State, of such of them as have been attainable in the Department of State, and are supposed to have entered into the views of the House of Representatives.

TH. JEFFERSON.

DECEMBER 23, 1808.

The Message, together with the report of the Secretary of State which accompanied the same, were read; the reading of the remainder of the documents accompanying the said Message was called for by Mr. RHEA, of Tennessee, and objection being made thereto by Mr. NEWTON, the question was taken, "Shall the residue of the said documents be now read?" and passed in the negative.

A motion was made by Mr. ALEXANDER, that the said Message and documents do lie on the table; and the question being put thereupon, it passed in the negative.

Ordered, That five thousand copies of the same be printed for the use of the members of this House.

On motion, the House adjourned.

DECEMBER, 1808.

The Embargo—Additional Military Force.

H. OF R.

MONDAY, December 26.

Mr. HOLMES, from the Committee of Claims, presented a bill for the relief of Daniel Cotton; which was read twice, and committed to a Committee of the Whole to-morrow.

Mr. THOMAS, from the committee appointed, on the fifteenth instant, "to inquire into the expediency of extending the right of suffrage in the Indiana Territory," presented a bill extending the right of suffrage in the Indiana Territory, and for other purposes; which was read twice, and committed to a Committee of the Whole on Thursday next.

The SPEAKER laid before the House a letter from the Secretary of the Treasury, transmitting a statement of the estimates of appropriations for the service of the year 1809; also, a statement of the receipts and expenditures of the United States, for the year ending the 30th of September, 1808; which were read and referred to the Committee of Ways and Means.

Mr. BARKER presented a representation of sundry inhabitants of Hanover, in the county of Plymouth, and State of Massachusetts, stating that the late appointment of Electors of President and Vice President of the United States, by the Legislature of that State, is irregular and unconstitutional, in consequence of the failure of the said Legislature to lay the same before the Governor of the State for his approbation, as the law thereof directs; and praying that the Congress of the United States, when the Electoral votes are opened and counted, will take the subject into their consideration, and prevent the establishment of so dangerous a precedent.—Ordered to lie on the table.

On motion of Mr. WHARTON,

Ordered, That the several memorials of the officers of the late Revolutionary army, presented to this House the first, seventh, and twelfth inst., be referred to Messrs. WHARTON, SEEVER, HELMS, J. MORROW, JOHN CAMPBELL, STANFORD, THOMAS MOORE, HEISTER, and WINN.

Mr. STORY offered the following resolution:

Resolved, That a committee be appointed to consider whether any, and, if any, what amendments are necessary to the act, entitled "An act for the punishment of certain crimes against the United States," with liberty to report by bill or otherwise.

Mr. STANFORD inquiring as to the precise object of this resolution,

Mr. STORY replied, that his object was merely to define certain crimes now loosely defined, and to provide a punishment for some crimes now committed with impunity.

The resolution was adopted—ayes 65.

Messrs. STORY, DANA, NELSON, TROUP, and J. G. JACKSON, form the committee.

Mr. G. W. CAMPBELL, from the Committee of Ways and Means, presented a bill to continue in force, for a further time, the first section of an act, entitled "An act further to protect the commerce and seamen of the United States against the Barbary Powers;" which was read twice, and committed to a Committee of the whole House to-morrow.

ENFORCING THE EMBARGO.

The order of the day on the bill for enforcing and making more effectual the act laying the embargo, and the several acts supplementary thereto, being called for—

Mr. NEWTON observed that he wished to expedite the passage of the bill, and, as amendments were contemplated to it, he moved that the Committee of the Whole be discharged from the bill, and that it be referred to a select committee.

After a short discussion, the motion was negatived—ayes 34.

The House then resolved itself into a Committee of the Whole on the bill.

Mr. ELLIOT moved to strike out the first section, and spoke at length in support of the motion, when the Committee rose without having come to any decision—ayes 53.

Mr. FISK wished leave to sit again to be refused, in order to refer the bill to a select committee. But the Committee obtained leave to sit again—32 to 42.

ADDITIONAL MILITARY FORCE.

Mr. NELSON from the committee to whom was referred so much of the Message of the President of the United States as relates to the Military and Naval Establishments, and to whom was referred on the 17th inst. a resolution for placing the country in a more complete state of defence, submitted the following resolution, in part:

Resolved, That it is expedient immediately to raise, arm, and equip fifty thousand volunteers, to serve for the term of two years.

The following is annexed to the report:

"Will it not be advisable to propose raising fifty thousand volunteers, to be engaged for two years, and to serve, if required for actual service, any proportion of the term, not exceeding twelve months, within the term for which they shall be engaged? each non-commissioned officer, musician, and private, to receive ten dollars bounty, and each commissioned officer to receive one month's pay when appointed; and the whole to receive pay and rations when attending musters, as well as when in actual service; the non-commissioned officers, musicians, and privates, to be armed and equipped by the public, and to receive a uniform coat, vest, one pair of pantaloons, hat, two shirts, one pair of shoes, and a blanket; and if called into actual service for any term over three months, to receive other articles of clothing in proportion to the term of service, not exceeding in the whole (including those first received) what are allowed to the soldiers in the regular army for one year. The whole to be mustered and exercised in companies four days within the two first months after being engaged, and six days in each succeeding year, and to meet and encamp in their respective States and Territories, thirty days in each year; no man to be enlisted into any company, whose place of residence shall not be within a reasonable distance from the company parade to which he shall belong.

"A suitable number of Inspectors to be appointed by the President of the United States, to direct and inspect the exercise of the troops when encamped, and to give directions for the drilling and exercise of the companies, and to direct and receive all returns, muster and pay rolls, to be transmitted to an Adjutant and Inspector General (to be appointed by the President of

H. of R.

Non-Intercourse.

DECEMBER, 1808.

the United States) who shall give general instructions to all sub-Inspectors, for the drilling, exercise, discipline, and police of the volunteers when not in actual service. The officers to be appointed and commissioned by the President of the United States. The proposed corps to include as many of the volunteers who have offered their services under the act of 24th February, 1807, as shall engage in the volunteer army now proposed. The whole to consist of forty-four thousand infantry, three thousand artillery, and three thousand riflemen, to be organized into companies of one hundred each, including officers, regiments of one thousand, brigades of five thousand, and divisions of ten thousand each, to have the usual staff, including Surgeons and Mates; the Surgeons and Mates to attend the annual encampment and actual service, and to receive pay only for their actual services, at the same rate is allowed to Regimental Surgeons and Mates in the other corps of the Army:

	Pay per month.	
5 Major Generals	- \$166	830
10 Brigadier Generals	- 104	1,040
50 Colonels	- 75	3,750
50 Lieutenant Colonels	- 60	3,000
50 Majors	- 50	2,500
500 Captains	- 40	20,000
500 Lieutenants	- 30	15,000
500 Ensigns	- 20	10,000
50 Surgeons	- 45	2,250
50 Surgeons' Mates	- 30	1,500
		<u>59,870</u>
2,000 Sergeants	- 8	16,000
2,000 Corporals	- 7	14,000
1,000 Musicians	- 6	6,000
43,500 Privates	- 5	217,500
		<u>253,500</u>
Per month	-	<u>313,370</u>
2½ months' pay for the commissioned officers	-	\$134,707 50
1½ months' pay for the non-commissioned officers, musicians, and privates	-	316,875 00
1½ months' subsistence of the commissioned officers, at 20 cents per ration	-	35,587 50
1½ months' subsistence of the non-commissioned officers, &c., at 15 cents per ration	-	272,812 50
Clothing for non-commissioned officers, &c., at \$14 each	-	679,000 00
Bounty for non-commissioned officers, at \$10 each	-	485,000 00
Tents and contingent expenses per year	-	160,000 00
		<u>2,083,982 50</u>
The first year's expense will be	-	2,100,000 00
The second year will be	-	800,000 00
		<u>2,900,000 00</u>

Referred to a Committee of the Whole.

NON-INTERCOURSE.

Mr. G. W. CAMPBELL, from the Committee on our Foreign Relations, to whom was referred the resolution lately passed by this House on the subject, reported a bill to interdict commercial intercourse between the United States and Great Britain and France and their dependencies, and for

other purposes.—Twice read, and referred to a Committee of the Whole on Wednesday next.

[The following are the prominent features of the non-intercourse bill:

Exclusion from the harbors and waters of the United States and Territories thereof, of all public ships and vessels belonging to Great Britain or France, or to any other belligerent Power or Powers having in force orders, decrees, edicts, or laws, violating the lawful commerce or neutral rights of the United States, excepting vessels forced in by stress of weather, pursuit of an enemy, such as are charged with despatches, or business from their Governments, or packets having no cargo nor merchandise on board. The President is authorized to expel by force all such vessels as contravene this regulation. A penalty not exceeding ten thousand dollars, nor less than one hundred dollars, and imprisonment for not less than one month, and not more than one year, upon all persons affording assistance to vessels entering contrary to the law, excepting in case of piloting them out of the jurisdiction of the United States. Authority to seize and condemn, after a certain day, all vessels and their cargoes, bearing the French or English flag, or owned in whole or in part by any citizen or subject of either, which may enter the ports, &c., of the United States, &c., excepting only vessels expressly hired to convey despatches, such as put in through distress, or are chased in by an enemy. Prohibits, after a certain day, the importation of any goods or merchandise, the produce or manufacture of Great Britain or France, or their dependencies, either directly or indirectly, from any country whatever. The forfeiture and payment of treble value by the owners of any goods so prohibited, attempted to be introduced into the United States on board of any ship, vessel, boat, raft, or carriage, which shall receive prohibited goods on board, knowing them to be such, and the owner and master mulcted in treble the value of the articles. Provision that, if Great Britain or France revoke or modify their orders or decrees so as to render our commerce sufficiently safe, in the opinion of the President of the United States, of which revocation or modification, he shall give public notice by proclamation, the operation of this act and of the embargo acts, shall, so far as relates to the nations in amity with her, and having no orders, decrees, or edicts in force, violating the lawful commerce and neutral rights of the United States, forthwith cease and determine; without, however, any remission of previous fines and forfeitures. Vessels bound to any foreign port or place with which intercourse shall have been thus restored, are to give bond and approved security, in six times the value of such vessel and cargo, not to proceed to any foreign port, nor trade with any country other than those with which commercial intercourse shall have been thus permitted. The President vested with power to extend the provisions of the bill to any nations having in force edicts, &c., such as those of Great Britain and France; and all the penalties, &c., of the bill, made applicable to them.]

DECEMBER, 1808.

Payment of Witnesses.

H. OF R.

TUESDAY, December 27.

Mr. DANA, from the committee to whom was referred, on the twenty-third ultimo, the petition of Edward Beaumont, presented a bill for the relief of Edward Beaumont; which was read twice, and referred to the Committee of the Whole to-morrow.

The SPEAKER laid before the House a letter from the Secretary of the Treasury, transmitting the annual statement of the district tonnage of the United States, on the 31st of December, 1807; which were read, and ordered to lie on the table.

The SPEAKER also laid before the House another letter from the Secretary of the Treasury, transmitting a statement of goods, wares, and merchandise, exported from the United States, nominally, during one year prior to the first of October, 1808, but in fact, during the three last months of the year 1807; which were read, and ordered to lie on the table.

The letter is as follows:

TREASURY DEPARTMENT, Dec. 26, 1808.

SIR: I have the honor to transmit herewith a statement of goods, wares, and merchandise, exported from the United States nominally during the year prior to the first day of October, 1808; but, in fact, during the three last months of the year 1807, subsequent exportations having been prevented by the embargo.

The goods, wares, and merchandise of domestic growth or manufacture, included in the statements, are estimated at	\$9,433,546
And those of foreign growth and manufacture at	12,997,414

Amounting together to	22,430,960
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The articles of foreign growth or manufacture may be arranged under the following heads, viz:

Produce of the sea	\$823,000
“ “ forest	1,930,000
“ “ agriculture	6,716,000
“ “ manufactures	344,000
Uncertain	112,000
	9,924,000

I have the honor to be, with great respect, sir, your obedient servant,

ALBERT GALLATIN.

The Hon. the SPEAKER of the House of Reps.

The bill for the continuation of the Mediterranean fund having been reported, Mr. TALLMADGE moved to postpone the bill for a fortnight.

Messrs. TALLMADGE and LYON supported the motion, objecting to laying this duty in this form, as the object for which it was intended, by the title of the bill, no longer required this revenue. No objection was made to laying the duty, but to laying it in this form, distinct from the general increase of duties proposed by the Secretary of the Treasury; which subject would no doubt soon be reported on by the Committee of Ways and Means.

Messrs. CAMPBELL and ALSTON supported the bill, and opposed the motion for postponement, on the ground that a postponement would be equivalent

to a rejection, the present law expiring on the first of next month, and that this fund was well understood in the nation under the name of the Mediterranean Fund, and there was therefore no reason to change the name. It seemed to be similar to an objection to a man, however estimable, because his name did not please the ear.

The motion for postponement was negatived, ayes 16; and the bill ordered to a third reading to-day.

PAYMENT OF WITNESSES.

Mr. JOHN G. JACKSON, from the committee to whom was referred, on the twenty-first ultimo, the petition of Return Jonathan Meigs, and others, made a report thereon; which was read, and referred to a Committee of the whole House on Monday next.

The report is as follows:

The petitioners state that they attended the court of the United States for the District of Virginia, as witnesses, in behalf of the United States, on the trial of Aaron Burr for treason, in the Summer of the year 1807; that they travelled from great and remote distances; and that their attendance had been uncommonly long; that an absence from their homes at that busy season of the year had been severely injurious to them; and that the allowance made by law was insufficient to defray the necessary expenses; and therefore they pray an additional compensation.

In ordinary cases, the committee would be unwilling to sanction any innovation upon the general law relating to the compensation of witnesses attending the courts of the United States; but, in every point of view, whether as it regards the crimes charged upon the accused, the extensive theatre which they embraced, the number of witnesses drawn from the most remote parts of the United States, or the length of time consumed in the trial, as well as the manner of conducting it, this was a most extraordinary one.

In ordinary cases the witnesses live in the vicinity of the courts, and are not exposed to heavy sacrifices in attending them. In this case they are compelled to travel great distances, varying from four hundred to one thousand three hundred miles. The committee conceive that the principle is universally correct, that the personal services of no man shall be compulsorily required without a reasonable compensation given to him; and, therefore, that these witnesses are entitled to it. They have been, however, not only compelled to give their attendance without such compensation, but to expend their own money likewise.

In looking over the laws giving compensation to witnesses, the committee find that those who attended the impeachment of Judge Chase before the Senate were allowed three dollars per diem for their attendance, and twelve-and-a-half cents a mile for travelling to the place of trial, and the same for returning. If a departure from the rule fixing the allowance to witnesses was proper in that case, it is equally so in this, as the distance which the witnesses on the trial of Burr had to travel was further, their attendance was longer, and the expenses incurred by them necessarily as great. The *venire* summoned from the county of Wood, a distance of 400 miles from Richmond, have also asked a further compensation, and the committee see no just cause of discrimination between them and the witnesses. They therefore recommend that a further compensation be allowed to the witnesses and *venire men* who

attended the trial of Aaron Burr for treason before the Circuit Court of the United States for the Virginia district; and, in pursuance of that recommendation, they ask leave to report a bill for that purpose.

Mr. JACKSON, from the committee, then presented a bill giving a further compensation to the witnesses and venire who attended the trial of Aaron Burr before the Circuit Court of the United States for the District of Virginia; which was read twice, and committed to a Committee of the Whole on Monday next.

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Mr. JACKSON moved that the Committee of the Whole be discharged from further consideration of the bill for enforcing the embargo, with a view to refer it to a select committee, to make amendments wished by its friends, which could not be made without difficulty in Committee of the Whole.

Mr. SLOAN proceeded to speak upon the merits of the bill, when he was called to order. Mr. S. said, that if he was not in order, he would make a motion which would supersede the one now under consideration, and entitle him to proceed. He then made a motion to postpone the subject indefinitely, which, although questioned by several members, was declared by the SPEAKER to be in order, and Mr. SLOAN proceeded, as follows:

Mr. Speaker: I have observed, that since printers have become so numerous in these United States, they are obliged to adopt new modes of publication, in order to obtain ready sale for their innumerable productions. They frequently hand out long histories in short numbers—for instance, a history that in one volume would cost five dollars, has much readier sale in twenty numbers, at twenty-five cents apiece. And, as appears from the progress already made, it is pretty well ascertained that the embargo will occupy the greatest part, if not the whole time, of the present session. If a majority of the House is determined to keep the people in their present state of suffering and suspense until Spring, the least they can do during the dreary scenes of Winter, will be to continue diverting them with eloquent speeches, of all sorts and sizes, from fifteen minutes to four hours long. But, knowing that mankind is fond of variety, and believing that my worthy friends in the majority will have the hardest task they ever undertook to keep the people of these United States in a tolerable good humor, with the embargo on their backs, till next March; although I do not perfectly agree with them, I cannot give them up as lost, but, like a faithful friend, mean to stand by them to the last gasp, striving, if possible, to get them out of the horrible pit into which they have fallen, before they perish.

Under these impressions, Mr. Speaker, I shall proceed to offer my second number, which I thought of doing several days ago, but delayed it in consequence of a declaration of my worthy friend from Virginia, (Mr. NEWTON,) which rejoiced my heart more than all the eloquent speeches I have heard this session: it was, that we (the minority) knew that the embargo was never intended as a

permanent measure; and that they (the majority) did not intend to keep it on long, or words to that effect. In this declaration, from so high authority, I reposed full faith and confidence, and suspended offering my second number, in hopes of seeing the wish nearest my heart of all sublunary objects accomplished, in the removal of the greatest evil which in my opinion these United States ever experienced since the Revolutionary war—I mean the embargo. But I have hitherto waited in vain, and must now beg the favor of my worthy friend, the next time he obliges the House with hearing the sound of his pleasing voice—which I, for one, shall hear with great delight—to release my mind from suspense, by giving us the proper definition of the word *experiment*, and also what he meant by the embargo not remaining long; whether he meant a few days, or a few weeks, months, or years. For, permit me to remind my friend, that if, instead of being in his present honorable station, receiving six dollars per day, as he did previous to the embargo, and still does, he was placed in the situation of thousands at this time in these United States, whose sole dependence for support is their daily labor, and who, by that measure, having been deprived of employment twelve months, now at the commencement of Winter look forward with the dreadful apprehension, that ere the return of vernal bloom, their tender children may ask bread, and they have none to give, he would consider one day longer than now he does a month.

Mr. Speaker, I have committed the purport of this second number to writing, for two reasons—first, to lessen the labor of our stenographers, and secondly, because, after having so long followed those learned and eloquent members that have preceded me, in their sublime and almost superhuman flights of imagination, it would be difficult, if not impossible, for them instantly to descend to my humble sphere, without, in their rapid descent, falling far below it. Hence, I was apprehensive they would dress my bantling in coarser clothes than it merits; and every member on this floor knows that it is needless. Yet, I am not disposed to read it; for I have long believed that both religious and political sermons lose much of their force by reading. But, before I proceed further, I will publish my text, which, although very short, (consisting of but one word,) conveys a dreadful sound to many thousands of suffering American citizens—“EMBARGO.” I will not repeat it; it has become very familiar, and I fear very pleasing, to many who receive six dollars per day for sitting a few hours in this splendid Hall *talking* about it; but, very different is the situation of many of our constituents *suffering* under it.

Before I left home I expected that one of the first pages of our journal would have contained a declaration, that this word was proved by experience to be uncanonical, and therefore ordered to be expunged from our political bible; but, alas! how grievously am I disappointed in beholding so great a number of our learned Rabbins, introducing Latin quotations, and perhaps Greek and Hebrew, for I understand none of

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them, and adducing testimony brought from every habitable part of the globe to prove that it is not barely canonical, but that on our strict obedience depends our political salvation, and that all who differ in opinion are dangerous heretics. It will be remembered that my surprise and disappointment was so great, that I remained silent longer than Job's three friends did in days of yore. We read that, in consequence of the grievous sufferings of their friend, they sat silent and astonished seven days. I sat silent much longer, until compelled by an imperious sense of duty to plead the cause of the poor and needy, and exert my feeble powers in behalf of the sinking liberties of my country.

Mr. Speaker, last session my principal text was, Removal of the seat of Government, and for the same reason that embargo is at this time; because it was then, in my opinion, the greatest evil these United States suffered—the Embargo is now. And as every wise and just Legislature will first attend to the greatest grievances of their constituents, I must for the present suspend my exertions to remove the seat of Government, and apply them to the embargo. In doing which, I shall not impeach the motives of those who ingrafted into our Constitution the plan of a district ten miles square for a seat of Government; nor of those who carried that plan into execution; nor yet (God forbid! for I was one) of those who passed our first three embargo laws. I will admit that their intentions were good—that their motives were pure. But what has been the consequence? Why experience, that only sure (may I not say infallible?) teacher, has incontestably proved that the principle upon which the ten miles square is founded, is totally repugnant to republicanism and the liberties of a free and independent nation; that whatever its nominal title may be, however artfully disguised, its essence and effect is monarchical, spreading its baneful influence from Georgia to Maine. So has the embargo. They are twin sisters, in proportion to their power, and equally destructive to the lasting interest, peace, and prosperity of these United States, with this difference only, that the latter is more rapid in her movements, and consequently her baneful effects at present are more sensibly felt. Well, now let me ask what must be done? Must these pernicious plans be supported and continued perpetually, because they originated in pure motives? Does not common sense, reason, and justice answer no? The consummate folly of weak and vicious Legislatures has ever appeared most obvious, in the continuation and rigid enforcement of their own oppressive laws; and, *vice versa*, the wisdom of virtuous Legislatures, in testing their laws by experience, and speedily repealing all that were oppressive to the people.

Mr. Speaker, I shall now ask the indulgence of the House in some observations upon arguments of members who have preceded me, in favor of the continuation of the embargo laws; in doing which I shall not pursue them through the deserts of Arabia, or the scorching sands of

Lybia; I will not travel with them, either by land or water, from the torrid to the frigid zone; I will not, after exploring the known, make a futile attempt to explore the unknown parts of the universe, in quest of evidence to support our cause. No; that would be a tacit acknowledgment that it was as bad as theirs, insupportable by domestic, plain, and self-evident facts.

The principal object we now have in view is, to use a military phrase, to bring the artillery of divers members that have preceded me to bear upon themselves, which—if it should bear hard, let them remember that they have provoked the attack—and to show that some of the evidence adduced by them is conclusive against the continuance of the embargo laws.

The first I shall notice is my friend from Tennessee, (Mr. RHEA,) who spoke next after me, soon after the commencement of this discussion. He observed that no distinction ought to be made between rich and poor. I perfectly agree with him, and only ask him to reduce his excellent Christian precepts to practice; that while he sits in this splendid hall, receiving six dollars per day, secure from the piercing blasts of winter, far removed from the hapless habitation of want, where poverty dwells, or even from the apprehension of the plaintive cries of a bosom friend asking bread for her tender offspring where there is none to give, he will abstain from making or continuing in force laws not barely oppressing the poor, but totally depriving them of their wonted means of subsistence—yea, cutting off from them their whole staff and stay of bread.

The next observations I shall notice, fell from my young friend from Virginia, (Mr. GHOLSON,) who is certainly entitled to the thanks of this House, and of the United States generally, but more particularly of the merchants, seamen, and fishermen of the Middle and Eastern States. These classes he has laid under so heavy a debt of gratitude, that I fear they never will be able fully to discharge it. I mean his great condescension in setting his prolific genius to work to devise some means to relieve them from their present suffering situation. Being a great friend to home manufactures, I gave particular attention to this truly patriotic and benevolent plan: which was, if I understood correctly, to turn the merchants and their clerks, with their powdered heads, out of the counting-houses, and set them to ploughing, and the seamen and fishermen to spinning cotton—a plan worthy of the author! But I hope my friend will consider it a token of my respect, if I present for his consideration a reversal of his plan; that is, to order the seamen (whose hands have been used to handling the tarry ropes) to the plough, and the other trifling powder-headed gentry to spinning cotton, as more congenial to their former habits. One more token of my respect, and then I will for the present take leave of my friend from Virginia: that is, that notwithstanding his plan is well adapted to the meridian of a Government where slavery and unconditional submission is the order of the day, he will do well to consider before he pro-

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ceeds to enforce his plan, whether it will suit the meridian of a Government whose citizens have not been theoretically, but practically free, and long inured to employment of their own choice.

Mr. Speaker, I shall now proceed to some observations of my friend from Georgia, (Mr. TROUP,) but must ask his pardon for not placing him first on the list of the three first mighty men, that have appeared advocates for the embargo; to this station he is, in my opinion, justly entitled, for the clear, positive, and unequivocal manner in which he informed the members of this House from whom they had nothing to fear, and to whom they might safely look up for example. This information, I trust, will be duly appreciated, kept in remembrance, and so strictly attended to, as to prevent the necessity of a repetition. The language, if I understood him correctly, was to the following effect: that we had nothing to fear from the anti-embargo men, they were too base and insignificant; that he would not appeal to the anti-embargo New Englanders, the merest Shylocks, the depraved of the cities, and the ignorant of the country, who would sacrifice the honor and independence of the nation for a little trade in codfish and potash, but to the people of Virginia, too honorable to have been corrupted, and too enlightened to be duped.

Mr. Speaker, as this gentleman has been indulged with liberty to inform the members of this House, and through them the people of the United States generally, who he would not appeal to for example, and who he would, I ask the same indulgence, with this exception only: I ask not liberty to make invidious distinctions between States; I ask not liberty to mention the names of any of them. No; this has never been my practice on this floor, and I trust never will. None more than myself regret being laid under the imperious necessity, in support of justice, liberty, and the inherent rights of man, to say that I will never appeal or look up for example to any State government under which 346,968 human souls are kept in a state of perpetual bondage, and used as an article of traffic, in common with a bale of goods or a beast of the field. I will never hold up as an example any Government, where the choicest of all earthly blessings, "liberty," is extended only to a chosen few, and withheld from the many; where a great majority of those called freemen, who are compelled in case of war to risk their lives in support of the property of the rich, are denied a voice in making the law that so compels them, or any others. I will never look up for a model of political justice to a State boasting of twenty-two Representatives on this floor, who, nevertheless, at a late general contested election, probably took between twenty and twenty-five thousand votes; when on a similar occasion a State sending but six Representatives, took upwards of thirty-two thousand. And, finally, until I am convinced that a radical and complete reformation has taken place, (which God in mercy grant may soon be the case,) I will never look for example to a State which the wise and enlightened author of the Notes on Virginia

described as follows: "In this State alone, did there exist so little virtue, that fear was to be fixed in the hearts of the people, and to become the motive of their exertions, and the principle of their government."

No, Mr. Speaker, were I to hold up as an example any State government, it should be one where every man who pays tax for the support of Government, and is called upon when necessary to risk his life in defence thereof, has an equal voice in deciding who shall make the laws that govern him; where the power of the poor man to guard his ewe lamb, is equal to that of the rich over his flock; to a State who, having but eighteen Representatives on this floor, can nevertheless boast of 111,000 free and independent voters. Not to a State where, if the Declaration of Independence is read at all, it is regarded only as a pleasant song, as sounding brass, or a tinkling cymbal; but to a State where this heaven-born language is reduced to practice: "We hold these truths to be self-evident, that God hath created all men equal, that he hath endowed them with certain unalienable rights, among which are life, liberty, and the pursuit of happiness." Ever bearing in mind, that not the *hearers* but the *doers* of the law are to be justified thereby.

I will now, with permission of the House, take some notice of my friend from Maryland, (Mr. NELSON,) who, since the commencement of this discussion, has twice favored us with the sound of his *feeble* voice. He will pardon my freedom in applying to him the appellation of *friend*, after charging me with the capital crime of having turned my coat—that is to say, I have not always voted with the majority. But really, Mr. Speaker, if I had turned my coat as often as that gentleman has changed his plan of operation, within these three or four years past, it would, by this time, make a very ragged appearance. I am told he is a militia officer. God grant that I may never be a soldier under him; for, at this time of life, he would soon harass me to death with marching and countermarching. But, he has exultingly reprobated the Quakers' principle. This I consider an act of supererogation. For my own part, I am free to acknowledge, that, since my acquaintance with his *honor*, I have never discovered anything, either in his precepts or practice, that would subject him to the charge of even the least tincture of Quakerism, or of any other religious society. I hope, in thus candidly exonerating my friend from the horrid sin of Quakerism, I may not be considered as derogating in the least degree from his religion, his piety, or his virtue. He may, for anything that I know, have as large a store as any man, and keep it concealed, from the purest motives—that is, a fear that it might be contaminated by exposure to the vulgar throng. But I will for the present drop religious topics, and observe, that the first time my attention was arrested by my friend's *feeble* voice, his sentiments at first were perfectly in unison with my own. If I understood him correctly, he informed the House that he had heard so many wrong things he could no longer keep silence, and reprobated

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irritating language, or pointed allusions to particular members. A blessed state of mind, indeed! I will not hurt his feelings by styling this Quaker doctrine, but give it the name of good Christian doctrine, tending to promote love and harmony. But, alas! how short were the pleasing sensations I at first enjoyed. For, lo! those mild accents, and that *harmonious* voice, I was hearing with so great delight, suddenly became rough and sonorous, his visage fierce, and aspect alarming to weak nerves; and in a tone similar (as I suppose) to that in which he gives orders to his soldiers, when on duty, proposed adopting Sangrado's plan, of *blood letting*! Thus, suddenly transported from the temple of reason to the field of Mars, I was at first much alarmed, not knowing how soon the plan was to be carried into execution upon us poor anti-embargo men; but after coolly reflecting upon the subject a few minutes, my fears abated, and a comfortable hope arose, that my friend really meant no more than to cool the political fever, by taking some blood from the left arm, which I feel disposed to acquiesce in, provided he will step forward, strip up his sleeve, and undergo the first operation.

But, Mr. Speaker, the next time he rose, his sympathetic conciliatory plans were all laid aside—the maladies of the body politic were all to be healed by antipathy—the embargo, like tartar emetic, although producing very disagreeable sensations, would eventually have a beneficial effect—his martial, heroic spirit rose to such a height, that in case a person only gave him a gentle pat on the cheek, he, without any further ceremony, was to be knocked down. Wonderful change, thought I, how great the contrast between this plan, and that of running away over the mountains! Hail Columbia happy land! the valor of whose patriotic sons increases in proportion to the magnitude of impending danger! I congratulate my country on the return of this heroic spirit, believing that if the embargo is continued twelve months longer, it will require at least one hundred thousand such heroes to enforce it. One observation more, which I hope that gentleman will consider as a token of real friendship. Although I am no military man, I have long made human nature my study; the result of which is, that the frozen regions of the North, the residence of many of those renegade anti-embargo men, would not agree with his constitution; but that a mild and Southern climate is more congenial to his health, and will probably be a means of continuing his valiant acts and useful labors longer in his native soil.

Mr. Speaker, notwithstanding the risk of a declaration that Sloanism is worse than Burrism; that I am influenced by Pickering's spirit, and like the Tories of '76, ought to be put out of the protection of the law; I shall briefly notice some observations of another member from Maryland (Mr. J. MONTGOMERY) whom I have the honor to sit near. I say briefly, because my general rule is to notice observations of members according to their merits. I will not say that that member's voice is as strong and terrible as Kouli

Kahn's; nor will I say, that if he had the same power, he would be as cruel and tyrannical a despot; but I will say, that if I understand his language, it is calculated for the meridian of slavery, and better adapted to the command of a Persian army, or to coerce a horde of slaves, groaning under an inhuman, tyrannical master, than to unite together, as a band of brothers, engaged in supporting the sacred cause of liberty the free and independent citizens of these United States. I will at present take my leave of him, with a caution that he will probably at this time reject and despise; but which eventually he will regret he had not timely attended to. "Let him who thinks he stands strong, take heed lest he fall!"

Mr. Speaker, I shall next proceed to notice some remarks made by my worthy friend from Vermont, (Mr. FISK,) who sits near me; not for the purpose of opposing them generally—to the greater part I could freely say Amen—but in the construction he puts upon my text *embargo*, we widely differ. He tells us he cares not how much England and France suffer—agreed; but my opinion is, that where England and France suffer one grain by our embargo, we suffer a pound. Yea, I am fully convinced, that the British Ministry has so high an opinion of the benefit of our embargo to that nation, that, if paying the whole expense of our General Government for seven years would purchase a continuance thereof for that time, they would gladly do it. But my friend has adduced a very appropriate metaphor to convey his ideas; he says the embargo is used by one party to ride the other down—granted. The plan has succeeded and progressed with a rapidity unparalleled in any former contest between political parties. This old embargo horse, instead of becoming more gentle and safe to his riders, grows daily more refractory and dangerous; at the last starting place he threw many of his riders, and was within a hair breadth of throwing many more; whereas, the young anti-embargo colt becomes more docile, increases rapidly in strength and beauty, is very sure footed, and promises fair to be a very safe and pleasant hack. In fact, from the present prospect, there is no reason to doubt but that this old embargo horse will, at the next starting place, throw a majority of his riders, and the young anti-embargo colt take another set of horsemen, and carry them safely on their political journey. I will now first take leave of my worthy young friend for the present, earnestly entreating him to depend no longer upon his activity or the excellence of his horsemanship, but instantly dismount that horrid old embargo horse, which alone can prevent a dangerous fall, and mount the beautiful anti-embargo colt, where he may ride safely.

Mr. Speaker, the esteem I ever had since my acquaintance with my two worthy friends from South Carolina, (Messrs. D. R. WILLIAMS and TAYLOR,) who have spoken upon this subject, induces me at this time to make honorable mention of them; my reason for mentioning them jointly is, that a fact stated by one of them, has, in my

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opinion, completely removed all the objections of the other.

Some of the observations of my friend who spoke last, I shall first notice: As a proof that the embargo has not injured us, he alleges that there has yet been but few failures—granted. Neither does one winter produce many deaths in a farmer's stock of cattle; but, were the great Author of Nature to reverse its usual course, (as we do by continuing the embargo,) and join two winters together, many would die, and those that survived be reduced to extreme poverty.

Again, if I understood him correctly, he told us he wanted to be *spiteful* to France and England. Why, really, Mr. Speaker, I could look with complaisance upon my worthy friend returning spite for spite upon those oppressive nations, until he had paid them their principal and compound interest, if he could do it in such a manner as not to spite and injure the citizens of these United States most. The residue of my friend's observations, stripped of the flowers of eloquence, in which he presented to the House a pledge of his patriotism, and which, when necessary, I have no doubt he will completely reduce to practice, went to show that, in case the embargo was raised, as far as respected those ports not included in the British Orders of Council, or French decrees, it would only open for our produce so contracted a market, as would be worse than our present situation. To this opinion I will oppose the positive declaration of his colleague, (Mr. WILLIAMS,) that if we open a trade to a spot no larger than the floor of this Hall, it would, in fact, be opening to all the world, by which means the whole of our produce would find a market. Mr. Speaker, in this opinion I perfectly agree with my worthy friend—I rejoiced to hear him make it, hoping it will soon be realized—believing it would be more beneficial to the citizens of these United States to have their surplus produce conveyed through such a channel, even if some went to their enemies, to those who are in want, and their money, and such produce as we want, returned, than to have it collected together and burned.

As my friend has adduced a very appropriate text from the Old Testament, I will call his attention to two from the New, which, when he has considered collectively, I hope will change his opinion into perfect unison with my own. The first is a command to feed our enemies, and the second to do unto others as we would they should do unto us. When my worthy friend (whose honest integrity I have ever highly approved) shall have duly considered and determined to reduce those excellent precepts to practice, then I shall be happy to join with him in his pious determination—that let others do what they may, we, and our houses, will serve the Lord!

Mr. Speaker, two declarations made by the chairman of the Committee of Foreign Relations (Mr. G. W. CAMPBELL) remain yet to be noticed. My reason for deferring them to the last, was my doubts (which still remain) of being able to ex-

press my sentiments with that moderation and charity of which that gentleman's language appeared to me totally void, but which I consider as essentially necessary, to promote harmony amongst members, and support the dignity of the House.

The first declaration was, "that the opposers of 'the embargo had no other object in view, but to 'cover the shameful submission they wished to 'reduce the United States to.'" The second, that "their language means to put the present dominant party down and put us in, and then we will 'tell you what we will do;" and then proceeds to answer for them, "that they would do as they had once done before—draw the cords tighter."

Mr. Speaker, that gentleman's conduct, although supported by the irresistible and overwhelming majority with which, at present, he acts, shall not divest my bosom of that charity for him, which his language evinces he has not for me. I wish to cherish that most excellent of Christian virtues, *charity*, which beareth all things, and which hopeth all things. I hope and trust that it will ever abound in my bosom as at present; hoping that the day is not far distant when my friend from Tennessee, and the party, in whose front rank he now stands, will be convinced that not our plan, but their's is calculated to bring these United States into a state of shameful submission. Yes, Mr. Speaker. I trust I shall prove, before I sit down, that it has already done it.

To the second charge, that "the language of the anti-embargo men is, put us in power;" I answer, they need not even ask it. Let that gentleman and his party persist in their present plan; let them pass additional laws to enforce more rigorously the present; let them raise troops ostensibly for the purpose of repelling invading foes; but as no such foes can be found, and as the people would complain of the expense of an army doing nothing, let their artillery be turned against those wretched, renegade, base anti-embargo men, who durst to complain of their suffering under those laws; let every bay and inlet, from one end to the other of our extensive coast, be safely guarded by gunboats and revenue cutters; let a cordon of regular troops encircle round these United States, and the territories thereof, in such manner that not a single evasion of those celebrated patriotic embargo laws could possibly take place; let this plan be completely carried into execution and continued twelve months. In that case, unless a law should be passed, depriving the anti-embargo men of their right of suffrage, (which would be as just and Constitutional as the one under consideration,) I undertake, as positively as that gentleman, to predict, that if any of the present overwhelming majority should retain a seat in the twelfth Congress, they would be reduced to a more trivial and insignificant minority than that upon which, from his high and exalted seat, he now looks down! Yes, Mr. Speaker, I repeat it, the present minority need not ask to be put in power; the electors would need no further stimulus than the pressure of

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those laws to bring them to a poll. They would look as anxiously for the election day as the poor slaves under the Jewish law did for the year of Jubilee.

I shall ask the indulgence of the House but a few minutes longer to some general remarks on the effect of the embargo laws, and of the bill under consideration, to which I am impelled by the sacred impulse of my conscience—by my firm attachment to our present Administration, and by my duty, as a Representative of the people, to preserve inviolably their rights—to say, God in his infinite mercy grant it may never be passed into a law. No, Mr. Speaker, in my opinion we have passed too many laws on this subject already. Passing the resolutions reported by our Committee on Foreign Relations, has, in the few days that have elapsed, transferred an immense sum of money from the industrious yeomanry of the country to idle speculators and stock jobbers of both town and country. Is not this fact known to many members on this floor? Do they not know that domestic produce has fallen one-half, and even at that reduced price there is little or no sale for it; and that foreign articles have risen in the same proportion; and that in consequence thereof, in various parts of the Union, where, until the commencement of this session, the embargo, if not approved, was borne with patience, the people now cry with one voice, “we can bear ‘it no longer—give us anything that the wisdom of Congress can devise rather than the embargo!” But I have frequently been asked, if these be facts, why do not the people petition? The reason is obvious. The Federalists have petitioned; what has been the answer? Why they are enemies to our Administration, who wish to involve us in war with France, and an alliance with England. Nay, farther, is not every member on this floor, who has exercised his own judgment as a free and independent Representative of the people, if in but a single instance that judgment runs counter to the will of the majority, denounced as an apostate?

Is this question asked with a view of exciting jealousy, or deceiving the people? No, Mr. Speaker, to undeceive them, to lay before them a true statement of the conduct of their Representatives. I speak experimentally. I speak to a free and enlightened people, who want nothing but true information to induce them to act right. Is there a man in these United States, that, in proportion to his station, has spent more time and money to bring about a change in favor of democracy, and when brought about to support it, than I have? If there be, let him come forward and show it. Have I deviated from those principles? If there be a citizen in these United States that durst to make such a charge, let him come forward and substantiate it. But what has been the consequence? Last session I opposed the famous, or rather infamous court martial bill—a bill that I now suppose was intended as the first chapter of a statute book, in which the present bill under consideration was to have been the second. That horrid attempt to lay the founda-

tion of a military despotism failed; and I pray God the second may also.

But my observations upon that bill were, by some who occupy the front rank in the majority, held up to public scorn, as being my maiden Federal speech. Why really, Mr. Speaker, if the motives of the Federalists are as pure as those which dictated that speech, I do not consider the charge dishonorable. I also brought forward a resolution, for the purpose of removing the greatest evil under which the people of these United States groaned—to erase from our statute books, a principle repugnant to republicanism and self-government—to destroy in its infancy a young vulture, whose nature is such that it cannot be nourished and raised to maturity upon any other food but the vitals of liberty—I mean the removal of the Seat of Government. This conduct, by another member in the front rank, was publicly, on the floor of the House, declared to be worse than the conduct of the arch traitor, Burr. That is to say, that barely an attempt to prevent the rights and liberties of the people from being swallowed up and totally absorbed in the vortex of this masked monarchy, contrary to the will of the chosen few, who either do at present, or hope in future, to live upon its munificence—is a crime of deeper die, than the highest grade in our statute book, high treason.

Mr. Speaker, sensible that I have trespassed long upon the indulgence of the Committee, I will hasten to a conclusion, first observing, that I have no language capable of fully expressing my regret and sorrow, in beholding Congress at this time endeavoring, when the session is nearly half gone, to pass a law to enforce more rigorously divers laws already passed—the futility of which is, in my opinion, self evident; the loss and burden they inflict upon the people, intolerable—their present and future effect, if continued, more injurious to the interest, peace, and happiness of these United States, than any that have been passed since we were an independent nation. Upon the bill now under consideration, I shall at present only say, that if it is passed into a law—to prevent unnecessary expense in printing, and to render it more easily understood, especially by the poor, ignorant, despicable, renegade, anti-embargo men, upon whom it is intended to operate—I hope it will be curtailed, as it is evident the whole purport could be comprised in a few words to the following effect: “That whereas we repose full faith and confidence in the wisdom, integrity, and ability of the President of the United States, to enforce the embargo laws; and also to issue from time to time, and to enforce such edicts as he shall think proper, we hereby authorize and empower him so to do.” But I will not yet despair; I will yet fondly hope, that although this bill has passed one branch of the Legislature by a great majority, that the immediate representatives of the people will never sanction a bill, compared with which the alien and sedition laws were humane and just. But should my hopes be blasted in a majority of this House giving it their sanction, I will still hope that the wise and justly cele-

brated author of the Notes on Virginia will not, in advanced age, (as Solomon did in the days of yore) tarnish and cast a gloomy shade over that wisdom that shone so conspicuous in his meridian days, by placing his signature to such a bill. With that respect due to his superior station, I must request the favor of him first to look over his *Notes*, and particularly attend to the following sentence: "Our interest is to throw open the doors of commerce, and to knock off all its shackles, giving perfect freedom to all persons, for the vent of whatever they may choose to bring into our ports, and asking the same in theirs. The actual habits of our countrymen attach them to commerce. They will exercise it for themselves." I will read it again, because it is a language worthy of the Chief Magistrate of a great and independent nation—it is worthy of the attention of the Representatives of a great agricultural and commercial people. We have been frequently called upon for a plan—here is the principle of a plan in a few words, the best adapted to the real interest of this nation, that ever has or ever can be introduced. Would to God, that instead of prowling over non-intercourse resolutions and straining every nerve to devise means to enforce laws, which twelve months' experience has incontrovertibly proved are not only inadequate to the end proposed, but, by their long continuance, become ruinous to the interest, peace, and happiness of the nation, we had adopted the foregoing principle of our worthy Chief Magistrate, the production of his penetrating genius, when at meridian height, agreeably to the resolution offered by my worthy friend from New York, (Mr. MUMFORD.)

But we are told, that adopting this plan would be submission to England—the reverse is the fact; it would exonerate us from the degraded state of submission in which we now stand. I say degraded state, which, with permission of the House, I will prove, I trust, to the satisfaction and full conviction of every impartial mind. It is incontrovertibly proved by reference to official documents now before the public. First, we have demanded the restoration of our impressed seamen, and to coerce Great Britain into a compliance with that, demand we passed a non-importation law; secondly we rejected a treaty, as I have understood, because that demand was not fully complied with. And thirdly, in consequence of the horrid outrage committed upon the frigate *Chesapeake*, our President having issued a proclamation prohibiting all British armed vessels from entering our ports, refused to revoke that proclamation, until reparation was made, or at least until a plan was proposed by the British Envoy, which should be considered adequate to the purpose. Let these facts be contrasted with the offer made by our President (which was laid before this House in his public Message) to the British Cabinet, that upon the simple revocation of their Orders of Council our embargo should be raised—so far as respected that nation. No condition annexed of returning our seamen, or making reparation for the outrage upon the *Chesapeake*! Can any rational being, can any man possessed of common sense, and not perfectly

blinded by partiality, misunderstand this language? No, Mr. Speaker, it is too plain—so plain, that he who runs may read, and clearly understand. What is its genuine meaning? Why, when stripped of its deceptive covering, and exposed in its real form, it will read thus: "We are convinced, by woful experience, that our coercive plans are futile—that they rebound back upon our citizens, with redoubled force; that therefore, we are now willing, if you will be graciously pleased to grant us liberty to renew our former trade with you, even under all the embarrassments of which we have so long, and so loudly complained; the murder of *Pierce*, and the outrage upon our national ship to the contrary notwithstanding."

I will not long detain the House with commenting upon the answer returned, but briefly observe, that it was less insulting, and more humane and sympathising than might have been expected from that haughty nation. The purport may be comprised in a few words, to this effect: "We are sorry for the suffering of your citizens, produced by your own imprudent conduct; and would gladly relieve them, were it in our power, consistent with our national honor and dignity; but as that cannot be done, we must, for the present, leave you to devise means for yourselves, to release your citizens from their present increasing distress and truly deplorable situation." The foregoing is not a picture too highly colored. Would to God, for the sake of my suffering country, that it was. But alas! it is life—it is the original—it is a statement of facts contained in official documents gone out to the public, and therefore can neither be controverted nor recalled.

Mr. Speaker, in this deplorable situation, let me earnestly call the attention of the immediate Representatives of the people, to a serious and all important question; a question on which, in my opinion, not only the present, but future union, peace, strength, and prosperity of these United States must depend. Shall the laws passed last session, that have become so distressing to the people, not only be continued, but more rigorously enforced? Will our Government continue the futile attempt, to compell a great number of our hardy, brave, and patriotic citizens to abandon habits which our worthy President (in the quotation before adduced) admits to be impossible? I will repeat it; "the actual habits of our countrymen attach them to commerce. They will exercise it for themselves." Must those brave citizens be driven to acts of despair or desperation, either to abandon their country, or to evade laws under which they are unable to live? Must their petitions and memorials be treated as the product of enemies to Government, as British partisans, and discontented insignificant malcontents, who deserve no further notice than to have their clamors silenced by the strong arm of Government, and their pretended wants supplied by the application of sharp pointed bayonets? I pray the majority of this House seriously to consider the inevitable consequence of persisting in this line of conduct. I pray them not barely to pause and reflect upon past conduct, but immediately reduce to practice the excellent

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precept of our President, contained in his first inaugural speech, "hasten to retrace your steps;" and instead of passing additional laws which will require an additional military force to execute them, and consequently add to the number of those whose affections are already alienated from our Government, repeal those already passed, so far at least as to open trade to all Powers and places that have heretofore traded with us upon terms of reciprocity. This would evince to the world, that we are really a just nation, desirous of doing unto all men; as we would they should do unto us. This would not only release us from our present degraded situation as it respects our external relations, but what is infinitely more consequential, it would restore confidence in our Government, and peace and harmony among our citizens. Let the merchants of our Middle and Northern States, whose harbors will ere long be bound in Winter's icy chains, enjoy by anticipation the pleasing prospect of beholding, as soon as they are dissolved, their canvasses again spread to waft their merchandise to a foreign port, hoping to receive in return their usual profits. Let the farmers also, through the dreary scenes of Winter, enjoy the cheering hope, that upon the return of Sol's prolific rays, calling from earth's fertile womb her innumerable productions, he may find a usual market for his produce on hand, and a pleasing stimulus to renew cultivation of the earth to produce more. Thus would joy and gladness of heart again sparkle in each eye, and sit smiling on every countenance. Thus would the inestimable blessings of peace be heightened into raptures of delight. Love and harmony would pervade the great mass of our citizens, and unite them together in such a manner that in case any of the tyrants of the old world should invade our peaceful and happy land, they would soon repent of their temerity—they would soon be convinced that the conquest of a free and united people, governed by just and equitable laws of their own making, was a chimera of the brain that can never be realized. Such a line of conduct would add more to the strength and prosperity of these United States than ten thousand celebrated, patriotic, flaming blood-letting speeches delivered on this floor.

Is there an American citizen, possessed of common sense, who is not desirous to see so beneficial and lovely a scene realized? Is there a Representative of the people, who would not cheerfully give his vote, to produce (may I not say to restore?) such a rational millennium, in our once happy land? And, *vice versa*, is there a true-hearted American citizen, whose blood is not chilled in his veins, in reflecting upon the horrible prospect of military mercenaries, with the point of the bayonet, enforcing laws contrary to the habits of a great number of our citizens, and ruinous to the interest, peace and happiness of a great majority of the people of these United States! Let me indulge the cheering hope, that notwithstanding the present prospect, there never will be found a majority of the immediate Representatives of the people, who will vote in favor of continuing and enforcing such oppressive laws.

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Mr. Speaker, having in my plain and unlearned manner discharged that duty which I owe to my constituents, in opposing a system which I consider not only injurious to their interests, but aiming a deadly blow at the union, interest, peace, and independence of that beloved country that gave me birth; before I sit down, I have another duty to discharge; first, to return a tribute of humble gratitude to the Great Preserver of men, who, having led and fed me all my life long, still graciously continues to me, at this advanced age, bodily and mental powers to discharge my duty as above-mentioned—and, secondly, to acknowledge the patient indulgence of this House. And as it will probably be among the last public acts that will evince to the world, the continuation and prevalence, of one of those powerful ruling passions that has long pervaded my breast—I mean love of my country—I embrace this opportunity to declare, that instead of declining in proportion to my bodily powers, it increases with the increase of years, and becomes more animated and vigorous in proportion to the number of days now behind me, as far beyond my reach as those before the flood. Hence I conclude it will continue to increase, the few remaining days that may be allotted to me in a state of mutability; and that, when the number of my days are fulfilled, and this feeble frame engaged in that war from which there is no discharge, this ruling passion will remain strong in death—and the language of a celebrated poet addressing his friends, may with propriety be adopted:

"In that dread moment, as in all the past,
'O! save my country, Heaven!' may be my last."

After Mr. SLOAN had concluded, the question was taken on his motion, and rejected.

Some discussion ensued upon the motion of Mr. J. G. JACKSON to discharge the Committee.

Mr. NELSON made some observations in reply to the remarks against the bill, supporting the reference to a select committee. He denied the assertions that it contained anything so hostile to the liberties of the people and so subversive of their rights, as had been represented. It was his belief that no power would be given by the contemplated law, even in its present form, to executive officers greater than our revenue laws at this time invest them with. Gentlemen would find (he said) upon investigation, that collectors then possessed powers as extensive as any delegated by the bill. One thing, Mr. N. could not help admiring. The astonishing change which had been produced in gentlemen who opposed the bill; and who were formerly not so conspicuous for their anxiety and watchfulness over the rights of the people. The embargo had been said to produce miracles, and after this, he should firmly believe the assertion. When he heard certain members so loud in defence of the people's privileges, he began to feel more faith in the accounts of miracles which had been handed down to us. The embargo having wrought this wonderful change would be attended with at least one good effect.

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He believed he should be a better Christian for it all the days of his life.

M. TALLMADGE said, that on *ordinary* occasions he was disposed to send bills to select committees for amendment; but on *extraordinary* occasions, he preferred discussing them fully in the House, and if they were found to be dangerous in principle, and very defective in detail, their further progress ought to be arrested. Of this description and character did he deem the bill now under debate. Sir, said Mr. T., if I rightly understand the provisions of this bill, I shall declare that it is fraught with more danger to the liberties and privileges of the people of this country, than any other that has yet been offered to the consideration of Congress.

When I first read the report of the Secretary of the Treasury, to which the bill owes its origin, I did then think it to be an *exotic plant*, not congenial to our American soil, and fondly hoped and believed that neither branch of the Legislature would sanction it. To my astonishment, Mr. Speaker, the Senate have sent to us a bill, into which are ingrafted all the dangerous principles contained in that report. On this general view of the subject (or if I deem it incorrect to go minutely in all the details of the bill, on the present motion) I have no hesitation in pronouncing the bill so radically and vitally defective, both in principle and in all its provisions, that it is utterly incapable of amendment. It is therefore wholly useless to send it to a select committee. Let it be discussed here openly before the nation, and if advocates can be found hardy enough to avow such sentiments, publicly, let them appear, that we may meet them fairly on this floor. It is time that the people of this country should know who the men are that have not only palsied their lawful exertions by a perpetual embargo, but would now jeopardize their dearest rights, to enforce that destructive measure. However much I may respect the other co-ordinate branch of the Government, I cannot consent from motives of delicacy or complaisance to barter away any of the rights of our constituents. This House cannot have forgotten the late attack upon the liberties of the people of this country, by a bill sent from that honorable body, suspending the writ of *habeas corpus*. And how was it treated by the immediate Representatives of the people? You well remember, sir, that it was rejected in this House, almost by unanimous consent. I view the bill now under consideration infinitely more dangerous to the liberties of this country, than the bill to which I have referred. If this bill should unfortunately pass into a law, then will this country literally be subjected to the will of a *dictator*; yes, sir, and one of the worst stamp, for he will be a *military dictator*.

Although I ought not to be surprised that the friends of the embargo should wish by all legal and constitutional means to enforce the observance of those laws, yet I stand perfectly astonished when I see gentlemen ready to surrender the rights of the citizen, to the enforcement of an obnoxious law. At a single stroke you prostrate

the civil power and make it completely subservient to military force.

Who can read the provisions of this most extraordinary bill, and notice the heavy and excessive bonds required in the second section, where the owner, consignee, or factor, with the master of every ship or vessel, must give bonds to the amount of six times the amount of the vessel and her cargo, that the embargo laws shall not be violated, without plainly discovering that even the coasting trade must thereby be almost annihilated. I have no belief that one of those captains who usually carry on the coasting trade, could procure sureties for such a bond; more especially when it is provided by the seventh section of the same bill, that neither capture, distress, nor any other accident whatever, (the loss of the vessel at sea excepted,) shall be a plea to mitigate the penalties of such bond, but the whole, with all costs, must be paid by the defendant.

If we turn to the ninth and tenth sections of this bill, we shall find that no man's store or even house is secure from search by our custom-house officers. If the collector of any port chooses to suspect that you have specie in your desk, intended for exportation, by this law you authorize him to make forcible entry and to carry it off; nor can you obtain it again until bond with sufficient sureties shall be given for the landing and delivery of the same, in some place in the United States, whence, in the opinion of the collector, there shall be no danger of a removal. All this high-handed proceeding is to be justified by secret orders to be issued from the President of the United States, whose irresponsible mandates the collectors are bound to obey.

But the most alarming power contained in this bill, and which fills my mind with horror and dismay, is found in the eleventh section. By the provisions of this section, the President of the United States is armed with all the land or naval forces, as well as all the militia of the United States, to enforce the due observance of the embargo laws, which tremendous power he may delegate to whomsoever he pleases. I call on gentlemen solemnly to pause before they place such unlimited power in the hands of the Executive, for the purpose of enforcing a favorite measure. I can scarcely believe my own senses when I read that section of the bill which is now before me, and consider it as having already received the sanction of one branch of the Government, and as sent to this House for concurrence. I really have not words to express my regret and astonishment that such a principle should ever have been sanctioned by either branch of this Government. With the gentleman from New York, (Mr. GARDNER,) I can say that I think the bill deserves a public execution, and I wish to give it one openly, in the face of day, before the nation. I want no select committee to inform my judgment on this head, for I am fully persuaded, that however nice the cookery may be made, that dish can never suit my palate. I know full well the meaning and extent of this tremendous power, and never will I consent to array the military and naval

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force of my country against my fellow-citizens, before the milder measures of legal process shall have been tried and found ineffectual. When a country has become base enough to submit to such measures, it proves one of two things incontrovertibly to my mind,—either that their rulers, through ignorance or wickedness, enact laws so offensive to the people that they cannot be executed in the ordinary manner; or that the people themselves have become indifferent to their condition and ripe for ruin. This I am persuaded is not the condition of the people of the United States, for whom, I humbly trust, Heaven has in store many and peculiar blessings.

I should mourn over the departed glory of my country (to achieve whose independence my feeble but faithful services were afforded) if I could believe the great body of its citizens were willing to submit to such base degradation. It is enough to submit to the despotism of the sword when it shall be forced upon us; for Heaven's sake let us not court it by a public law.

The gentleman from Maryland (Mr. NELSON) has asserted on this floor, that every provision in this bill is recognised by the revenue laws of the United States, and then very sneeringly adds, that those laws were passed by federal men, under a federal administration. I admit that the revenue system was enacted by federal men, and the wisdom of those measures is fully sanctioned by a long period of unexampled prosperity and commercial importance. But I utterly deny that the present bill is supported, or its principles recognised by the revenue laws of the United States. In my judgment there may be found more anti-republican tendencies in one section of this bill, than can be selected from the whole revenue system of the United States, consisting of one hundred and twelve sections. I call upon any gentleman upon this floor to point out such principles in our revenue laws, as those contained in the few sections I have already quoted. Sir, they are not to be found there, to disgrace the pages of that system, nor to dishonor its authors.

The same gentleman affects to believe that the days for working miracles have again returned, inasmuch as federal men have now become the friends of the people. That class of men with whom I have the honor to act, never trumpeted their own praise in every corner of the streets, nor claimed, like some others, the exclusive privilege of being the friends of the people. They have uniformly pursued that system of policy which their great head, the immortal WASHINGTON, taught, and they left their principles and conduct to be tested by the result. When the blessings of the embargo shall be a little more fully experienced, and especially if the bill now on your table should be enacted into a law, with all its detestable features about it, the people must probably begin to feel the burden that will oppress them, and most probably will determine without the aid of miracles, who has been the authors of their accumulated distresses.

The gentleman from Maryland, (Mr. NELSON) with peculiar felicity; seems to apply the terms

rascals and scoundrels, to all the violators of his favorite system, the embargo. I am truly sorry that such harsh and unworthy expressions should be uttered within these walls; for really I cannot suppose it to be consonant with the decorum of debate. But it may be well to remind that gentleman that the most honorable men in the community, to whom I know he would be unwilling to apply those odious epithets, may, by the provisions of this bill, very innocently incur the penalties attached to the violation of the embargo.

Mr. Speaker, I have no hesitation in declaring to this honorable House, that I am seriously alarmed for the present condition of our country, and am very solemnly impressed with the aspect of our public affairs. While I fully believe that a great portion of our constituents view the embargo system as impolitic and ruinous in the extreme, my apprehensions for the future peace and tranquillity of this country are greatly awakened when I perceive such a pertinacious adherence to such high-handed measures as are contained in this bill. A general dislike to any law, by the great mass of the people for whose benefit it purports to be enacted, is always good ground for its repeal; and gentlemen will do well to consider how far such severe privation can be carried before open opposition is excited.

I trust I shall never attempt an alteration of measures by exciting the fears of this honorable House; but if the warning voice of our illustrious founder cautioned his countrymen against every attempt to sever the union of these States, I pray gentlemen to remember that a system of so much severity, pursued with such unyielding perseverance, may produce evils which every friend to his country would deprecate. With such solemn apprehensions upon my mind, I am prepared to vote directly upon the merits of the bill now before us, and shall rejoice to see it consigned to political perdition.

Mr. MASTERS said this bill carried the stamp of despotism and degradation; it was wide from the path prescribed by duty and honor, and was the offspring of unsettled theory and unthinking policy.

If great and unusual exertions are necessary in the present crisis, can you, by your present measures, disappoint the hopes of the belligerents? You unnerve your own strength, and you will cripple the country at no distant period. The real foundation of the strength of a nation is spirit, pride, and resources; you disarm their courage, distract their efforts, and destroy their resources. Your measures are not guided by the great maxims of sound policy.

The gentleman from North Carolina (Mr. ALSTON) considers the bill not only beneficial, but perfect; and says no member has presumed to point out any defect in form or principle, even in a single section of the bill.

I beg the indulgence of the House, while I attempt to point out some of the dangerous principles and consequences contained in this bill. By the latter part of the second section, your collector may grant permission to ship any cargo to any port within the United States, or may refuse

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such permission, at his discretion. In fact, you give to your collector the power of regulating your coasting trade. I will pass over the third, fourth and fifth sections, which are far from being unexceptionable. The sixth section relates principally to the registering and sale of ships and vessels, by which you compel the seller to give enormous heavy bonds, you unwarrantably interfere in the contracts of your citizens, and compel the seller to become *particeps criminis* with a third person over whom he has no control. In short you prohibit the owners of this sort of property from making any transfer, however fair and honest.

In the seventh section, when a bond shall be given to the United States, that the cargo of a vessel shall be relanded in some port of the United States, the parties to such bond shall produce a certificate, from the proper officer, of the relanding of the same in two and four months. On failure whereof the bond shall be put in suit, and expressly direct judgment shall be issued against the defendant, unless there is proof of the relanding or loss of the vessel at sea. Sir, you interfere with the business of your fair judiciary, and in the same clause you forbid the capture or distress of the vessel, or any other accident whatever, (however true and without fraud,) to be admitted as evidence in defence of the suit.

The very essence of private right is attacked and defeated. You dissolve all established principles, and will overthrow the fabric of society; which time has just reared. You derange the order of things, and produce confusion and destruction, with the derangement of property. An overbearing and unthinking majority has often produced confusion and calamity in Government; this confusion and calamity will be increased by this law. These dangers may be obviated, by adopting a course of measures suited to our national circumstances and particular energies of the country.

The ninth section of the bill authorizes the collectors to take into their custody specie, or any article of domestic growth, produce, or manufacture, deposited in unusual places or in unusual quantities, or when in vessels, carts, wagons, sleighs, or any other carriage, or in any manner apparently on their way towards the territories of a foreign nation or the vicinity thereof.

Sir, the extraordinary and wanton grant of illegal power in this section, and other parts of the bill, admits of no justification, nor even palliation. The farmers, by mere ignorance and inadvertency, may be subjected to the severest penalties for things done in common, ordinary and necessary management of their business. Your collectors are to be armed with unlimited power to search from the closet of the farmer to his wagon or cart. Every man's house is liable to be suspected, visited, and ransacked; as well in the night as day time, and your citizens intimidated by a troop of armed men and custom-house officers; without inquiring into the truth; without information upon oath, and without a warrant. Yes, sir, it is left to the mere arbitrary discretion of a custom-

house officer, to search for, and seize the property of your citizens.

If your power was not bounded by the Constitution, you ought to be bounded by your moderation and equity, and by the trust reposed in you by society, and by the laws of God and nature. You take from your citizens that great privilege which they had under the law, that their houses cannot be searched without a warrant and information upon oath. This is not an abstract or speculative notion, but has been the mode of practice in all times and in all nations that ever saw the light of liberty, or lived under the empire of laws. When you extend the vexatious power of your officers to invade private property, the irresistible law of self-defence operates against you; and the fundamental principles of the Constitution shake under your hands. I deem this bill to be an intolerable oppression, affecting private property, and destructive of the peace and quiet of private families.

In all Governments power is liable to be abused. When a Legislature grants power to individuals that power ought to be limited and defined. This bill gives arbitrary and despotic power, uncontradicted and without limitation.

In every Government resides some where absolute and unlimited authority; in this country that authority is vested in the people. In extreme cases it is justifiable for the people collectively to interfere. This is the greatest and most perilous responsibility in conscience and in duty to all who act or advise in it; pregnant as it is with danger and confusion, you must not harass and use your citizens with arbitrary power and arbitrary force, unknown in a free Government. Bad laws must be maintained by force—good laws need no force.

It is strange to reflect that in a country which has liberty for its principle, arbitrary and absolute power should be granted to your collectors over the persons and property of your citizens.

If a collector takes a dislike, however whimsical, however unjust, to an innocent citizen, he may reduce him to the state of a dependent slave, before he can obtain redress.

It is said the printed bill in my hands is different from the bill before the House. There is no material alteration in form or substance.

The tenth section of the bill declares that the powers given to the collectors shall be exercised in conformity to such general rules and instructions as the President may prescribe; and that the collectors shall not be liable to any action, suit, or judgment on account of any detention, or for having taken any articles into their custody.

I cannot but be most seriously alarmed at a stretch of power, so wide, so unnecessary, and so unconstitutional. This clause gives a power dangerous in its consequences, which ought not to be trusted with any man, whatsoever. The shackles of restriction are always necessary to confine the hands of tyranny, and shorten the strides of ambition. You indemnify your collector for any wrong or injury he may commit; he will triumph over a citizen whom he has made a victim, and

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stalk about in open and insolent defiance of all the fundamental principles of liberty and law.

I believe it will be admitted that one of the great ends of our sitting here, is to take care not only of the liberties and properties of the people in general, but of every man, and every set of men. You have the means in your hands, by the natural operation of the Government, of preventing abuses, and securing a due attention to the interests and feelings of every part of the community. This bill will expose us to the confusion and misery of contending divisions, and produce debility in the nation, and insure success in favor of your opponents. Mankind in general are the same; act from the same principles, and fall by the same temptations. It is to be regretted, that the reason of man is not always sufficient for the government of man; she often gives her empire to the passions and to party, and renders it difficult to foresee the evils sufficiently timely to prevent the mischief.

The 11th section of this bill gives power to the President, or such other person as he shall empower for that purpose, to enforce your embargo laws by military power. There are but two ways of fixing the badge of slavery upon a free people; by military force or by encroachments on their liberty; both are contemplated in this bill. For God's sake, is this the doctrine of the Constitution? Is this doctrine that Americans will swallow? Can it go down? If we fall under the shade of this power, this law; that sleep may end in death. I implore gentlemen, if they have any affection for their country, or regard for the liberties of their posterity, not to attempt to govern a free people by a military force. The thought of putting it to trial strikes me with horror. Let us not drive our citizens to despair—the despair of a brave people turns to courage, that courage once exerted your Government is at an end. Sir, our all is at stake; our Constitution is giving way. The principles and maxims of this bill are more adapted to Turkish government than the American Republic, and it will stand upon record as an evidence to future generations of our weakness and folly.

It is with the most deliberate and solemn conviction I oppose this bill. When any dangerous innovation threatens us, it is the duty of every American to be vigilant and check it wherever it is found. Of the Constitution we cannot be too sparing or abstemious, it has cost much, and it is worth more than it has cost, and without it everything else will be of little value. Slices of the Constitution are the last things I will give away; nor will I maim it to gratify any party, or to justify any measure. I will keep it strait laced. This is the contest between liberty and tyranny, between oppression and free government.

If you progress in your present system, it will be necessary to have a standing army to protect you against the resentment of the people, who will see the nature and true cause of the distemper. If you stand in your senses, you cannot, as members of civil society, wish this bill to pass. You will do well to reflect what consequences

may result from it to yourselves and the nation. I do verily believe, from the true temper of the American people, this bill will rouse the spirit of the nation. Are you aware how general opposition will become, which, from the times in which we stand, it is neither wise nor honest to provoke? Indeed I am amazed that these considerations make no impression on this House. It is not common sense, but downright madness to follow your wild principles.

How long are the American people to continue the passive victims of the embargo? When the nation begins more seriously to feel the evils, their national revenge will be sharpened by the smart; and if you pass this bill, you will bring down their vengeance against you, which will hurl you down into that detestable and abominable place where the worm never dies and the fire is not quenched.

We are waging war against the public opinion. The voice of the nation is against the proceedings of Government, and this system is not the system of the people. Your measures are not warranted by the sound maxims of government, nor the examples drawn from the history of the world. You, by an extension of power, urge the punishment of offences, of which you yourselves have been the tempters.

This state of things cannot long remain as they are. Commercial jealousy is roused and will increase; and without an united interest in commerce, in a commercial country, our political confederacy will receive many shocks, and a separation of interest will threaten a separation of connexion, endanger the Union, and shake the Constitution to its centre; which every honest American must shudder to look at.

The last Congress rejected a bill to suspend the *habeas corpus*, as an infringement on public liberty, with marked contempt. How much more necessary is it to show your decided disapprobation of this extraordinary bill? Let it not be sheltered behind a secret committee.

The motion was further opposed by Messrs. GARDNER, GARDENIER, LYON, and QUINCY; and supported by Messrs. BACON, JACKSON, ALSTON, MACON, SOUTHWARD, and EPPES.

Mr. RANDOLPH said that he should be for the reference to a select committee, but thought it best to give them some instructions as to what amendments were to be made—this would be best done by first debating the provisions of the bill in the House.

The question on discharging the Committee from the consideration of the bill, was taken and carried—yeas 70.

The bill was then referred to a select committee, consisting of Mr. JOHN G. JACKSON, Mr. MACON, Mr. FINDLEY, Mr. STORY, Mr. SOUTHWARD, Mr. BIBB, and Mr. HOWARD.

WEDNESDAY, December 28.

Mr. LOVE, from the committee appointed, the eighth instant, on the petition of John Strother, and to whom were also referred, at sundry times,

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other petitions upon the subject of claims against the United States which are barred by the statutes of limitation, presented a bill making provision for the discharge of certain unsatisfied claims against the United States; which was read twice, and committed to a Committee of the Whole on Friday next.

An engrossed bill to continue in force, for a further time, the first section of an act, entitled "An act further to protect the commerce and seamen of the United States against the Barbary Powers," was read the third time, and passed.

The House resolved itself into a Committee of the Whole on the bill for the relief of Augustin Serry. The bill was reported without amendment, and ordered to be engrossed and read the third time to-morrow.

The House resolved itself into a Committee of the Whole on the bill supplementary to the act of last session for extending the terms of credit on revenue bonds. The amendments reported by the Committee of Commerce and Manufactures having been agreed to, the Committee rose and reported the bill, which was ordered to be read a third time to day; and it was accordingly read a third time and passed.

Mr. JOHN G. JACKSON, from the committee to whom was yesterday referred the bill sent from the Senate, entitled "An act to enforce and make more effectual an act, entitled 'An act laying an embargo on all ships and vessels in the ports and harbors of the United States,' and the several acts supplementary thereto," made a report thereon; which was read, and, together with the said bill, committed to a Committee of the Whole on Friday next—37 to 36.

ANDREW J. VILLARD.

The bill from the Senate for the relief of A. J. Villard went through a Committee of the Whole, and was ordered to be engrossed for a third reading. The bill was then read a third time. [It contemplates the giving to Mr. Villard one thousand dollars for an improvement in the mode of mounting cannon.]

Messrs. TALLMADGE, PITKIN, QUINCY, ELY, ALEXANDER, and RHEA, opposed the bill, on the ground that the invention would be inoperative in practice; and even if not, that it was invented by a person in the employ of the United States, whose duty it was to make all the improvement he could. Messrs. NEWTON, TAYLOR, and SMILIE, supported the bill, on the ground that it was extremely useful, was now actually in practice, and would be advantageous to the service of the United States.

The bill was passed—yeas 55, nays 44, as follows:

YEAS—Lemuel J. Alston, Willis Alston, jun., Ezekiel Bacon, David Bard, Joseph Barker, Burwell Bassett, John Blake, jun., Thomas Blount, Adam Boyd, John Boyle, Robert Brown, William Butler, Joseph Calhoun, John Culpeper, Richard Cutts, John Dawson, Joseph Desha, Daniel M. Durell, John W. Eppes, William Findley, James Fisk, Thomas Gholson, jun., Isaiah L. Green, John Harris, John Heister,

William Helms, James Holland, Daniel Hsley, John G. Jackson, Walter Jones, Thomas Kenan, William Kirkpatrick, John Love, Robert Marion, William McCreery, John Montgomery, Roger Nelson, Thomas Newton, Wilson C. Nicholas, John Porter, Jacob Richards, Lemuel Sawyer, Ebenezer Seaver, Samuel Shaw, Dennis Smelt, John Smilie, Jedediah K. Smith, Richard Stanford, John Taylor, John Thompson, George M. Troup, Daniel C. Verplanck, Jesse Wharton, Alexander Wilson, and Richard Winn.

NAYS—Evan Alexander, William Blackledge, William A. Burwell, Epaphroditus Champion, Martin Chittenden, Matthew Clay, John Davenport, jun., James Elliot, William Ely, Meshack Franklin, Barent Gardenier, Francis Gardner, Charles Goldsborough, Edwin Gray, Richard Jackson, Robert Jenkins, John Lambert, Joseph Lewis, jun., Edward St. Loe Livermore, Nathaniel Macon, Josiah Masters, Daniel Montgomery, jun., Jeremiah Morrow, John Morrow, Jonathan O. Mosely, Thomas Newbold, Timothy Pitkin, jun., John Pugh, Josiah Quincy, John Rhea of Tennessee, Matthias Richards, Samuel Riker, James Sloan, Samuel Smith, Henry Southard, William Stedman, Clement Storer, Lewis B. Sturges, Samuel Taggart, Benjamin Tallmadge, Abram Trigg, Jabez Upham, Robert Whitehill, and Nathan Wilson.

A motion was made by Mr. QUINCY to amend the title of the said bill to read in the words following, to wit: "An act to reward Andrew Joseph Villard for certain extra services and expenses." And on the question that the title be so amended? it passed in the negative—yeas 25, nays 59, as follows:

YEAS—Evan Alexander, Epaphroditus Champion, Martin Chittenden, John Culpeper, Samuel W. Dana, John Davenport, jun., James Elliot, William Ely, Barent Gardenier, Francis Gardner, Charles Goldsborough, Richard Jackson, Robert Jenkins, James Kelly, Edward St. Loe Livermore, Jonathan O. Mosely, Timothy Pitkin, jun., Josiah Quincy, John Rhea of Tennessee, Samuel Smith, William Stedman, Lewis B. Sturges, Benjamin Tallmadge, Jabez Upham, and Philip Van Cortlandt.

NAYS—Lemuel J. Alston, Willis Alston, jun., David Bard, Burwell Bassett, William W. Bibb, William Blackledge, Thomas Blount, Adam Boyd, John Boyle, Robert Brown, William A. Burwell, William Butler, Joseph Calhoun, Matthew Clay, John Clopton, Orchard Cook, John Dawson, Josiah Deane, Joseph Desha, John W. Eppes, William Findley, Meshack Franklin, Thomas Gholson, jun., Isaiah L. Green, John Heister, William Helms, James Holland, David Holmes, Benjamin Howard, Daniel Hsley, John G. Jackson, Walter Jones, Thomas Kenan, Robert Marion, Josiah Masters, William McCreery, Daniel Montgomery, jun., John Montgomery, Thomas Moore, John Morrow, Roger Nelson, Thomas Newbold, Thomas Newton, John Porter, John Pugh, Jacob Richards, Matthias Richards, Samuel Riker, Samuel Shaw, Dennis Smelt, John Smilie, Jedediah K. Smith, Henry Southard, Richard Stanford, Clement Storer, John Taylor, James I. Van Alen, Isaac Wilbour, and Alexander Wilson.

Resolved, That the title be, "An act for the relief of Andrew Joseph Villard."

THURSDAY, December 29.

An engrossed bill for the relief of Augustin Serry was read the third time, and passed.

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Foreign Licenses.

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A message from the Senate informed the House that the Senate have passed the bill, entitled "An act authorizing the President to employ an additional number of revenue cutters," with several amendments; to which they desire the concurrence of this House.

On motion of Mr. BLOUNT,

Resolved, That the Committee of Commerce and Manufactures be instructed to inquire into the expediency of continuing in force the act, entitled "An act for the establishment of trading-houses with the Indian tribes;" and also to inquire whether any, and, if any, what, amendment is necessary to the same.

FOREIGN LICENSES.

The House resolved itself into a Committee of the Whole on the bill for compelling vessels now abroad to return home, and for preventing any citizen of the United States from taking from a foreign Power a license to trade, &c.

Various amendments were made to the detail of the bill. The second section, which is intended to prevent vessels from navigating under a foreign license, was amended, on motion of Mr. STORY, so as to make the act a misdemeanor, to declare the vessel so offending to be forfeited, and to impose a penalty on the offender of a sum not exceeding \$10,000. The 1st of October was fixed as the day after which this section should take effect.

The Committee then rose and reported the bill as amended.

The House having taken up the report of the Committee of the Whole—

Mr. BACON wished the amendments to be negatived, as he thought the first section of the bill (for compelling vessels now out to return home) looked to a continuance of the embargo for a longer period than he wished to contemplate. The second section he was decidedly in favor of.

Mr. NEWTON said, if the House were in favor of the first section, he thought they should not be prevented from voting for it because it might be made use of for electioneering purposes.

Mr. DURELL declared himself opposed to the whole bill. If it was a part of a system, he wished to see the whole of it. It appeared to him to be the sauce introduced before the meat.

Mr. STORY coincided with his colleague (Mr. BACON) in wishing the first section to be stricken out. He feared that an impression would be made on the public mind that it was intended to continue the embargo as long as the time allowed by this section (eighteen months) for vessels beyond the Cape of Good Hope to return. He was not prepared at this moment to say what vote he might give on the further continuance of the embargo; but he was prepared to say that for eighteen months longer it would not be the policy, or redound to the honor of the United States to continue it. It was a system which operated indirectly on the belligerents. After every means had been exhausted to preserve peace, (as was now nearly the case,) he wished to see the nation assume the same attitude, assert the same princi-

ples, and maintain the same character which marked our forefathers—the same which marked them in 1776, and vindicate our rights with honorable and open warfare. For this reason he was opposed to the first section of the bill, because it might convey an impression which, for, one he was not willing to sanction. He did not consider the bill as connected with the embargo. The second section was one, he said, which every man possessing the feelings of an American ought to vote for; for the orders and decrees, to submit to which the House had declared would be an abandonment of our rights, had closed every avenue of commerce. America was not destined to depend for the exercise of her maritime rights on the smiles or frowns of any foreign nation. She was destined to enjoy a free commerce, and not to take, as a boon, a license to pursue that trade which she claimed as a right of nature; and the second section of this bill was to prevent a few, who had forfeited all title to the honorable name of Americans, by accepting foreign licenses to trade, from disgracing the character of the United States. He could wish that the first section should be negatived, that Congress might not appear to have legislated on an existing fact; that nothing might be left on record to hand down to posterity the fact that, in the short period of thirty years from the declaration of our independence, there had been Americans willing to surrender it. He wished the principle of the second section to be permanent and co-existent with the Constitution.

Mr. S. considered the embargo as having been a wise measure; that it had answered all the purposes of precaution; but the time would soon arrive when it must either be effectual or when its effect as a coercive measure might be doubted. He wished to do nothing which should hold out an idea that the embargo would be continued for any great length of time longer. The language made use of for party purposes, which had penetrated into every hovel and been repeated at every fire-side in the country, in relation to the embargo, was, that it was intended to put the Northern States at the feet of the Southern; that the North was to be crushed and rendered subservient to the interests of the South. Mr. S. did not believe a word of it. He had always found the Southern gentlemen friends to our commercial rights, and their friendship was on record on the Journals of the House. What was the embargo? A stand for commerce—a measure arising from a desire that our merchants might enjoy the benefits, and the Northern section of the Union pursue the fair commerce designed for them by Providence; that it might not be exposed to a gradual consumption and wasting away by the belligerent edicts. And it was because he believed this, that he did not wish the first section to afford ground for a renewal of this clamor.

Mr. TAYLOR declared his opinion to be in perfect consonance with that of the gentleman from Massachusetts in regard to the continuance of the embargo. He said, that before the expiration of eighteen months, he also should be prepared to

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engage in open and honorable warfare, if the embargo did not in a reasonable time procure a redress of our grievances. A period long short of eighteen months would have exhausted the patience of the nation and tested the efficacy of the measure. Mr. T. said that there were now no vessels of the United States abroad which had not already incurred the penalties of this act by taking out a license. If they had not, they would soon fall into the clutches of the belligerents. So that, in fact, the first section was a work of supererogation. The second section should be adopted independently of the embargo or any other measure. Indeed, gentlemen who had voted in favor of the resolution expressive of a determination to resist the belligerent edicts, could not consistently vote against this section, for it went to resist one of the most odious parts of an edict of one of the belligerents—that part which requires our vessels to take out licenses in order to pursue their fair commerce.

Mr. DURELL expressed himself decidedly in favor of the principle, but did not like legislating by piece-meal, passing a section to-day and a section to-morrow—a law to-day and a law to-morrow. He wished to see it connected with a general plan of resistance.

Mr. NEWTON had no idea, by the first section of this bill, to pledge the House to the continuance of the embargo for eighteen months. He considered it no pledge to continue it for even six or eight months. If the embargo did not operate as a coercive measure, he was prepared to take that attitude which should by force secure to us that justice we had hitherto in vain attempted to procure in another mode. If the European nations did not meet us in a short time, as they ought to do, in amicable arrangements, he was prepared to "cry havoc, and let loose the dogs of war." As he had no very particular partiality for the first section, in order to accommodate the gentleman from Massachusetts, he would now withdraw his support of it.

Mr. MASTERS thought the first section of the bill was perfectly proper, and not at all indicative of an intention to continue the embargo, when compared with the amendatory embargo law, manning gunboats, &c., which would seem to leave no doubt on the subject.

Mr. MILNOR opposed the first section, but supported the second.

Mr. TROUP considered the first section superfluous; for our vessels could not now continue abroad except they traded under foreign licenses.

Mr. GARDNER defended the people of the Eastern States from insinuations against their patriotism, and used some arguments to show that the angry passions should not be excited in the House, but rather allayed.

Mr. SLOAN said he understood some gentlemen to consider the present bill as connected with the embargo; that being the case, he had done with it. It was sufficient for him to know that anything had connexion with the embargo to induce him to reject it.

The House struck out the first section—yeas 73.

Mr. D. R. WILLIAMS said he had just come in, and wished to understand the grounds on which the decision of the House had just now been made.

Mr. MACON made a motion that the further consideration of the subject lie on the table, to give time for deliberation; which motion, however, he afterwards withdrew; and

Mr. JACKSON moved to reconsider the vote just taken.

This motion was supported by Messrs. MACON, MASTERS, JACKSON, and HOLLAND, and opposed by Messrs. STORY and RHEA.

Mr. GARDENIER made a speech of half an hour in favor of reconsideration.

When he concluded, a quorum not being present, the House adjourned—yeas 44, at near five o'clock.

FRIDAY, December 30.

Another member, to wit: NICHOLAS VAN DYKE, from Delaware, appeared, and took his seat in the House.

A Message was received from the President of the United States, communicating, at the request of the Governor, the Senate, and House of Representatives, of the Commonwealth of Pennsylvania, certain resolutions, entered into by the said Senate and House of Representatives, and approved by the Governor on the 23d instant. The resolutions are as follow:

Whereas the situation of the United States in relation to foreign Powers, is eminently critical, and calls for all their energies, unanimity, and patriotism to preserve those rights, and that independence for which our fathers fought and conquered: And whereas, in such times, it is the duty of the constituted authorities to aid the common cause of our country, by declaring anew their devotion to the principles of the Declaration of Independence. Therefore,

Resolved by the Senate and House of Representatives of the Commonwealth of Pennsylvania, That we have the fullest confidence in the wisdom, the patriotism, and the integrity of the administration of the General Government, and that we pledge ourselves to co-operate with them to the fullest extent of our power in all measures which may be deemed expedient to maintain our national honor and national rights.

Resolved, That we consider the embargo as a wise, pacific, and patriotic measure, called for by the best interest of the nation, and well calculated to induce an observance of our national rights, without a resort to the horrors and desolations of war, so repugnant to the feelings of humanity and the principles of free Government.

Resolved, That, as the ocean is the common highway of nations, and as this Commonwealth is deeply interested in the preservation of its freedom, should those painful measures not produce the desired effect, we are firmly determined to unite our efforts with those of the General Government in the maintenance of its rights.

Resolved, That the Governor of this Commonwealth be requested to forward copies of the foregoing resolutions to the President of the United States, with a request that they may be communicated by him to the Congress of the United States.

Approved, December 23, 1808.

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The said Message and resolutions were read, and ordered to lie on the table.

Another Message was received from the President of the United States, communicating a letter from Governor Claiborne, on the subject of a small tribe of Alabama Indians, on the Western side of the Mississippi, consisting of about a dozen families.

The said Message was read, and, together with the letter accompanying the same, referred to the Committee on the Public Lands,

On motion of Mr. NEWTON,

Resolved, That the Committee on Post Offices and Post Roads be, and they are hereby, instructed to bring in a bill to permit the franking of the Message of the President of the United States of the 23d of December, 1808, and the documents accompanying the same, and such other documents as may be communicated by the President of the United States, from time to time, to both Houses of Congress.

Mr. QUINCY presented a petition of sundry mariners, late masters and mates of vessels belonging to the port of Portland, in the District of Maine, praying that some measures may be adopted by the General Government for their assistance and support, they being deprived of their usual means of obtaining a livelihood, by the operation of the various acts laying an embargo within the United States.—Referred to the Committee of Ways and Means.

Mr. HELMS, from the committee appointed, presented a bill authorizing the discharge of John Heard from his imprisonment; which was read twice, and committed to a Committee of the Whole on Tuesday next.

On motion of Mr. WHARTON,

Resolved, That a committee be appointed for the purpose of considering whether any, and, if any, what amendments are necessary to be made to the act of Congress, entitled "An act to amend the act, entitled 'An act establishing Circuit Courts and abridging the jurisdiction of the District Courts of the Districts of Kentucky, Tennessee, and Ohio,'" passed the 22d day of March, 1808; and that they have leave to report by bill, or otherwise.

Ordered, That Messrs. WHARTON, BOYLE, and JEREMIAH MORROW, be appointed a committee, pursuant to the said resolution.

The amendments proposed by the Senate to the bill, entitled "An act to authorize the President to employ an additional number of revenue cutters," were read, and ordered to lie on the table.

On motion of Mr. NELSON,

Ordered, That the further consideration of the bill to deprive, in certain cases, vessels of their American character, and to prevent, under certain disabilities, any citizen of the United States taking a license from any foreign Power, to navigate the ocean, or to trade with any foreign and independent Power, which was yesterday depending at the time of adjournment, be postponed until Monday next.

Mr. RHEA, of Tennessee, from the Committee on Post Offices and Post Roads, in pursuance of

a resolution this day agreed to by the House, presented a bill to authorize the transmission of certain documents, by the mail, free of postage; which was read the first and second time. A motion was then made by Mr. STANFORD that the bill be committed to a Committee of the Whole; and the question being taken thereupon, it passed in the negative. The bill was then ordered to be engrossed, and read the third time this day.

ADDITIONAL MILITARY FORCE.

The House resolved itself into a Committee of the Whole on the following resolution, reported by the committee, to whom was referred the resolution for placing the country in a more complete state of defence:

Resolved, That it is expedient immediately to raise, arm, and equip, fifty thousand volunteers, to serve for the term of two years.

The resolution having been read—

Mr. NELSON said that the House had, a few days ago, unanimously adopted a resolution for placing the country in a more complete state of defence. The danger and probability of war appeared to thicken upon us every day; and, unless preparation were made, we should be taken in a situation not advantageous to the country. He thought it extremely doubtful whether a law on this subject could be presented to the House, and the details so made up as to meet the opinion of a majority, and the bill go through the other branch of the Legislature, and receive the sanction of the President, before a blow would be struck against us. At least it was highly probable that, before the volunteers could be put in motion, this would have taken place. True it was, that, on a sudden attack, the militia might be competent to repel it. But, if anything like fixed hostile operation should take place, it would be necessary to have some men whose term of service would be more extensive than that of the militia. For, however great the patriotism of the people, and he believed they had more than any in the world, it was well known that many of them had it not in their power to leave their families for any great length of time. He hoped and trusted that the resolution would meet with no opposition from any quarter. He had framed it in as broad a manner as possible, in order to obviate the necessity of entering into any discussion of the detail of the bill at this time.

The Committee rose, and reported the resolution to the House.

Mr. PITKIN required the yeas and nays on the question of concurrence by the House.

Mr. GARDENIER then rose.—He said he was surprised that this resolution had passed through the Committee of the Whole without opposition. He had hoped that some other gentlemen would have called for the reasons which induced the report of the committee. It was proposed by this resolution to raise a standing army in time of peace; a force, which, to his mind, was unnecessary on the one hand and frightful on the other. Was it the object of Government to plunge us into a war? Was a declaration of war

intended? If we were to be put into a state of actual old-fashioned war, he should wish, for one, to have the fact in the first place ascertained. If war was determined on, however unnecessary and unjust such a war may be, the interest of the country demanded that, in such a case, they should take care that the country should not suffer. He said, he was not prepared to pledge himself, in the present state of the nation, that he would go to war; and at any rate, before war was declared, he would not give his sanction to raising a force, the destination of which he did not understand, and could not calculate upon. Fifty thousand men at an expense to this nation for two years of \$2,900,000! Why, said he, I was told last year that the system on which we were entering, the embargo system, was to prevent war; that war was the most dreadful calamity which could befall a nation. I did not want to be told that, in order to know it. But this dreadful evil of war was to be averted by laying an embargo that would bring the belligerents at our feet; that would perform a great cure for all the disorders of the State, or miseries of the country. But now it appeared that the embargo system was to be abandoned, and war to be commenced in its place. Is it intended by this report to say that the embargo has utterly failed of its purpose, as was predicted by those who opposed it? Is it to be relinquished, because it is, in its operation, futile; because it has proved that those who commenced it were not capable of calculating the effects to be produced by it? Whenever the embargo question is brought up, in a direct proposition, it is smothered; and when attempted to be introduced in an amendment to any other question before the House, it is declared out of order; and yet a system is here to be introduced, which, if it proves anything, proves that the embargo system is wholly futile in its operation. Do gentlemen mean that the embargo system will do no longer? Let us go on regularly to repeal it, then, that we and the nation may understand it. If the embargo be this grand preventive against war, which it is all along cried up to be, and which opinion has been the means of gaining it that languid and sickly support which it has received from some portions of the country; if it is to be continued as a coercive measure, then, sir, I do insist that, raising a military force of fifty thousand men is unnecessary. If the embargo be coercive, the raising fifty thousand men for coercion is unnecessary. The two different systems are incompatible. If we have embargo, let us have wholly embargo; if war, wholly war. If we are to have peace, the raising of troops is wholly unnecessary, especially with our present limited resources. I wish not to see those measures, which a declaration of war only would warrant, adopted before that attitude is taken. I have no idea of having these chains wound round me, round this House, round the nation; and I trust the nation will entertain the same opinion.

A gentleman from Massachusetts (Mr. STORY) said yesterday, if I understood him, that the embargo had failed, so far as to its coercive charac-

ter. Is it the sense of the House that it should be repealed? Is it the sense of the House, as the gentleman from Massachusetts also intimated as his opinion, that there should be a declaration of war? If so, it might be proper to raise an army. But I have no disposition to raise an army until there be war.

There had been a time, said Mr. G., when the raising twelve thousand men was considered and held out, by many honest politicians, as a measure dangerous to the independence of the States and to the rights of the people individually. Last year six thousand men had been raised, and now fifty thousand more were called for. He had thought that, in this country, no standing armies should be raised in time of peace; that there was a sacred injunction in the Constitution forbidding it. Perhaps he did not correctly understand the subject; this might not be a standing army, because its term of service was limited to two years; but it might be extended two or ten years more. He put the question to gentlemen whether, in a state of peace, under the operation of that very system which had been represented as a substitute for war, it would be proper to raise this force? He could not reconcile it with a due estimate of the interests of the country on the one hand, or the sacred injunctions of the Constitution on the other, to raise an army to such an extent. An army is to be raised; the mode in which it is to be employed is uncertain. The twelve thousand men, which he had before mentioned, was a body which could not be employed to the detriment of the liberties of the country; for almost every section could raise a force to resist such an army if an attempt had been made by it to destroy their liberties. We had another security, too, against this force being used to a bad purpose. At the head of this army had been the great hero of the Revolution, and also the man who had, next to him, done more for the prosperity of the country than any other, under whose luminous and creative mind the resources of the whole country had been brought into action, and spread an universal brilliancy over the nation instead of that gloom and poverty which had preceded his influence in the United States. This army, so small, and under such commanders, threatened not the public liberty. Yet there had been men zealous and eager that none, the slightest occasion, should be given for any one to suppose that they were about, by military force, to invade the liberties of the country, who had seen horrors in this small army, which they could scarcely find words to depict. Where were these men, he asked, now that an army of more than four times the number was about to be raised; when those two heroes were departed to the silent tomb; when other commanders were to have the direction of this military force? Where were the men who had been struck with this patriotic alarm? Why were not their voices raised now, when a force was offered to be raised, which, if employed to overturn the liberties of the people, could not be resisted, but would spread itself over the country and stifle the efforts of patriotism?

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To which, if resistance should be made, either the country must be put under military despotism, or the struggle would cost the country all it had acquired since the Revolution, and the citizens would have to wade knee-deep in blood to preserve that liberty which they gained by the glorious struggle of the Revolution. Are we more safe now, said he, with an army of fifty thousand men, under our present commanders, than we were with twelve thousand men under WASHINGTON and Hamilton? I could wish to believe that we were. But, I have not that faith which blinds my judgment and destroys my recollection. No, sir, indeed I have not; I cannot extinguish from my memory that, in one section of this country, the liberty of the citizen, the judicial power which should be inviolable, and the sacred right of habeas corpus, perished at the touch of military power. I do not believe the country safe under this army; I do not believe the persons of the members of this House are safe under it; and I would protest against it at the hazard of my head. Such are my own feelings, and I could wish, and I would strive, if I knew the way to the hearts of men, to recall the feelings of '98 and '99. Or, is it true in all cases, even with the warmest patriotism; that *tempora mutantur, et nos mutamur cum illis*? Perhaps, however, I may not see clearly; some argument may be found in favor of this proposition.

What course, he asked, was to be given to this army? Was a state of war expected between this country and France? There was now no point at which we could come in contact with her. Formerly, when the French Government had a despotic influence over that of Spain, the Spaniards on our Western frontier could have been set in motion against us; but now we had nothing to fear in that respect. Were we to have war with Great Britain? Was that at length determined on? Had it been settled out of doors that we were to have war, and were the House now called upon to vote what could only be a legitimate consequence of a declaration of war? This army must be intended to be employed out of the country; for to self-defence the militia were surely competent. Was this nation to go to war with Great Britain and Spain? Was this force to be employed against Canada, or in giving legitimate form to the Burr project? Was it to go to Mexico? Mr. G. said his mind had been struck with a kind of horror which he could not express at this projected army, and he could not sit still, and give a silent vote when a project which he believed to carry with it so many mischiefs, perhaps such utter ruin, was set on foot.

He did not believe, he said, that the public liberty would be more safe in the hands of those who now directed the public concerns, than it had been formerly in the hands of other rulers. There was a fact which filled his mind with alarm communicated to him, and that years ago, by a man whose mind was as pure as that of any human being that ever existed—a fact concerning the opinions as to what ought to have been the form of Government, and as to the

theories of the gentleman who was most probably to be high in power in this country, which had made such an impression on him that he could not but at this moment view this project with increased horror and dread. He would, however, say no more of that at present; but, in his plain and humble conception, the public liberty was in danger; and here within these walls, within this sanctuary of American independence, it was that the public liberty was to be saved. It was here, by recurring to first principles, to that great principle, that free States should be jealous of military power, that he looked for its salvation. At a time when, under pretence of enforcing the embargo, an unconstitutional power was proposed to be placed in the hands of Executive officers, when an arbitrary power was to be exercised on mere suspicion, when with all this was combined a strong and overwhelming military force, he could not at such a period be silent. Yes, sir, I do in my soul and conscience believe that if ever there was a time when we should make a solemn pause and look around us, and survey our condition with a cool and calculating eye, this is the period; and I for one have not hesitated to give the alarm. I would place myself here, upon the ramparts of the Constitution, and give the alarm to the country. I would place myself here, on the signal-tower of the public liberty, and sound the tocsin of alarm to the nation. We can lose nothing by being jealous; by withdrawing enormous power from Executive agents. By a contrary conduct we may lose everything sacred without a hope of regaining it.

Mr. EPPES said there was no man who regretted more than himself that, at a period when the safety, honor, and independence of this country were assailed by external danger; when, under the pressure of a measure resorted to under circumstances of the most urgent necessity, the citizens of this country had manifested a feeling calculated to excite sensations here and elsewhere; that such a period should be seized by gentlemen not to exert their talents in steering the national bark through the billows by which it was surrounded, but in endeavoring to thwart every measure proposed. The gentleman from New York has told us that he will sound the tocsin of alarm to the people. And what is the project of the gentleman himself? Why, he has told you on a former day, openly, honestly, and fairly, that he is for a war with France; he is willing to pocket all the injuries which we have received from Great Britain, and to go to war with France. In vain would the gentleman sound the tocsin of alarm, if this is his project. The people of the United States would not go with him. It is not the sentiment of any portion of our citizens, except of the old Tories of our Revolution. He would not be followed by the American people in taking to his bosom a nation which has murdered your citizens, and making war upon a nation which has pillaged your commerce. I cannot reconcile the project with my ideas of moral principle. He would not be fol-

lowed by the Federalists. I cannot believe that those who walked in procession after the body of the murdered Pierce, could stamp on themselves the character of base hypocrisy by taking to their bosom the nation which committed the outrage, while the blood of Pierce, and a host of other injuries more degrading, remain yet unatoned for. All our injuries remain unredressed; not the smallest apology has been made, but the feelings of the country not only disregarded, but insulted by new acts of violence and injustice. The gentleman's project to save the honor of the nation is submission to England and war with France. I pronounce with confidence it is not the sentiment of the American people. The gentleman from New York has taken occasion to introduce the name of WASHINGTON. The sentiments which that gentleman has expressed were never those of WASHINGTON. He never would have been willing to put chains on his countrymen, to consent to a shackled commerce; to allow foreign nations to say to his country, thus far you shall go and no farther. This is not the spirit of WASHINGTON; it is not the spirit which produced our Revolution; opposition to tyrants, and a manly assertion of our rights at every hazard, gave us our rank as an independent nation. The same spirit still pervades our country, and I trust it will ever remain. It never, however, has been the policy of this Government to rush rashly into war. The history of our country under former Administrations demonstrates this fact; and under the Administration of WASHINGTON, as well as under every other, we have borne with patience degrading insult and injury. As to the great regard of former Administrations for the personal rights of the citizen, on which the gentleman has dwelt, I shall not go into that part of the subject. In laying an embargo, even in the time of WASHINGTON, a short resolution was passed in which the power was vested, and the execution left to the Executive. This was thought at that time very Constitutional and proper, no doubt, by the Federalists. We, however, can frame no Constitutional law on this subject, although they could very constitutionally adopt the old maxim, "So I will it," and enforce their system. While, however, I am not disposed to excite unpleasant sensations by bringing into view acts of former Administrations, I believe that a statement of the course pursued under General WASHINGTON and Mr. Adams, as to foreign nations, will show that it never has been our policy to plunge rashly into war. I beg leave to read on this subject an extract from a speech delivered in 1803:

"Our differences with Great Britain were coeval with the Treaty of Peace. The detention of the Western posts was a direct violation of that treaty; it diverted a considerable portion of the fur trade from the United States, and disabled us from bridling the hostile Indians, which was a source of immense injury. This evil continued for twelve years, under every circumstance of aggravation and insult. British soldiers issued from those forts into parts of our territory, where we exercised jurisdiction, and seized the

persons of deserters without the aid or sanction of the authorities of the country, and these possessions served as asylums for the savages who were in hostile array against us, and as storehouses and magazines to supply them with arms, ammunition, and provisions. The seat of Government of Upper Canada was also held for a time at Niagara, in the State of New York, an indignity of the most marked character. Many thousands of negroes were also carried off in violation of the treaty, and a very serious injury was thereby inflicted on the agricultural pursuits of the Southern citizens.

"It is well known that we were engaged in a bloody and expensive war with several of the Indian tribes; that two of our armies had been routed by them, and that we were finally compelled to make great efforts to turn the tide of victory. These Indians were encouraged and aided by the emissaries of Great Britain; British subjects were seen disguised fighting in their ranks, and British agents were known to furnish them with provisions and the implements of war. The Governor General of Canada, a highly confidential and distinguished officer, delivered a speech to the Seven Nations of Lower Canada, exciting them to enmity against this country; but in order to furnish the savages at war with sufficient aid, a detachment of British troops penetrated into our territory, and erected a fort on the Miami river. Here the Indians, dispersed and defeated by Wayne, took refuge, and were protected under the muzzle of British cannon. A violation of territory is one of the most flagrant injuries which can be offered to a nation, and would in most cases justify an immediate resort to arms, because in most cases essential to self-defence. Not content with exciting the savages of America against us, Great Britain extended her hostility to the Eastern Hemisphere, and let loose the barbarians of Africa upon us. A war existed at that time between Portugal and Algiers. The former blocked up the mouth of the Straits by her superior naval force, and prevented the pirates from a communication with the Atlantic. Portugal has been for a long time subservient to the views of Great Britain. A peace was effected through the mediation of the latter. Our unprotected merchantmen were then exposed, without defence, to the piracies of Algiers. Thus, in three-quarters of the globe, we at one time felt the effects of British enmity. In the meantime our commerce in every sea was exposed to her rapacity. All France was declared in a state of siege, and the conveyance of provisions expressly interdicted to neutrals. Paper blockades were substituted for actual ones, and the staple commodities of our country lay perishing in our storehouses, or were captured on the ocean, and diverted from the lawful proprietors. Our seamen were pressed wherever found. Our protections were a subject of derision, and opposition to the imperious mandates of their haughty tyrants was punished by famine or by stripes, by imprisonment or by the gibbet. To complete the full measure of our wrongs, the November orders of 1793 were issued; our ships were swept from the ocean, as if by the operation of enchantment; hundreds of them were captured; almost all our merchants were greatly injured, and many of them reduced to extreme poverty. These proceedings, without even a pretext, without the forms of justice, without the semblance of equity, were calculated to inflame every American feeling, and to nerve every American arm. Negotiation was, however, pursued; an envoy *extraordinary*, in every sense of the word, was sent to

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demand redress, and a Treaty of Amity, Commerce, and Navigation, was formed and ratified. These events took place under the Administration of WASHINGTON. The Spanish Treaty, concluded on the 27th of October, 1795, stipulated for a settlement of boundaries, and an adjustment of spoliation on commerce, and contained a declaration of the free navigation of the Mississippi, and a grant of the privilege of deposit at New Orleans. This treaty for more than two years afterwards was not executed on the part of Spain. In January, 1798, a report was made to Mr. Adams, by Mr. Secretary Pickering, and submitted to Congress, which charged Spain with retaining her troops and garrisons within the United States, with evading to run the boundary line, with stopping, controlling, and regulating the passage of our citizens on the Mississippi, and with sending emissaries among the Indians residing within our territories, in violation of the treaty and the relations of amity. Here, then, a treaty securing the important benefit of deposit, was in a state of inexecution for a long period. Our citizens were also interrupted in the free navigation of the Mississippi, and other aggressions, affecting our territorial rights, and our internal peace, were superadded."

"An amicable explanation was had with Spain, and our wrongs were satisfactorily redressed. This took place in the Administration of Mr. Adams, and when most of the honorable gentlemen who support this war resolution, except such as were dangling in the Courts of Europe, held prominent stations in the councils of the country.

"Our differences with France were of a more serious nature, and of a longer duration. They commenced in the Administration of General WASHINGTON, and were adjusted in that of his successor. Great and enormous depredations were committed upon our commerce by France, and our merchants were fraudulently robbed of compensation for provisions supplied her in the hour of distress. The treaty and consular convention were violated. The right of embassy—a sacred right—respected even by the ferocious savage, was wantonly trampled upon; and the representative of our national sovereignty was refused a reception, and ignominiously ordered out of France. A fresh attempt at negotiation was made; three Ministers were sent, armed with all the powers, and clothed with all the honors of diplomacy. They were also refused a hearing, and were forced to leave the country without experiencing the forms of common civility. The treaty was then annulled, and reprisals directed; and when the honorable gentlemen and their friends, then in power, had worked up the passions of the nation to the highest pitch of exasperation; when war, bloody war, was expected from all quarters; when the war-worn soldiers of the Revolution were girding on their swords, and preparing to stand between their country and the danger that menaced her, the scene suddenly changed; the black cloud passed away; and we again beheld three Ministers at Paris extending the olive-branch, burying all animosities, and returning with a treaty of "firm, inviolable, and universal peace, and true and sincere friendship."

I have read this statement, sir, (said Mr. EPPES) because it is the deliberate and grave statement of a man arrived at that period of life, when he is not so much under the influence of passion. It is a statement of facts, which, if made by myself might be attributed to party feeling. It proves

that it never has been the policy of this nation lightly to embark in war. And however the gentleman from New York and myself may differ in other respects, we unite in this: that no evil is so great as war, except a surrender of our independence; nothing short of an attack on which should induce any nation to resort to this alternative, injurious to every nation, but particularly so to ours.

So far then as we have progressed in our present situation; so far as the course pursued was calculated to preserve peace, it was a course which justice and humanity dictated, and which has been approved by the nation. But is there never to be an end to the sufferance of a nation? Is there no time when we shall act? The idea of a permanent embargo—and when on this part of the subject, I shall perhaps be told, as another gentleman was yesterday, that my observations resemble more the slang of an ale-house than the debate of a deliberative body—this idea, I observe is to be found only in the speeches of those who opposed the measure. Such an idea cannot be inferred from the conduct of members of this House, or from anything else which has occurred. It proceeds only from men who, from the first moment the measure was laid on your table, endeavored to place it in the most odious colors. Immediately after the measure was adopted last winter, what takes place, sir? A man distinguished by the favor of the people, a man advanced in years, the very man who in 1798, kept back the despatches from Mr. Adams, and had almost plunged us into a war with France by this act, what does he do? In 1808, he displays the same spirit of hostility to France, which he manifested in 1798; writes a letter in which he attributes the embargo to French influence, to the mandates of Bonaparte. [Mr. GARDENIER requested the gentleman from Virginia to name him.] Mr. EPPES. "General" PICKERING. [It appeared to be doubted whether Mr. EPPES was in order. Mr. SMITH said that if the gentleman from New York was permitted to criminate his own Government, a reply ought certainly to be allowed.] Mr. EPPES continued. I wish it to be understood by the Speaker and the House, that I hold myself responsible to any man who is injured by my observations. No circumstance shall deter me from expressing the truth in relation to our affairs. It is time that the nation should see the strange union of sentiment between gentlemen in opposition and that Government which has injured us most. I am responsible for my assertions. I have a right to discharge my duty in that way which I please, and in that way I will. I then say this letter proceeded from the man who in 1798 was willing, was anxious to involve the United States in a war with France. There was a party in this country in favor of it; and if correctly informed, the man who wrote this famous letter is at the head of that very party; a party connected and known under the name of the Essex Junto. This was the first stroke at the embargo; and what took place afterwards? I regret that a gentleman from Massachusetts (Mr. LIVERMORE) is not in

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his place, whose speech, as delivered to his constituents, was sent here some weeks before our last adjournment, said to have been delivered to the inhabitants of his district, in which he declared that Southern members of influence in the Republican party here had openly declared to him their hostility to commerce! The gentleman has had the candor to declare that he did not make to his constituents such a statement; but sir, it was circulated as his speech, immediately previous to the election, and although the gentleman never made such a speech, many people in Massachusetts believed that he had not only made the speech, but that it was a deliberate expression of his sentiments. These things justify the statement of the gentleman from Massachusetts, (Mr. STORY,) that misrepresentations have been spread amongst the people. The Federal printers have united in giving currency to these misrepresentations. They have even made speeches for members of Congress; they have made them accuse the majority of Congress of being under French influence. A sentiment of this sort has been given in a speech of the gentleman from New York, (Mr. GARDENIER,) though it is denied.

[Mr. GARDENIER said he never had expressed such an opinion; the speech which he had seen printed had not conveyed that idea. He never intended to express such an idea; for, however he differed in opinion with gentlemen, he never had the slightest suspicion that gentlemen were governed by dishonest motives. He should hold up their course as pernicious to the nation, and never would cease to do so, thus performing a Constitutional right, and a duty from which he would never shrink.]

It never has been my habit, continued Mr. ERSS, to attribute to gentlemen improper motives; I never have done so, but the course which has been pursued will give weight to the opinion already entertained in Great Britain that we are a divided people—that we are divided in opinion on what the gentleman from New York himself has called a self-evident proposition—that the belligerent decrees cannot be submitted to without a surrender of our rights, independence, and honor. Are we to be surprised that the people of Massachusetts, or of any other part of the United States, are agitated when they find men so enlightened as their Representatives in Congress telling them that this is to be a permanent system? Do gentlemen really believe that it is our intention to abide by the embargo until our injuries are redressed, be that soon or late? Do they believe that the embargo is all that is to be opposed to insult, injury, and blows? Do they believe that we are destitute of sense? I for one unequivocally deny that I ever had such an idea, or any person with whom I ever conversed on the subject, except the gentlemen who opposed it, to whom it was convenient to represent it as a permanent measure. And whatever gentlemen may say on other subjects, they will do me the justice to say that at the last session I told them my opinion, that the period would arrive when the embargo would be removed; and that when it

was, there was no other course than war, open and direct, or submission. I defy gentlemen anywhere to find the embargo considered as a permanent measure, but in their own speeches and the prints of their party.

The circumstances which produced the embargo are well known; but the misfortune is that gentlemen will not state the question fairly, but cover it under a heap of lumber, calculated to conceal from the people the real question. Let the question be fairly put, and there is not a man in America (always excepting old Tories) who would not say that they will resist. What is the real state of our affairs—and I will not stop here to discuss who began first? If we mean to assert and maintain our rights, it is totally immaterial to us who commenced, though on this subject I might refer gentlemen to the letter of Mr. Hammond in 1793, in which he takes the ground now maintained, and asserts the right of Great Britain to blockade the whole of France. The statement of our situation is simply this: Great Britain says if you go to France or her dependencies without a license from her, your property shall be liable to seizure and condemnation. France says if you have visited Britain, or been visited by a Briton, your vessels shall be liable to seizure and confiscation. Now take the dependencies and allies of France and England, and what remains? Your commerce is as completely blockaded by these decrees, as the port of Boston was in the Revolutionary war; and when gentlemen come forward and tell you that your ships are routing in your ports, and the country suffering, and attribute this to the embargo, is it fair? Is it manly? Is it not an assertion materially variant from our present situation? I call upon any man, federalist, quid, or of what denomination he may be, to answer whether these decrees have not destroyed our commerce; and yet the destruction is imputed to the embargo. At the time the embargo was laid, our exports amounted to one hundred and eight millions annually. Taking all the countries with whom we could trade, throwing Great Britain out of the question, with whom I contend that no man can be willing to trade under existing circumstances, and our whole commerce does not amount to seven millions and a half—a commerce not equal to one half of the exports from Massachusetts alone; and give Massachusetts her relative share of one-fifth of this seven millions of commerce, and this is all she can have to support her seamen, to enrich her merchants, whom the embargo is said to have destroyed. This is the real situation of the country. Do the people of the Eastern portion of it know it? No, sir, it is kept from them; they cannot find it in the speeches of their Representatives. No, sir; there, it is all embargo, the favorite hobby-horse of Federalism.

Having thus attempted to show that it was not my intention when the embargo was laid, to consider it as a permanent measure, I will proceed to state some circumstances which have rendered this measure less operative than it would otherwise have been. The embargo had two objects,

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to gather in our capital, and to withhold supplies from our enemies. The first object has been completely answered, and there is not a period at which it would be more necessary to adhere to it than at the present moment. To withhold supplies from our enemies is now more important than ever. The nation must be put in a state to meet war.

It is in vain for gentlemen to attempt to delude the people. The decrees of England and France must be withdrawn, or we must fight; it cannot be avoided. We have declared we will not submit, and there is no species of effectual resistance but war.

We have a right to carry our produce to every place on the globe whose municipal regulations do not forbid it. France has a right to interdict our trade with herself, but none to interdict it with her enemy. Great Britain has a right to exclude us from her ports, but none to compel us to go there. What other course, I ask, can the United States take but war, or submission to these decrees? Let gentlemen examine the various proposals brought forward. It is immaterial whether we pass a law that we will reduce our trade to the places left by the decrees, or suffer it to be so reduced by the decrees themselves. In either case we submit; we allow foreign nations to fix the amount of our commerce, to destroy the fruits of our industry, and legislate for us.

Now, sir, I do not believe that there is a native American in any part of the United States who is disposed to submit; and I rejoice that in this House there is no division of sentiment. Gentlemen have publicly declared that they will not submit. In what form then will they resist? We have tried paper long enough. It is time either to exert the energies of the nation, or to give up our rights and again become the colonies of Great Britain. I am not for that. I have no other interest than that in land, by the produce of which I live. I would sooner let it go in the general wreck of my country than surrender those rights which are so important to the nation, and which our fathers purchased with their best blood. I am not for disgracing our ancestors who fled from oppression abroad; I am not for proving ourselves a base degenerate offspring. We possess a country of two thousand miles extent, a population of six millions of souls, and six hundred thousand men fit to bear arms. If with this we cannot preserve our independence, we deserve to be kicked out of the territories neck and heels by those Powers whom we have suffered to trample on our maritime rights.

In the course of my remarks, I have noticed the strange union of sentiment between gentlemen in the opposition and the British Ministry, on the subject of the embargo.

On this subject I will read an extract of a Ministerial pamphlet:

"Providence has ordained that nations, as well as individuals, should, in a certain degree, be dependent on each other; and the inhabitants of no country can

be debarred from their accustomed commercial communications without being deprived of many advantages and enjoyments. Society being thus constituted, the Government that attacks the comfort and happiness of the people, by prohibiting this intercourse, alienates their affections, and consequently holds its authority by a very precarious tenure. When the late Emperor Paul entered into the confederacy against Great Britain, his subjects were at once reduced to severe and general distress. Their hemp, their flax, their tallow, their ashes, their iron, their timber, all their great staple commodities, for the sale of which they depended on British purchasers, were left a dead weight upon their hands. If the produce of the land becomes of no value, the landlord may apply to his tenant for rent in vain. If the vassal can procure no employment, he can pay nothing to his lord. Thus the nobles, whose revenue is derived from the rent of their estates, and the labor of their vassals, found themselves involved in the calamity of their inferiors; and were led by common interest to attempt that revolution which cost the Emperor his crown and his life.

"If any further elucidation of the principle to which this event is ascribed were wanting, it promises to be found in the United States of America, where the cultivators of the soil are deprived of the fruits of their labors, and the merchants of their commercial gains, by the present embargo. This forced state of things cannot be of long continuance. Already have the Vermontese set the constituted authorities at defiance, and persist in carrying on their trade with the Canadians across Lake Champlain, while the Northern States manifest strong symptoms of discontent."

Perhaps I ought to apologize to the Representatives from the State of Vermont for reading a clause speaking particularly of that State, but I assure the gentlemen that it is not my wish to bring the attention of the House to circumstances which have passed there. I view them with that deep regret with which I shall ever view a similar state of things in any portion of the country. I regret that any portion of the people of this country, however they may feel, should not manifest their feeling in that form prescribed by the Constitution and the laws.—We are told by this pamphlet, of true British origin, that the United States cannot stand this measure; and what are we told on this floor? "You cannot stand it; you are committing suicide on yourselves." All this goes to Great Britain; what I say never will reach it. All there seen of it will be a garbled statement in a Federal paper, which I could cover with my thumb, and that will be sent to Great Britain. Through this corrupted source their information is derived, and they know nothing of the real situation of American feeling, or of the American character. And is the Government to blame, when I declare to God that I have seen speeches attributed to me which I have never made—the most shameful misrepresentation made by men brought here, not for the purpose of reporting our proceedings to the nation, but for supporting party purposes. Gentlemen tell us we cannot stand a permanent embargo. We never intended it. Gentlemen well know that the rights of the nation cannot be abandoned without a struggle. The only ques-

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tion is when to commence it. Our resources will soon be at our command. Means of resistance are provided, and the period must soon arrive when nothing will be wanting but spirit on the part of the Representatives to use them. The people are with you; you have their support. Nothing can forfeit it but abandoning their rights. If by war only they can be maintained, the people will meet it with firmness. I never had any other feeling, but that these decrees must be withdrawn, or we must resort to war. I said so last year; I spoke it openly. My sentiments are known to the people I represent. They unite in that sentiment. It is the undivided sentiment of the State in which I live.

It has been said that the Southern people wish to destroy commerce. I will ask gentlemen what but commerce has produced our present difficulties? If I had consulted my interest only, of what importance to me was the carrying trade? None, sir; but it was, it ever will be, of infinite importance to me to support the principles of our Constitution. What are these principles? Equal and exact justice to every class of our citizens. United for common protection and for the general safety, the rights of no one class can be abandoned. The merchant has as good a right to protection in the use of his ship as the farmer in the use of his plough. I said so in 1805, and I say so still. Our situation, however, is now changed; it is no longer a commercial question; the late decrees and orders make a direct attack on the sovereignty of the nation; it is no longer a question whether we will trade, but whether we will maintain or surrender our independence. The embargo, at the time it was adopted, was, I believe, the best measure which could have been resorted to. Its operation was defeated partly by the misrepresentations of which I have spoken. While on this subject I will ask attention to another point, which I had nearly omitted. I have said something about Tories. I wish it to be understood, that I mean no gentleman in this House. I meant to state that the Tory principle had manifested itself in a portion of this country, and that it was that principle, in union with the agents and acts of the British Government, which produced the evasions of our law. Your towns swarm with these British agents, who send to their friends, what is essential to their prosperity, in violation of your law. Nay, sir, toryism in this country has, in one case, assumed a sort of official form. I refer to the proceedings of the Essex Junto. I hold them in my hand, and I will read a resolution from them. These patriots say—

“As to the Orders of Council. It will be recollected that these orders, bearing date 11th November, 1807, were occasioned by the decree of the French Emperor, dated November, 1806, declaring all the British dominions in a state of blockade. Great Britain may think these orders completely justified by the *lex talionis*, (law of retaliation.) There is no reason to consider them as originating from a disposition hostile to this country, and they ought not to be so considered. It is notorious that she could, according to known law

and usage, plead the actual blockade, by her navy, of all the principal ports under the power of France.”

Now, sir, this I say is a rank Tory principle; and it is immaterial what may be the professions of men. The man who can say in the present situation of our country, that the conduct of Great Britain towards us is justified by the *lex talionis*, or by any other law, is a Tory. It is in vain for people in any portion of the Union to make professions of patriotism, when they come forward, and by a public act say, that we have no cause of complaint against Great Britain. I wish gentlemen correctly to understand me. If the British nation would come forward and make reparation for the insults offered in our ports and waters, she would stand with me on equal ground with France. But when I recollect that, instead of tendering reparation for the most humiliating insults and injuries, she sent here a legalized spy to insult us with insolent demands, I cannot consider, in point of injury done to this country, these two foreign nations as equal in the honorable career of injustice and violence towards us. Let Great Britain redress these injuries, and I would as soon tender the hand of reconciliation to her as to France.

I believe the principles of both are infamous. That in a contest for the empire of the world they regard only their own aggrandizement. It is the duty of the United States to take a firm and manly attitude, and oppose both; to maintain the independence of the nation, and spurn a foreign yoke. You must assert your rights; they cannot be maintained without men. The independence of our country is an object before which all differences as to the internal administration of our affairs should sink. This is a period when all honest men have a common interest. It is a period in which all party feelings should be sacrificed at the shrine of our country's good. It is a period when Federalists ought to forget that they have lost the helm of State, when the old Tories dispersed through our country should forget that we have acquired independence, and when all honest men should unite to maintain those rights which are the birthright of an American.

Mr. QUINCY.—I agree with the gentleman from Virginia, (Mr. EPPES,) that the present is a period in which it becomes the members of this Legislature to maintain their independence and not to shrink from responsibility. I agree, that it is a time in which all men in places of trust should weigh well the principles by which they are actuated, and the ends at which they aim; and that they should mark both so distinctly as that they may be fully understood by the people. But I hope it is not, and that there never will be a time in which it becomes the duty of any man or set of men, on this floor, under pretence of national exigencies, to concur in an infringement of the limits of the Constitution. I trust it is not a time for a member of such a Legislature as this, thoughtlessly to strengthen hands which already hold powers inconsistent with civil liberty, by a surrender of authority, especially intrusted to us

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by the people, into the exclusive possession of another department of the Government.

The gentleman from Virginia (Mr. EPPES) alleges that the men whom he calls Federalists have, for party purposes, represented the embargo as a permanent measure. He disclaims such an idea, both on his own account and on that of a majority of this House. On this head, I am ready to maintain that the embargo law, as it was originally passed, was an abuse of the powers vested in this branch of the Legislature, and as it has been subsequently enforced by supplementary laws, is a manifest violation of the Constitution, and an assumption of powers vested in the States; and that, until I have some satisfaction on these points, I am not disposed to pass a law for raising such an additional military force as this bill contemplates.

Concerning the permanency of the embargo, about which so much wire-drawing ingenuity has been exercised, this I assert, that, so far as relates to the powers of this House, the embargo is permanent. That control over commerce, which the Constitution has vested in us, we have transferred to the Executive. Whether the people shall ever enjoy any commerce again, or whether we shall ever have any power in its regulation, depends not upon the will of this House, but upon the will of the President and of twelve members of the Senate. The manner in which the powers vested in this branch of the Legislature has been exercised, I hesitate not to declare a flagrant abuse of those powers and a violation of the most acknowledged safeguards of civil liberty.

Sir, what is the relation in which this House, in the eye of the Constitution, stands to the people? Is it not composed of men, emanating from the mass of the community? Are not our interests peculiarly identified with theirs? Is not this the place in which the people have a right naturally to look for the strongest struggle for our Constitutional privileges, and the last surrender of them unconditionally to the Executive? Is not the power to regulate commerce one of the most important of all the trusts reposed in us by the people? Yet, how have we exercised this most interesting power? Why, sir, we have so exercised it as not only to annihilate commerce, for the present, but so as that we can never, hereafter, have any commerce to regulate until the President and twelve Senators permit. Gentlemen when pressed upon the Constitutional point resulting from the permanent nature of this embargo, repel it as the gentleman from Virginia (Mr. EPPES) did just now, by a broad denial. "It is not permanent," say they. "It was never intended to be permanent." Yet it has every feature of permanency. It is impossible for terms to give it a more unlimited duration. With respect to intentions, the President and Senate have a right to speak on that subject. They have power to permit commerce again to be prosecuted, or to continue its prohibition. But, what right have we to talk in this manner? I know that we every day amuse ourselves in making some law about

commerce. Sir, this is permitted. It is a part of the delusion by which we practise upon the people, and perhaps upon ourselves. While engaged in debate, we feel as if the power to regulate commerce was yet in this House. But, put this matter to the test; pass a law to-morrow unanimously repealing the embargo; let two-thirds of the Senate concur; let the President and twelve men determine not to repeal; I ask, is there any power in this House to prevent them from continuing this embargo forever? The fact is undeniable. Let the President and twelve men obstinately persist in adherence to this measure, and, in spite of the intentions of this House, the people can alone again obtain their commerce by a revolution. It follows, from what I have stated, that those may well enough talk about what they intend, who have the power of fulfilling their intentions; but, on that subject, it becomes the members of this House to be silent, since that power which we once possessed, has, by our own act, departed. So far as this House can ever hereafter enjoy the opportunity of again regulating commerce, it depends not upon the gift it received from the people, but upon the restoration to us of that power, which, the people having intrusted to our care, we have without limitation transferred to the Executive.

Yes, sir; the people once had a commerce. Once this House possessed the power to regulate it. Of all the grants in the Constitution, perhaps this was most highly prized by the people. It was truly the apple of their eye. To their concern for it, the Constitution almost owes its existence. They brought this, the object of their choice affections, and delivered it to the custody of this House, as a tender parent would deliver the hope of his declining years, with a trembling solicitude in its selected guardians. And how have we conducted in this sacred trust? Why, delivered it over to the care of twelve dry-nurses, concerning whose tempers we know nothing, for whose intentions we cannot vouch, and who, for anything we know, may, some of them, have an interest in destroying it.

Yes, sir; the people did intrust us with that great power—the regulation of commerce. It was their most precious jewel; richer than all the mines of Peru and Golconda. But we have sported with it, as though it were common dust. With a thoughtless indifference, in the dead of night, not under the cover of the cheering pinions of our eagle, but under the mortal shade of the bat's wing, we surrendered this rich deposit. It is gone; and we have nothing else to do than to beg back, at the footstool of the Executive, the people's patrimony. Sir, I know the answer which will, and it is the only one which can be given: "There is no fear of an improper use of this power by the President and Senate; there is no danger in trusting this most excellent man." Why, sir, this is the very slave's gibberish. What other reason could the cross-legged Turk, or the cringing Parisian, give for that implicit confidence they yield to their Sovereigns, except that it is impossible they should abuse their power?

The state of things I mention does not terminate in mere verbal precision or constructive distinctions. The very continuance of the measure, has, in my opinion, its root in the situation which results from this, as I deem it, abuse of our Constitutional powers. Does any man believe that, if the embargo had been originally limited, a bill continuing it could now be passed through all the branches? I know that gentlemen who originally voted for this embargo, and probably will for the enforcement of it, have urged the situation of this House, in relation to it, as a reason for further adherence. "It is a measure of the Executive," say they. "Suppose this House should pass a law repealing it? Should he negative, what effect would result but to show distracted councils? In the present situation of our country, nothing is so desirable as unanimity." I know that, substantially, such arguments have been urged.

Mr. J. G. JACKSON wished the gentleman to name the persons to whom he alluded.

Mr. QUINCY said that he did not deem himself bound to state names connected with facts, by which he had acquired the knowledge of particular dispositions in the House. It was enough for him to state them, and to leave the nation to judge if there were, under the circumstances, anything improbable or unnatural in them.

Mr. NICHOLAS called the gentleman from Massachusetts to order. He regretted to say that, throughout the whole session, there had been a total departure from the idea which he had of order. When it was attempted to palm upon those with whom he acted opinions which all must disclaim, he was compelled to object to the disorderly course pursued.

Mr. QUINCY said that he had no intention to palm upon any gentlemen sentiments which they disavowed. He did not suppose that the gentlemen who entertained such sentiments would disavow them. He said he certainly should not mention names. He did not think that the argument derived any strength from the fact that such expressions had been used, by any gentleman. They are natural and inevitable from the situation in which gentlemen are placed in relation to the Executive. Men, willing to take off the embargo, yet not willing to counteract the system of the President, were necessitated to adopt such reasoning as this. It was unavoidable when they came to reflect upon the powers which remained to this House in relation to the repeal of this law.

Mr. NICHOLAS required that the gentleman should observe order.

Mr. G. W. CAMPBELL said that, as the gentleman had made a reflection on members in the majority, he must be permitted to observe, that he utterly disclaimed any such opinion as the gentleman had indiscriminately charged upon the majority.

Mr. QUINCY said that he had made no such indiscriminate charge on the majority. An attempt had been made to give the discussion a turn which he neither anticipated nor intended.

I understand, said Mr. Q., the cause of this interruption. It is not the fact intimated, but the force of the argument stated, which startles gentlemen from their seats. They like not to hear the truth elucidated, concerning their abuse of power, intrusted to them by the people. In reply to the gentleman from Virginia, (Mr. EPPES,) who alleged that, for party purposes, the embargo had been represented permanent, I undertook to show that, so far as respects this House, it was, to all intents, permanent. This is the insupportable position. The embargo—

Mr. J. G. JACKSON called Mr. QUINCY to order. This disorder, he said, had progressed too long. There had not only been disorder on the floor of the House, but in the galleries, and from British subjects, too, which had interrupted the gentleman from Virginia, (Mr. EPPES,) while he had been speaking, a few moments ago. It was not in order to discuss the subject of the embargo on this question. Everything which presented itself to the House was made a question of embargo. It was the watchword of the day.

The SPEAKER requested Mr. QUINCY to take his seat, and asked Mr. JACKSON to put down in writing the words to which he objected.

Mr. JACKSON said he could not specify particular words to which he had objected, unless, indeed, he were to include the gentleman's whole speech. He wished, however, to know of the Speaker, is it in order, on a question for raising volunteer troops, to discuss the constitutionality of the embargo?

The SPEAKER observed that a very wide range had been taken in debate, and that, excluding personal matter, the gentleman was in order to reply to observations to other gentlemen.

Mr. QUINCY said that he had been drawn unexpectedly into this course of debate, by following the gentleman from Virginia, (Mr. EPPES.) He said he wished to lay before the House and the nation—

Mr. EPPES said that he had said nothing concerning the supplementary embargo law now before the House, which he conceived the gentleman was about to introduce into the discussion. He hoped the gentleman would suspend his observations upon the subject until it came before the House. When, notwithstanding all the clamor on the subject, it would be found that there was not a provision contained in it which was not to be found in the present revenue laws.

Mr. QUINCY said he was not about to bring the supplementary embargo bill into debate. The gentleman had asserted that the embargo law was not permanent; that the Constitution had not been violated. He had taken the gentleman upon that ground. And the course of his observations had been to prove that the embargo was permanent, so far as respected the powers of this House to repeal, and that the Constitution had been violated.

Mr. EPPES said that he had not said that the Constitution had not been violated.

Mr. QUINCY said that he had no particular in-

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clination to speak at that moment, and if gentlemen did not wish to hear—

Mr. EPPES said he had no objection to hear the gentleman state any violations of the Constitution, and he should take the privilege of a member to answer them, if they were plausible.

Mr. MASTERS made some observations upon the point of order; and as the House was rather in a state of agitation, moved to adjourn. Mr. QUINCY having given way for the purpose; negatived—ayes 22.

Mr. QUINCY.—Notwithstanding all the interruptions I have experienced, my observations have been perfectly in order. The reason I am opposed to the resolution, is, that the force proposed to be raised is, in my opinion, intended not to meet a foreign enemy, but to enforce the embargo laws. Now, is it not the most pertinent and strongest of all arguments against the adoption of such a resolution, to prove that the powers of the Executive, in these respects, already transcend the limits of the Constitution, and that these laws, proposed to be thus enforced, are open violations of it? Considering, however, the temper of the House, I shall limit myself to the statement and elucidation of a single position. And the argument I shall offer will be only in outline. I will not enter into the wide field which the greatness of the question naturally opens. I know that, as soon as my position is stated, gentlemen advocating the present measures will be ready to exclaim, it is a small objection. But I warn gentlemen, that, small as it may appear to them, if the principle receive the sanction of the people and the support of the State Legislatures, there is an end of this destructive system of embargo.

The position I take, and which I mean to maintain, is, that those provisions of the embargo laws which assume to regulate the coasting trade between ports and ports of the same State, are gross invasions of the rights of the States, and palpable grasps of power beyond the limits of the Constitution. I ask the attention of the House to a very short argument upon this subject. I present it, not by way of erimination, but as worthy of its consideration and examination. I feel no passions on the question. If any have been exhibited by me they were caught at the flame enkindled by the gentleman from Virginia, (Mr. EPPES.)

The powers granted to Congress, in relation to commerce, are contained in the eighth section of the first article of the Constitution, in these words:

“The Congress shall have power to regulate commerce with foreign nations, and among the several States, and with the Indian tribes.”

The particular power to which I object as being assumed, if granted at all, is contained within the terms “commerce among the several States.” In reference to which, I ask this question, Can the grant of a power to regulate commerce among the States, by any fair construction, be made to include a power to regulate commerce within a State? It is a simple question. The strength

and certainty of the conclusion results from its simplicity. There is no need of any refined argument to arrive at conviction. It is a plain appeal to the common sense of the people. To that common sense, which, on most practical subjects, is a much surer guide than all the reasoning of the learned. It is scarcely possible there can be but one answer to this question. To bring the subject more directly into the course of the reasonings of common life, suppose that ten householders who live in a neighborhood should agree upon a tribunal which should possess powers to regulate commerce or intercourse among their houses; could such an authority be fairly extended to the regulation of the intercourse of the members of their families within their respective houses? Under a grant of power like this, would such a tribunal have the right to regulate the intercourse between room and room within each dwelling-house? It is impossible. Nothing can be plainer. The General Government has no color for interference with the interior commerce of each State, let it be carried on by water or by land. The regulation of the commerce between ports and ports of the same State belongs exclusively to the States respectively.

In further support of this position, a strong argument results from the ninth section of the first article:

“No tax or duty shall be laid on articles exported from any State. No preference shall be given by any regulation of commerce or revenue to the ports of one State over those of another; nor shall vessels bound to or from one State be obliged to enter, clear, or pay duties in another.”

In this clause of the Constitution the people restrict the general power over commerce granted to Congress. And to what objects do these restrictions apply? To exports from a State; to preferences of the ports of one State over those of another; to vessels bound to or from one State in another. Not one word of restriction of the powers of Congress touching that great portion of commerce between ports and ports of the same State. Now, can anything be more conclusive that the general power of regulating commerce did not, in the opinion of the people, include the right to regulate commerce between ports and ports of the same State, than this fact, that they have not thought it necessary even to enumerate it among these restrictions? If it were included in the grant of the general power, can a reason be shown why it was not, as well as others, included within these restrictions? That it is not provided for among these restrictions, is perfect conviction, to my mind, that it was never included in the general power. A contrary doctrine leads to this monstrous absurdity, that Congress, which, in consequence of these Constitutional restrictions, can neither grant any preference to the ports of one State over those of another State, nor oblige vessels to enter, clear, or pay duties when bound to or from the ports of one State in another, yet that it may grant preferences to the ports of one State over ports in the same State, and may oblige vessels to enter, clear, and pay duties, when bound

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from port to port within the same State. This enormous consequence is inevitable. The conclusion, therefore, to my mind, is perfectly clear, that the reason why the people did not restrict the abuse of this species of power was, that the power itself was not granted to Congress.

I shall state only one other corroborative argument, drawn from another part of the Constitution. By the second clause of the tenth section and first article, it is provided that, "no State shall, without the consent of Congress, lay any imposts or duties on imports or exports, except what may be absolutely necessary, for executing its inspection laws," &c. Now, can it for one moment be admitted that, in consequence of this restriction, the individual States are prohibited from laying transit duties on articles passing from port to port within their State limits? Can the States lay no toll upon ferries across their rivers; no tax upon vessels plying up and down their rivers, or across their bays? May not the State of New York impose a duty upon vessels going from Hudson or Albany to New York? Yet, if it be true that the general power of regulating commerce among the States, includes the power of regulating commerce between ports and ports of the same State, all this great branch of State prerogative is absolutely gone from the individual States. A construction of the Constitution, in which, if realized by the people, and the Legislature of the States, in all its consequences, they never can acquiesce. The language of this clause is in strict consonance with that construction of the Constitution, for which I contend. It strongly and conclusively, to my mind, implies that the general power does not include the power to regulate commerce between ports and ports of the same State. The language of this clause is, "no State shall lay any imposts or duties on imports or exports." These terms "imports and exports" are exclusively appropriate to duties upon goods, passing into a State or passing out of a State, and can never be made, by any fair construction, to extend to duties upon goods passing wholly within the limits of a State. On goods in this situation—that is, on goods passing between ports and ports of the same State, the individual States have, notwithstanding this restriction in the Constitution, the power to lay transit duties. Of consequence the regulation of this branch of trade is not included in the grant to Congress of the general power over commerce among the States.

This is the point of view which I take in this matter, of the limits of the Constitution. On this ground it is, that I asserted that the rights of the States have been invaded in your embargo laws, and that this Legislature has grasped a power not given to it by the Constitution. And, so far as the liberties of this people are dependent upon the preservation of the State and National authorities, in their respective orbits, I hesitate not to declare the embargo laws a manifest infringement of those liberties.

On a question of this magnitude, I cannot condescend to inquire whether, in the early revenue

laws, any regulations were made affecting this particular branch of trade? A practice in direct violation of the Constitution can have no binding force. Violations of the Constitution, touching only a few solitary individuals, small in amount, or in inconvenience, may, for a long period, be submitted to without a struggle or a murmur. When the extension of the principle begins to affect whole classes of the community, the interest of the nation claims a solemn and satisfactory decision. The truth is, I can find but a single attempt, in all your revenue laws, contrary to the construction for which I contend. In the case of carrying distilled spirits or imported goods of a specified amount from port to port within a State, the master is obliged to make a manifest and take an oath that the duties have been paid. The infringement of the Constitution was, in this instance, and in its immediate consequences, so trifling that it has passed without notice, and been submitted to without a question. But, surely, on the silent acquiescence of the people in such a practice as this, can never be built the fabric of so enormous a power as your embargo laws attempt to exercise.

Gentlemen say the embargo is brought into view on all occasions. Certainly, sir, it is connected with nearly all national questions. I have no objection to voting for fifty thousand men, if I can be informed to what use they are to be applied. Let me only understand the system proposed. Is it intended to repeal the embargo, and go to war? Or are those men only intended to enforce it? If the former, I have no objection to any requisite army. If the latter, I am in direct hostility to this proposition. Deeming the embargo laws unconstitutional, and powers vested in the Executive which ought never to have passed out of the possession of this House, I will never acquiesce in augmentation of the military, until I am satisfied that the system is not to support by it still further the violations of this Constitution.

Mr. MACON said that he was opposed to this resolution in its present form. He did not know that men might not be necessary; but he wished them, if regular troops, or of whatever kind, to be distinguished by their proper name. He moved to strike out the words "fifty thousand," so as to leave the resolution blank.

Negatived—47 to 47; the Speaker declaring himself in the negative.

Mr. MACON also moved to strike out "two," the term of service for which the troops were to be raised. Carried—52 to 49.

The question on the resolution was then decided by yeas and nays—yeas 76, nays 34, as follows:

YEAS—Evan Alexander, Willis Alston, junior, Ezekiel Bacon, David Bard, Joseph Barker, Burwell Bassett, William W. Bibb, William Blackledge, John Blake, junior, Thomas Blount, Adam Boyd, John Boyle, Robert Brown, William Butler, Joseph Calhoun, George W. Campbell, John Clopton, Orchard Cook, Richard Cutts, John Dawson, Josiah Deane, Joseph Desha, Daniel M. Durell, John W. Eppea, William Findley, James Fisk, Mesback Franklin, Francis

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Gardner, Thomas Gholson, junior, Isaiah L. Green, John Harris, William Helms, James Holland, David Holmes, Benjamin Howard, Reuben Humphreys, Daniel Hsley, John G. Jackson, Richard M. Johnson, Thomas Kenan, William Kirkpatrick, John Lambert, John Love, Robert Marion, Daniel Montgomery, jun., John Montgomery, Thomas Moore, Jeremiah Morrow, Gurdon S. Mumford, Roger Nelson, Thomas Newbold, Thomas Newton, Wilson C. Nicholas, John Porter, John Rhea of Tennessee, Jacob Richards, Matthias Richards, Samuel Riker, Ebenezer Seaver, Samuel Shaw, Dennis Smelt, John Smilie, Jedediah K. Smith, Clement Storer, Joseph Story, Peter Swart, John Taylor, Abram Trigg, George M. Troup, Daniel C. Verplanck, Jesse Wharton, Robert Whitehill, Alexander Wilson, Nathan Wilson, and Richard Winn.

NAYS—Epaphroditus Champion, Martin Chittenden, Matthew Clay, John Culpeper, Samuel W. Dana, John Davenport, junior, James Elliot, William Ely, Barent Gardenier, Charles Goldsborough, Edwin Gray, Richard Jackson, Robert Jenkins, Joseph Lewis, jun., Edward St. Loe Livermore, Nathaniel Macon, Josiah Masters, William Milnor, Jonathan O. Mosely, Timothy Pitkin, junior, Josiah Quincy, John Russell, James Sloan, John Smith, Samuel Smith, Richard Stanford, William Stedman, Lewis B. Sturges, Samuel Taggart, Benjamin Tallmadge, Jabez Upham, Nicholas Van Dyke, Archibald Van Horn, and David R. Williams.

Ordered, That a bill, or bills, be brought in, pursuant to the said resolution; and that the Committee on the Military and Naval Establishments do prepare and bring in the same.

SATURDAY, December 31.

An engrossed bill to authorize the transmission of certain documents by the mail, free of postage, was read the third time, and passed.

MR. MACON, one of the members for the State of North Carolina, presented to the House sundry resolutions of the Legislature of the said State, relative to the present state of affairs between the United States and the belligerent Powers of Europe, and expressive of their determination to support such measures as Congress in their wisdom may adopt for the honor, safety, and independence, of the United States.—*Ordered* to lie on the table.

MR. WHARTON, from the committee appointed on the thirteenth instant, presented a bill supplementary to the act, entitled "An act to amend an act, entitled 'An act establishing Circuit Courts, and abridging the jurisdiction of the District Courts of Kentucky, Tennessee, and Ohio,'" which was read twice and committed to a Committee of the Whole on Monday next.

MR. DANA, from the committee appointed on the twentieth instant, presented a bill concerning associations for the security of navigation; which was read twice, and committed to a Committee of the Whole on Monday next.

The House took up for consideration the amendment of the Senate to the bill for employing additional revenue cutters. The amendment proposes to strike out "twelve," and insert "three." After some observations from Messrs. NEWTON, TAYLOR, and STORY, the House refused to concur—yeas 76.

DISABLED SOLDIERS.

MR. NELSON observed that this was the last day of the year 1808. For many years past our old soldiers had been applying for relief. He thought it would be a meritorious thing to begin the new year with a just and generous act. He therefore asked for the order of the day on the bill for the relief of the infirm, disabled, and superannuated officers and soldiers of the Revolutionary Army and of the present Army of the United States.

[This bill contemplates the establishment of an invalid corps.]

The bill was taken up, went through a Committee of the Whole without an objection, and was reported to the House. Several amendments were then made to the bill.

After considerable discussion on the details, in which no hostility appeared to be expressed to the principles of the bill, a motion made by **MR. BLOUNT** to recommit it for the purpose of adjusting the details, was carried—58 to 25.

NON-INTERCOURSE.

MR. RHEA, of Tennessee, said he intended to offer a resolution for consideration, but he thought it might be proper to make some preliminary observations. Since the commencement of this session of Congress, said **MR. R.**, several resolutions respecting the commerce of the United States have been submitted to the consideration of this House. These several resolutions contain separate and distinct points of commercial regulation. They have no common centre to which they all may gravitate. They have no common governing principle of discrimination. All foreign nations, favorable or unfavorable, are equally involved. The second resolution reported by the Committee on Foreign Relations, embraces a principle deserving consideration; it is expressed in the words following: "having 'in force orders or decrees violating the lawful commerce and neutral rights of the United States.'" This is the grand discriminating principle to which all commercial regulations of the United States ought to gravitate as a common centre. All commercial nations are individuals of the same family, and, that peace might be preserved, it is greatly to be desired that they had a system of commercial law providing for the common interest and reciprocal benefit of all. The commerce of a nation consists of two parts: exportation and importation. These two ought, in their relation to foreign nations, to be commensurate. If any nation or nations, unmindful of friendly and mutually beneficial commercial intercourse, will make restrictions violating the lawful commerce and rights of any other commercial nation, what commercial regulations soever the injured nation may think proper to make ought not, in justice, to affect commercial intercourse with any nation or nations other than that one or those who have begun and do persevere in the work of commercial rapacity and destruction. The orders and decrees of Great Britain and France violate the lawful commerce and

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neutral rights of the United States. Any regulations or restrictions made by the United States to save their commerce from destruction, and to meet the operation of the same orders and decrees, and of all such orders or decrees of any other Power, ought, in justice, to be commensurate, equally extensive, and to comprehend all nations having in force such orders or decrees.

The resolution which I intend to submit, said Mr. R., has in view to establish a principle of discrimination just in itself and universally reciprocal. If there be any sovereign, independent Power, nation, or people, who has not, or may not have in force orders or decrees violating the lawful commerce and rights of the United States, that Sovereign, independent Power, nation, or people, ought not to be included and comprehended in any such commercial regulation adopted by the United States. That Power, nation, or people, if any such there be, or hereafter shall be—being an individual of the great commercial family—has a right to the benefit and advantage of commercial intercourse with the United States; and the United States have an equal right of a free, unmolested, commercial intercourse with such Power, nation, or people, which other nations, at war with each other, have a right to interrupt by retaliating orders or decrees.

Mr. R. then offered the following resolution, which was referred to the Committee of the Whole to which the non-importation bill is referred:

Resolved, That it is expedient to interdict, by law, all commercial intercourse between the United States and Great Britain and France and their dependencies, and all other Powers having in force orders or decrees violating the lawful commerce and neutral rights of the United States."

DIVISION OF THE INDIANA TERRITORY.

Mr. THOMAS, from the committee appointed on the thirteenth instant, to inquire into the expediency of dividing the Indiana Territory, made a report thereon; which was read, and committed to a Committee of the Whole on Monday next. The report is as follows:

That, by the fifth article of the ordinance of Congress for the government of the Territory of the United States Northwest of the river Ohio, it is stipulated that there shall be formed in the said Territory no less than three, nor more than five States; and the boundaries of the States, as soon as Virginia shall alter her act of cession, and consent to the same, shall become fixed and established, as follows:

The Western State shall be bounded by the Mississippi, the Ohio, and Wabash rivers; a direct line drawn from the Wabash and Post Vincennes, due north, to the Territorial line between the United States and Canada, and by the said Territorial line to the Lake of the Woods and Mississippi.

The middle State shall be bounded by the said direct line, the Wabash, from Post Vincennes, to the Ohio; by the Ohio, by a direct line drawn due north from the mouth of the Great Miami, to the said Territorial line, and by the said Territorial line.

The Eastern State shall be bounded by the last-mentioned direct line, the Ohio, Pennsylvania, and the

said Territorial line: *Provided, however*, and it is further understood and declared, that the boundaries of these three States shall be subject so far to be altered, that if Congress shall hereafter find it expedient, they shall have authority to form one or two States in that part of the said Territory which lies north of an east and west line drawn through the southerly bend or extreme of Lake Michigan. And whenever any of the said States shall have sixty thousand free inhabitants therein, such State shall be admitted by its delegates into the Congress of the United States on an equal footing with the original States, in all respects whatever, and shall be at liberty to form a permanent constitution and State government: *Provided*, the constitution and government so to be formed shall be republican, and in conformity to the principles contained in these articles; and, so far as it can be consistent with the general interest of the Confederacy, such admission shall be allowed at an earlier period, and when there shall be a less number of free inhabitants in the State than sixty thousand.

By the aforesaid article, it appears to your committee that the line fixed as the boundary of the States to be formed in the Indiana Territory is unalterable, unless by common consent; that the line of demarcation, which the Wabash affords between the eastern and western portion of said Territory, added to the wide extent of wilderness country which separates the population in each, constitute reasons in favor of a division, founded on the soundest policy, and conformable with the natural situation of the country. The vast distance from the settlements of the Wabash to the present seat of Territorial government, renders the administration of justice burdensome and expensive to them in the highest degree. The superior courts of the Territory are, by law, established at Vincennes; at which place suitors, residing in every part of the Territory, are compelled to attend with their witnesses, which, to those who reside west of the Wabash, amounts almost to a total denial of justice. The great difficulty of traveling through an extensive and loathsome wilderness, the want of food and other necessary accommodations on the road, often presents an insurmountable barrier to the attendance of witnesses; and, even when their attendance is obtained, the accumulated expense of prosecuting suits where the evidence is at so remote a distance, is a cause of much embarrassment to a due and impartial distribution of justice, and a proper execution of the laws for the redress of private wrongs.

In addition to the above considerations, your committee conceive that the scattered situation of the settlements over this extensive Territory cannot fail to enervate the powers of the Executive, and render it almost impossible to keep that part of the Government in order.

It further appears to your committee, that a division of the said Territory will become a matter of right under the aforesaid article of the ordinance, whenever the General Government shall establish therein a State government; and the numerous inconveniences which would be removed by an immediate separation, would have a direct tendency to encourage and accelerate migration to each district, and thereby give additional strength and security to those outposts of the United States, exposed to the inroads of a savage neighbor, on whose friendly dispositions no permanent reliance can be placed.

Your committee have no certain data on which to ascertain the number of inhabitants in each section of the Territory; but, from the most accurate information

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they are enabled to collect, it appears that west of the Wabash there are about the number of eleven thousand, and east of said river about the number of seventeen thousand, and that the population of each section is in a state of rapid increase.

Your committee, after maturely considering this subject, are of opinion that there exists but one objection to the establishment of a separate Territorial government west of the river Wabash, and that objection is based on the additional expense which would, in consequence thereof, be incurred by the Government of the United States. But, it is also worthy of observation, that the increased value of the public lands in each district, arising from the public institutions which would be permanently fixed in each, to comport with the convenience of the inhabitants, and the augmentation of emigrants, all of whom must become immediate purchasers of these lands, would far exceed the amount of expenditure produced by the contemplated temporary government.

And your committee, being convinced that it is the wish of a large majority of the citizens of the said Territory that a separation thereof should take place, deem it always just and wise policy to grant to every portion of the people of the Union that form of government which is the object of their wishes, when not incompatible with the Constitution of the United States, nor subversive of their allegiance to the national sovereignty.

Your committee, therefore, respectfully submit the following resolution:

Resolved, That it is expedient to divide the Indiana Territory, and to establish a separate Territorial government west of the river Wabash, agreeably to the ordinance for the government of the Territory of the United States Northwest of the river Ohio, passed on the 13th day of July, 1787.

Mr. THOMAS, from the same committee, presented a bill for dividing the Indiana Territory into two separate governments; which was read twice and committed to a Committee of the Whole on Monday next.

A motion was made by Mr. WINN, that when this House adjourns, it will adjourn until Tuesday morning eleven o'clock: And the question being taken thereupon, it was resolved in the affirmative—yeas 60, nays 45.

TUESDAY, January 3, 1809.

MILITIA SYSTEM.

Mr. MACON from the Committee on so much of the Message of the President of the United States as relates to the amendment of the militia laws of the United States, reported that having carefully examined the system they are of opinion that no amendment is necessary.

The House having agreed to consider the report, Mr. MACON observed that he had not concurred in opinion with the committee, and therefore intended to make a motion to commit the report with special instructions to report a bill for classing and arming the militia. If the report were to be agreed to, it would foreclose any proposition on the subject during the session. The plan which he would propose for classing the militia would not go to destroy the present organization of the militia; but merely to class them

according to age, so that young men should first be called into service. It was a rare thing that old men and young men accorded well together. Old men could not bear fatigue as well as young men. He wished not to see fathers and their sons in the ranks together. He believed that were such a plan to be adopted, from thirty to forty thousand men would annually be added to the lists; the arming of whom would cost from four to five hundred thousand dollars annually. In the course of four or five years all the men in the first class would be armed for duty, and be competent to repel any enemy. It was the only mode which united great utility with great economy. He had before him a statement made the last year by a gentleman from Virginia (Mr. CLAY.) The observations of that gentleman, he said, were well remembered by the House, and he could add nothing to them. They proved that a large corps would always be ready for service, and that the number would daily increase. Having premised thus much, he offered the following resolution:

Resolved, That the report, &c., be recommitted to the select committee, and that they be instructed to report a bill to class the militia according to age, and to provide for arming such as may hereafter be placed on the militia list at the public expense.

Mr. D. R. WILLIAMS hoped no objection would be made to this resolution; for its adoption would commit no gentleman on the principle involved in it.

Mr. DESHA wished a division of the resolution, as he was opposed to the first and in favor of the second clause.

A motion was now made to refer the report to a Committee of the Whole, and carried. Some debate took place on this motion, in which Messrs. LYON, MACON, NELSON and CLAY, appeared to be in favor of the principle, and Messrs. STURGEON, DURELL, and TALLMADGE, against it. It was made the order of the day for to-morrow.

ENFORCING THE EMBARGO.

On motion of Mr. JACKSON, the House resolved itself into a Committee of the Whole, 52 to 39, on the bill from the Senate for enforcing and making more effectual the several embargo laws, with the amendments reported by a select committee of this House.

The amendments reported by the select committee were severally agreed to.

Mr. VAN CORTLANDT, after a few prefatory observations, expressive of an opinion that the embargo should be repealed so soon as could be consistently with the passing other acts, and giving equal notice to all our merchants, offered the following, as a new section to the bill:

"And be it further enacted, That the said act entitled 'An act laying an embargo on all ships and vessels within the ports and harbors of the United States,' and the several acts supplementary thereto, be repealed from and after the fourth day of March next."

The CHAIRMAN observed, that although he individually believed this motion to be in order, the House had twice successively decided a similar proposition to be out of order the other day, be-

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cause the subject was already before a special Committee of the Whole; and he felt himself bound to abide by their decision.

Mr. GARDENIER appealed from the decision of the Chair.

The Committee confirmed the decision of the Chair.

A motion was made by Mr. ELLIOT that the Committee rise and report progress.—Negatived.

Mr. JACKSON moved that the Committee rise and report the bill as amended.

Mr. ELLIOT commenced a continuation of his speech which he commenced a few days ago. After Mr. ELLIOT had spoken about five minutes, it appearing that a quorum was not present—

Mr. DANA suggested the propriety of the Committee's rising and reporting "that there was no quorum."

Mr. MACON had no wish to sit here whilst gentlemen were gone to their dinners; and moved that the Committee rise and report progress.

Mr. MOSELY said it was an old maxim that "*dulce et decorum est pro patria mori*;" but he had no idea of starving to death for it.

The Committee rose, ayes 60, and the House adjourned.

WEDNESDAY, January 4.

Mr. LEWIS, from the Committee for the District of Columbia, presented a bill conferring certain power, relative to roads and bridges, on the Levy Court for the county of Washington, in the District of Columbia; which was read twice, and committed to a Committee of the Whole on Friday next.

A message from the Senate informed the House that the Senate have agreed to the amendments proposed by this House to the bill, entitled "An act for extending the terms of credit on revenue bonds, in certain cases, and for other purposes," with amendments; to which they desire the concurrence of this House.

A message from the Senate informed the House that the Senate have passed a bill, entitled "An act authorizing the appointment and employment of an additional number of navy officers, and marines," with amendments; to which they desire the concurrence of this House. The Senate have also passed the bill, entitled "An act to continue in force, for a further time, the first section of the act, entitled 'An act further to protect the commerce and seamen of the United States against the Barbary Powers,' with amendments; to which they desire the concurrence of this House.

PUBLIC LANDS.

Mr. BOYLE offered the following resolution, observing that the subject had been before the House several times, but a solemn decision had never been had on the subject, and those who had witnessed the mode of disposing of land on credit, had seen the ill effects of the present system:

Resolved, That the Committee on Public Lands be instructed to inquire into the expediency of reducing

the price of public lands, and abolishing the credit on sales thereof; and that they have leave to report by bill or otherwise.

The resolution was agreed to.

DISTRESSED SEAMEN.

Mr. NEWTON offered a resolution, directing the Committee of Commerce and Manufactures to inquire into the propriety of providing for the relief of distressed and disabled seamen.

Mr. N. stated that he had been induced to propose the resolution from the following letter from the Secretary of the Treasury:

TREASURY DEPARTMENT, Dec. 20, 1808.

SIR: Whilst the fund for supporting sick and disabled seamen has, during this year, been considerably diminished, the expenses are actually increasing. For the fund, consisting of the deduction of twenty-cents per month from the wages of seamen, must necessarily decrease in the same ratio as the number of seamen actually employed; and, on the other hand, the number itself of those who are confined at home and deprived of employment, produces an increase of applications for relief.

All that had, by frugality in the expenditure, been saved during the former years, will be inadequate to supply the deficiency of the ensuing year, unless orders be immediately given to reduce, by some general and harsh rules, the number of persons heretofore admitted. I cannot believe that this would be consistent with the intention of the Legislature, and think it my duty to state the facts, in order that a proper remedy may be applied.

Upon due consideration of the subject, it appears to me that the most simple and equitable plan would be to appropriate for the year 1809, in aid of the fund, an additional sum of about two hundred thousand dollars; such sum to be applied as the fund itself, under the general directions of the President, but to be expended in the several ports in proportion to the amount actually collected in each on that account during the year 1807, and to be applicable to the relief, not only of sick and disabled, but also of distressed seamen.

I am, very respectfully, sir, your obedient servant,
ALBERT GALLATIN.

T. NEWTON, Esq., *Chairman of the*
Committee of Commerce and Manufactures.

The resolution was agreed to without opposition.

NAVAL ESTABLISHMENT.

Mr. STORY said that if the House did not wish to be considered as slumbering at their posts, it was proper that they should, after determining that they would not submit to the orders and decrees of the belligerents, adopt some efficient system of warfare, if war must be the result. On this point he was decidedly of opinion that we could carry on operations to great advantage on the ocean. He held in his hand a resolution for inquiring into the propriety of augmenting our naval force, which he submitted to the consideration of the House:

Resolved, That the committee to whom was referred so much of the Message of the President of the United States as relates to our Military and Naval Establishments, be instructed to inquire into the expe-

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diency of increasing our Naval Establishment, and that they have leave to report by bill or otherwise.

Mr. D. R. WILLIAMS asked of the gentleman, against whom was this force to be applied? He presumed, as the gentleman appeared to have his mind so fully made up on the subject, that he had made the necessary calculations, and would favor the House with them. For his part, Mr. W. said, if we were to go to war to-morrow, he would not vote a single additional floating gun. What had been the consequence of augmentations of naval force in other countries? Were they not perpetually augmenting the British navy? The Ministry would give but a small premium to insure the gentleman's augmentation, should it be made, a safe berth in their ports. Did the gentleman wish to follow the example of Denmark, and have our towns Copenhagened?

Mr. GARDNER observed that a bill for putting our present Navy into service was already before the House. He should prefer first acting on that, and therefore moved that this resolution lie on the table.

Mr. STORY hoped this course would not be given to his motion; for it might be perfectly proper not to order the whole naval force to be put into actual service, and yet it might be very proper to prepare an additional naval force. We were not at present at war, but we soon might be. The gentleman from South Carolina had supposed that any augmentation of our naval force must fall a sacrifice to the British navy. Mr. S. said he could not so much doubt the courage or character of his countrymen, as to feel as the gentleman did. I was born among the hardy sons of the ocean. They will never be guilty of a dereliction of their duty or their country's rights. They never will submit. If Great Britain ever obtains possession of our present little establishment, it must be at an expense of the best blood of the country, and after a struggle which would call for more of her strength than she had ever found necessary for an European enemy. He said he did not wish our naval force to be increased for offensive measures; but it had appeared to him, that the only force which could effectually protect our seacoast was a naval force. He wished a few vessels of war to co-operate with our fortifications. Such a force, too, with the known bravery of American seamen, would carry dismay wherever it went. The passage of this resolution would not decide the principle; it was barely for inquiry. Would not gentlemen inquire whether an increase of the naval force might not be proper? Would they hold out the language that they would permit the scene of the Chesapeake to be acted over again with impunity? That they would still remain on land? Mr. S. said he could not believe that the gentleman from South Carolina wished to see this game played again. He hoped that we would prepare a force to protect us against every foe. The naval establishments of European nations must be always maintained at an expense double of the proportionate expense which would be incurred in this country. He asked the

gentleman from South Carolina if we had fifty fast sailing frigates, whether the British nation would send an armament sufficiently powerful to endanger them? Mr. S. said that we knew perfectly well the importance which they attach to their naval establishment. The thunder which rolled over their heads in terror was only that from floating batteries on the water. Believing that whenever we have war it must be carried on at sea as well as on land, he was in favor of increasing our naval force.

Mr. D. R. WILLIAMS said that the gentleman must excuse him for saying that he had pursued the Eastern mode of propounding other questions instead of answering those which had been put to him. He said he had meant no reflection on the hardy sons of Neptune; he believed them to be as courageous as the gentleman had represented them: The gentleman talks of fifty fast sailing frigates; is it possible that any man in the nation can suppose that its safety depends upon fifty fast sailing frigates? They must, if sent out, either carry orders not to fight, or become what the Chesapeake has been—a disgrace to us. I feel regret that such is our situation, and I have no other consolation than the state of the nation. Yes, sir, it is a mortification to me that the British Minister here has said, and perhaps to members of this House, that if fifty sail of the line were built they would soon be taken from us. We cannot command resources for such establishments. Will gentlemen consider that our greatest annual revenue never amounted to seventeen millions of dollars? I ask, then, where are we to get money for the support of such immense establishments. Mr. W. said it was on the shore that he would risk the salvation of his country; and of an invading foe there would not, he trusted, a single man escape to tell the fate of his comrades. Indeed he should tremble for his country, if he thought its salvation depended on floating batteries.

Mr. NICHOLAS said there appeared to be a difference of opinion among gentlemen as to the mode of preparing for action. It was unquestionably necessary, he observed, that the House should come to some decision on the subject. Gentlemen who were in favor of naval force, when that question was fairly decided in the negative, would no doubt give up all idea of that force, and join those in the majority in voting for that force which they deemed necessary. I do not, will not believe, said Mr. N., that a difference of opinion as to the species of preparation to be made will prevent us from making any. Until some decision be made we shall be perpetually embarrassed in this way. I have not made up my opinion on this subject; but I am inclined to believe that in the event of a war we can do but little on water. I think it important, however, that the thing should be settled and not procrastinated. This question should be met and decided. I do not believe I say too much when I say that I believe war to be inevitable. I say this upon the presumption that I am warranted in believing that it is the determination of this

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House and the nation to resist, as long as a man remains of us, the edicts of Great Britain and France. Having made this determination, what is our duty under the present aspect of our affairs, when it does not appear that either of these nations will recede? To prepare to meet the crisis as men determined to resist effectually. Shall we do this as long as we divide as to the *means* to be employed? We shall not, sir. Mr. N. expressed a hope that gentlemen who thought land force the best, would, if it should not be agreed to by a majority, consent to employ naval force; and that, under similar circumstances, those in favor of naval force would consent to employ land forces. It was of the utmost importance that they should come to an understanding on the subject. If out-voted in the force which was best in his opinion, he would cordially assist in preparing the other species. He said he was for offence, not for defence merely, when thus vitally assailed. He hoped the House would at once settle the mode, and commence the work of preparation.

Mr. LYON said that it was well known that he had never been inimical to a naval force. The rule which he had laid down to himself had been to give a great share of the revenue derived from commerce to the protection of commerce. He had never entertained the idea of manning a fleet for the purpose of defying Great Britain on the ocean. He had wished to give that share of the proceeds of the commerce of the nation to its protection which should be deemed necessary. He said that sending out a navy with a view to meet that of Great Britain on the ocean, would indeed be a Quixotic expedition. He had always thought that this nation would be justifiable alone in defensive war. He would forever maintain the right to govern ourselves on land, and on the ocean, too, if he thought there was any probability of succeeding in such a contest. He censured the propensity displayed by gentlemen for making partial preparations, and wished to see a whole system at once.

The question on ordering Mr. STORY's proposition to lie on the table was carried—47 to 38.

THE EMBARGO.

Mr. VAN CORTLANDT observed that it was impossible for the House to get along with business until the question of repeal or continuance of the embargo was decided. He, therefore, called for the order of the day on Mr. CHITTENDEN's resolution for the immediate repeal of the embargo.

Mr. BACON made a motion which superseded this motion, viz: to discharge the Committee of the Whole from the further consideration of it, and to refer it to the Committee of the Whole to whom was referred the bill on the subject of non-intercourse.

After a debate of near three hours, this motion was negatived—yeas 23, nays 91.

The debate was desultory in the extreme, including questions of order, &c., and the decision of the question appeared to involve no principle. Messrs. GARDNER, DANA, CHITTENDEN, QUINCY,

UPHAM, LYON, SLOAN, and MASTERS, appeared to be in favor of the adoption of Mr. CHITTENDEN's resolution; and Messrs. J. G. JACKSON, D. R. WILLIAMS, BACON, GEO. W. CAMPBELL, SMILIE, ALEXANDER, STORY, BIBB, HOLLAND, and EPPES, opposed it.

The House then resolved itself into a Committee of the Whole, on motion of Mr. VAN CORTLANDT—yeas 62, nays 49—on the resolution of Mr. CHITTENDEN, in the following words:

Resolved, That the act passed at the last session of Congress, entitled "An act laying an embargo on all ships and vessels in the ports and harbors of the United States," and the several acts supplementary and additional thereto, ought to be immediately repealed.

Mr. VAN CORTLANDT moved to strike out the word "immediately," and insert, "from and after the 4th day of March next."

Mr. EPPES called for the division of the question, so as to take it first on striking out the word "immediately." And the question having been so taken, was negatived—ayes 36. The motion to insert, of course, fell with the motion to strike out. And the question on the resolution having been stated,

Mr. LIVERMORE said, he was agreeably disappointed in seeing this subject taken up, and was not therefore as ready to meet it as he might be. He then commenced an argument on the constitutionality of the embargo. The origin of the Federal compact was chiefly the want of some general power to regulate commerce. There had, however, he contended, been no delegation by the Constitution of a power to lay an embargo; consequently, the exercise of it was an assumption of power not warranted by the Constitution. The Convention, he said, could have had no idea that they were raising a power to destroy the very object for the preservation of which they were associated.

After Mr. L. had been speaking about ten minutes,

Mr. GHOLSON asked if the gentleman would not prefer being heard to-morrow?

Mr. LIVERMORE answered that he should.

A motion was made that the Committee rise, and report progress; which, however, was soon changed to a motion to report the fact that there was not a quorum present.

The motion for rising was supported by Messrs. COOK, DANA, QUINCY, ELLFOT, and LYON, on the ground that time was not allowed for discussion; that it was late in the day, and no gentleman could be heard to advantage at this hour. It was opposed by Messrs. MACON, BLACKLEDGE, ALSTON, and D. R. WILLIAMS, for the reason, that, as they had consented to go into Committee on the subject, they wished an immediate decision; that the subject had already been amply discussed, and a protraction of debate now would but keep the people in suspense.

The Committee rose, but could not report, a quorum not being present.

A motion was then made to adjourn, and carried—yeas 40, nays 38—a quorum being present.

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at the vote, several members having, whilst the yeas and nays were calling, come into the House from the lobby and elsewhere.

THURSDAY, January 5.

Mr. VAN DYKE presented a memorial of sundry late officers in the Delaware line of the late Revolutionary army, in behalf of themselves and others, praying that such further compensation may be granted to the memorialists, for their respective services in the capacity aforesaid, as shall be equivalent to an allowance of half-pay for life; or that such other relief may be afforded in the premises as to the wisdom and justice of Congress shall seem meet.—Referred to the committee appointed the 26th ultimo on the memorials of sundry other late officers of the said Revolutionary army.

The SPEAKER laid before the House a letter from the Secretary of the Treasury, accompanied with sundry statements made in conformity to the several provisions of the laws providing for the sale of public lands south of the State of Tennessee; which were read, and referred to the Committee on the Public Lands.

Mr. LEWIS, from the Committee for the District of Columbia, presented a bill supplementary to the act, entitled "An act to amend the charter of Georgetown;" which was read twice, and committed to a Committee of the Whole on Monday next.

Mr. NEWTON, from the Committee of Commerce and Manufactures, presented a bill for the relief of sick, disabled, and distressed seamen; which was read, and referred to a Committee of the Whole to-morrow.

Mr. NELSON, from the committee appointed on so much of the Message from the President of the United States, at the commencement of the present session, as relates to the Military and Naval Establishments, presented a bill authorizing the appointment of a Superintendent of Ordnance; which was read twice, and committed to a Committee of the Whole on Monday next.

Mr. FINDLEY, from the Committee of Elections, to whom it was referred to examine the certificates of election or other credentials of several new members returned to serve in this House, in the room of others who are deceased, or have resigned their seats, made a report thereupon; which he delivered in at the Clerk's table, where the same was read, and is as follows:

"On examining the certificates and credentials of Joseph Story, returned for the State of Massachusetts, in the room of Jacob Crowninshield, deceased; of Richard Jackson, returned for the State of Rhode Island, in the room of Nehemiah Knight, deceased; of Samuel Shaw, returned for the State of Vermont, to serve in the room of James Witherell, who has resigned his seat; of Nathan Wilson, returned for the State of New York, in the room of David Thomas, appointed Treasurer of that State; of Benjamin Say, returned for the State of Pennsylvania, in the room of Joseph Clay, who has resigned his seat; of Thomas Gholson, jr., returned for the State of Virginia, in the room of John Claiborne, deceased; and of Jesse B. Thomas, elected a delegate

for the Territory of Indiana, by the Legislature thereof, to serve in the second session of the tenth Congress, in the room of Benjamin Parke, appointed a judge of the superior court of that Territory—report

"That the certificates and other credentials of the elections and returns of Joseph Story, for the State of Massachusetts; Samuel Shaw, for the State of Vermont; Richard Jackson, for the State of Rhode Island; Nathan Wilson, for the State of New York; Benjamin Say, for the State of Pennsylvania; Thomas Gholson, jun., for the State of Virginia; and Jesse B. Thomas, for the Territory of Indiana—are sufficient to entitle them to seats in this House."

Ordered, That the said report do lie on the table.

Mr. BASSETT, Chairman of the Committee of the Whole House, to whom was referred a resolution proposed by Mr. CHITTENDEN, in the following words: "*Resolved*, That the act passed at the last session of Congress, entitled 'An act laying an embargo on all-ships and vessels in the ports and harbors of the United States,' and the several acts supplementary and additional thereto, ought to be immediately repealed;" also, sundry other resolutions subsequently proposed, and petitions presented, to the House, touching the same subject—reported that the Committee had, yesterday, according to order, had the said resolutions and petitions under consideration; and in the course of the discussion, the Committee found themselves without a quorum, and thereby dissolved. Whereupon,

Ordered, That the said proposed resolutions, together with the petitions presented, touching the subject aforesaid, do lie on the table.

A message from the Senate informed the House that the Senate have passed the bill, entitled "An act for the relief of Augustin Serry," with an amendment; to which they desire the concurrence of this House.

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On motion of Mr. NICHOLAS, the House resolved itself into a Committee of the Whole, on the bill for enforcing the embargo, and the several acts supplementary thereto.

Mr. ELLIOT said he should commence where he left off the day before yesterday, and proceed in the discussion with all the spirit consistent with coolness. He went almost through the bill section by section, commenting at length upon them. To every section he stated specific objections. Before he concluded his remarks, however, the Chairman observed that the gentleman could not object to sections which had been amended, as they could not, according to the rules of the House, be struck out; and there was now no motion for the Committee to rise. And Mr. E. closed his remarks, with an intimation that he would renew them at a future stage of the business.

The Committee then rose and reported the bill.

The amendments having been gone through,

Mr. EPPES offered a new section to the bill repealing so much of the supplementary act of March 12th last, as empowers the President to permit vessels to depart from the United States to bring in property. This power, he said, was

not necessary, whatever it might have been, and had been made a pretext for evasions.—Agreed to without opposition.

Mr. PITKIN moved to strike out of the 9th section the words in *italic* in the following :

"That the collectors of all the districts, &c., shall be authorized to seize produce, &c., whenever there is reason to believe that they are intended for exportation, or when in vessels, carts, wagons, sleighs, or any other carriage, or in any manner apparently, on their way towards the territories of a foreign nation, or the vicinity thereof, or towards a place where such articles are intended to be exported."

He believed that it gave a despotic power to collectors, with military force, to arrest any property going out of the country—to take even a trunk of a citizen, which might have money in it, going from one part of the country to any place where it might probably be exported. This power to seize property in any vessels, carts, sleighs, &c., "apparently on their way towards the territories of a foreign nation," was arbitrary and despotic. Not a cart, he said, could travel northwardly but was going *towards* the territories of a foreign nation, but would be subject to this despotic power, &c. No similar power had ever been given by any law passed in this country or any other. A man could not carry his wheat to market, if the mill lay in a direction towards a foreign country, without being liable to seizure. The fourth article of the amendments to the Constitution, says, "the right of the people to be secured in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized." What was "unreasonable seizure?" If this power to seize, authorized by the bill, were not unreasonable, he could not see what was. Was not this a violation of this article of the Constitution? In article fifth, no man "shall be compelled in any criminal case to be witness against himself, nor be deprived of life, liberty, or property, without due process of law." If deprived of his property in this way, was it not, he asked, taking his property without due process of law? If the article of the Constitution meant anything, the bill proposed a violation of it. Mr. P. also adverted to the novelty, if not unconstitutionality, of giving to maritime courts jurisdiction over occurrences taking place on the land. He feared for the consequences of the thing, if the law was enforced. Whilst gentlemen took measures professedly for defending our rights on the ocean, he begged them to take care not to destroy them on the land. The bill was to maintain our right to sail without impediment from either of the belligerents; and for this purpose they were about to destroy the rights for which we had even fought and bled. Thinking thus, he felt himself bound to move the amendment, though he feared it would not be agreed to, for he perceived that this bill was promptly to pass by an overwhelming majority. He did not

believe that this bill was necessary to enforce the embargo; and if it was, it was one of the strongest arguments against the embargo itself.

Mr. BASSET observed that all the arguments of the gentleman had been directed against the word "towards." The striking out "towards," and inserting "to," would obviate his objections.—Gentlemen talked of arbitrary measures. Did gentlemen suppose that the power here given to collectors was any way as arbitrary as must exist in military officers in case of war? The advocates of the embargo had adopted that measure as a lesser evil to avoid war. Was it arbitrary to keep produce at home and to compel those who had not the fear of God before their eyes and love of country in their hearts, to respect the laws of their country? Surely not; it was but justice. Was not the design to make laws operate equally, both honorable and laudable? Surely it was. What was so arbitrary in the bill? The objections seemed so changeable, so Proteus-like, that they could not be ascertained. It was altogether destructive of republicanism to say that we could not enforce or support our laws. Laws might be partially evaded; but they must be rendered generally effectual, and that was the object of this bill.

Mr. EPPES said that if he coincided in opinion with the gentleman from Connecticut on the subject of the bill, he should unquestionably vote against it; but he could not believe that it either violated the Constitution or established a new jurisdiction. He was well convinced that if the gentleman from Connecticut would attend to our revenue laws, he would find infinitely greater powers had been given by them. In almost the first revenue law which had been passed under this Constitution, importation by land had been wholly prohibited; and he asked the attention of the House to the terms of the law, because it proved that our revenue officers had exercised jurisdiction on land as well as on water. He read the 70th section of the "act to provide more effectually for the collection of duties imposed by law on goods, wares, and merchandise, imported into the United States, and on the tonnage of ships and vessels," as follows:

"That no goods, wares, or merchandise, of foreign growth or manufacture, subject to the payment of duties, shall be brought into the United States from any foreign port or place in any other manner than by sea, nor in any ship or vessel of less than thirty tons burden, except within the district of Louisville, nor shall be landed or unladen at any other place than is by this act directed, under the penalty of seizure and forfeiture of all such vessels, and of the goods, wares, or merchandise, brought in, landed or unladen, in any other manner. And all goods, wares, and merchandise, brought into the United States by land, contrary to this act, shall be forfeited, together with the carriages, horses, and oxen, that shall be employed in conveying the same; provided nothing herein shall be construed to extend to household furniture and clothing, belonging to any person or persons actually removing into any part of the United States, for the purpose of becoming an inhabitant or inhabitants thereof."

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This principle, Mr. EPPES said, was precisely the same with that now proposed. The section was not now in force, but other provisions were substituted in its place. Mr. E. quoted several other parts of laws, in which was given to the collectors a power to search all rafts, boats, carriages, and to stop them when suspected, &c., and in which vessels going from one port to another, of the same State, were compelled to take clearances, or give bond and security, &c.; and persons carrying property, even overland, were required to give security. And yet, said Mr. E., when we now propose to give the same power in the very same words, we are told that we are violating the Constitution and destroying the rights of the citizen! The Constitution, he said, had wisely provided that the citizen should be secure in his person and property. But if a man's property were to be found under such circumstances as to authorize a belief that he intended to violate a law of the United States, was it an infraction of the right of the citizen to compel him to give bond that he will not? The very gentlemen themselves who raised this outcry, had passed laws stronger than this. He was against the amendment proposed, because it authorized no seizures in any situation in which property would not be liable to seizure for infraction of the present revenue laws.

Mr. DANA could not subscribe to the opinion of the gentleman from Virginia, that the principles of this bill were recognised in the revenue laws. He said he would enter into no examination of the question, whether an embargo, laid indefinitely without limitation of time, was Constitutional or not? But he objected to this part of the bill, that it authorized the officers of the United States to seize property to which the United States had no claim. In every case where property became forfeited in consequence of a contravention of the law, that property might, without violating general principles, be seized by the officers acting for the public. The act of seizure brings it before the court, and, if ascertained to be forfeited, it is immediately liable to confiscation. This was not the case in the present bill, for the person whose property was seized was permitted to have it again on giving security for its value. The very idea of a man's regaining his property on giving security was incompatible with the seizure of goods as forfeited. The suspicion of an intent to evade the law could be no ground for seizure. In the case of the revenue laws, the very fact of goods being found within the lines, not having paid duty, was, *ipso facto*, evidence of their being forfeited, transferred the property to the use of the United States, and made it liable to seizure. On this ground, therefore, he thought the part which was moved to be stricken out was wholly unwarranted.

Mr. D. R. WILLIAMS suggested a modification of the amendment, which, he believed, would satisfy the fastidiousness (for so he was compelled to call it) of the gentleman from Connecticut. He observed that it used to be penal for a man even to move any part of his property after sun-

down, and yet he believed that none of the distress had been felt from that law which gentlemen seemed to apprehend from this law.

Mr. LIVERMORE thought this section, and, indeed, the whole bill, could not be understood by gentlemen, or there could be no difference of opinion on the subject. The bill, indeed, had been very essentially altered since it came from the Senate; for, before it was amended, it contained a provision by which a collector, who had any particular hatred to any man, might go with a band of soldiers and seize his property.

Mr. EPPES denied that the bill had contained any such provision.

Mr. LIVERMORE said that the collector was authorized to seize property when he believed it intended for exportation, not confining the right of seizure to any particular limits, were it not for the amendment made by the House. If money had been accumulated in a bank, Mr. L. said that it might have been seized under a pretence of a suspicion that it was intended for exportation. And, as the bill now stood, suppose a man travelling from this place to Baltimore, which is an exporting place, having with him in his carriage or vehicle a sum of money, it would be in the power of any person to seize it, saying that it was intended for exportation, and keep it until he had been able to procure security for its retention in the United States. What would be the consequence if this power should be tyrannically exercised? Why, the revenue officer might be sued for damages, &c. Mr. L. made some observations on the subject of the process in this case, &c. He considered this bill as vesting arbitrary powers in the Executive, and oppressive to the citizen. This, he said, was the way in which all countries had lost their liberties, by gradual assumptions and delegations of powers. Rome had not established a dictatorship in a day; gradual approaches were always made to despotism. He said he should vote against the amendment and against the bill, because he did believe, if passed, that it would be subversive of the liberties of the people of the United States.

Mr. EPPES said, that the gentleman from Massachusetts must have lately taken a trip to the island of Tribnia, described by Dean Swift, and received some instructions from the artists who were so dexterous in finding out hidden meanings in words, for instance, that a flock of geese signified a Senate, a buzzard a Prime Minister, &c., because he had given meanings to the bill which could not be justified by the language of the bill, or fairly inferred from it. The bill as sent from the Senate, Mr. E. said, did not authorize any such seizure; and he asked the gentleman from Massachusetts, as a lawyer, whether any collector would dare to violate the Constitution by attempting to search a house without a warrant? The gentleman knew that he could not; that law could not give such a power. The gentleman had told them that Roman liberty had not been destroyed at once. If they looked into Roman history they would find that Rome was once saved by the braying of an ass; that the

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cackling of geese once saved the Capitol; that the conspiracy of Catiline had been betrayed by a woman. These were remarkable circumstances, but had no more connexion with the question than the gentleman's case of the dictatorship. Mr. E. said when he saw gentlemen supporting objections, like the gentleman from Connecticut, (Mr. PITKIN,) he could meet and respect them, but when he heard a gentleman say that, by the bill, an officer could violate a private sanctuary; when he looked into the law, and found no such provision, he could not treat his observations with attention.

Mr. LIVERMORE said, that the gentleman could not have understood him as alluding to the bill as it now stood, but as it had come from the Senate. The gentleman had asked him, as a lawyer, whether a man could enter a house without a warrant, and seize property? He could not, by virtue of a law, and why? Because the Constitution would prevent him. But this did not take away the impropriety of passing such a law. He did not believe that the courts of justice had become so corrupt, or would display such a vile submission to any authority as to submit to carry into effect a law which was unconstitutional. He said that he attributed no wrong intention to gentlemen; but he conceived it possible that their feelings might hide from them the true construction of the law. He warned gentlemen against it. Gentlemen might talk about asses and geese, for he supposed the gentleman meant to be severe upon him; if so, he would return the compliment.

Mr. EPPES said, he had not applied the observation to any one; if there was any application in the case, the gentleman had certainly taken it to himself.

Mr. LIVERMORE said, he had expressed no opinions but such as were founded on mature reflection.

After some remarks, in explanation, from Mr. DANA,

The question on Mr. PITKIN's amendment was taken, and it was negatived—yeas 41, nays 51, as follows:

YEAS—Ezekiel Bacon, Martin Chittenden, John Culpeper, Samuel W. Dana, John Davenport, junior, Daniel M. Durell, James Elliot, Barent Gardnier, Francis Gardner, Charles Goldsborough, John Harris, Robert Jenkins, Joseph Lewis, junior, Matthew Lyon, Nathaniel Macon, Robert Marion, Josiah Masters, William Milnor, John Montgomery, Jeremiah Morrow, Gurdon S. Mumford, Thomas Newbold, Wilson Oary Nicholas, Timothy Pitkin, junior, Josiah Quincy, John Rhea of Tennessee, John Russell, Richard Stanford, Clement Storer, Joseph Story, Lewis B. Sturges, Peter Swart, Samuel Taggart, John Thompson, James I. Van Alen, Philip Van Cortlandt, Nicholas Van Dyke, Killian K. Van Rensselaer, Jesse Wharton, David R. Williams, and Nathan Wilson.

NAYS—Evan Alexander, Lemuel J. Alston, Willis Alston, junior, Joseph Barker, William W. Bibb, William Blackledge, Thomas Blount, Adam Boyd, John Boyle, Robert Brown, William Butler, Joseph Calhoun, George W. Campbell, Matthew Clay, John Clopton, Orchard Cook, John Dawson, Josiah Deane,

Joseph Desha, John W. Eppes, William Findley, Meshack Franklin, Thomas Gholson, junior, Isaiah L. Green, John Heister, James Holland, David Holmes, Reuben Humphreys, Daniel Ilsey, Walter Jones, John Lambert, Daniel Montgomery, junior, Nicholas R. Moore, John Morrow, Roger Nelson, Thomas Newton, John Porter, John Pugh, John Rea of Pennsylvania, Matthias Richards, Ebenezer Seaver, Samuel Shaw, Dennis Smelt, John Smilie, Jedediah K. Smith, John Smith, John Taylor, Daniel C. Verplanck, Robert Whitehill, Isaac Wilbour, and Alexander Wilson.

Mr. STURGES moved to amend the last section by striking out the term of limitation of the law to the duration of the embargo, and inserting as the period to which this bill should expire, "the first day of June next."

Mr. G. W. CAMPBELL observed that although he was decidedly opposed to this motion, he wished it not to be understood that, long before the first of June, he might not be willing to adopt a stronger measure, if no change of our situation took place.

The question was then taken on striking out the words in the bill, to make room for the amendments, and lost—yeas 27, nays 75, as follows:

YEAS—Epaphroditus Champion, Orchard Cook, John Culpeper, Samuel W. Dana, James Elliot, William Ely, Barent Gardnier, Francis Gardner, Charles Goldsborough, John Harris, Richard Jackson, Robert Jenkins, Joseph Lewis, junior, Matthew Lyon, Josiah Masters, William Milnor, Jonathan O. Mosely, Gurdon S. Mumford, Timothy Pitkin, junior, Josiah Quincy, William Stedman, Lewis B. Sturges, Samuel Taggart, Benjamin Tallmadge, Jabez Upham, Nicholas Van Dyke, and Killian K. Van Rensselaer.

NAYS—Evan Alexander, Lemuel J. Alston, Willis Alston, junior, Ezekiel Bacon, David Bard, Joseph Barker, William W. Bibb, William Blackledge, John Blake, junior, Thomas Blount, Adam Boyd, John Boyle, Robert Brown, William Butler, Joseph Calhoun, George W. Campbell, Matthew Clay, John Clopton, John Dawson, Josiah Deane, Joseph Desha, Daniel M. Durell, John W. Eppes, William Findley, James Fiak, Meshack Franklin, Thomas Gholson, jun., Isaiah L. Green, John Heister, James Holland, David Holmes, Benjamin Howard, Reuben Humphreys, Daniel Ilsey, Richard M. Johnson, Walter Jones, John Lambert, Nathaniel Macon, Robert Marion, Daniel Montgomery, junior, John Montgomery, Nicholas R. Moore, Thomas Moore, Jeremiah Morrow, John Morrow, Roger Nelson, Thomas Newbold, Thomas Newton, Wilson C. Nicholas, John Porter, John Pugh, John Rea of Pennsylvania, John Rhea of Tennessee, Jacob Richards, Matthias Richards, Ebenezer Seaver, Samuel Shaw, Dennis Smelt, John Smilie, Jedediah K. Smith, John Smith, Henry Southard, Richard Stanford, Clement Storer, Joseph Story, John Taylor, John Thompson, Daniel C. Verplanck, Jesse Wharton, Robert Whitehill, Isaac Wilbour, David R. Williams, Alexander Wilson, Nathan Wilson, and Richard Winn.

Mr. STURGES's amendment, of course, fell with it.

Mr. STURGES then offered the following, as a new section to the bill:

"And be it further enacted, That this act, and the

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act laying an embargo, and the laws supplementary to it, be repealed on the fourth of March next."

Mr. COOK moved to adjourn—ayes 26.

Mr. BLOUNT said he was not prepared to say that there might not be a time when the embargo ought to be removed, even if our difficulties were not removed; but he was certain that, whenever it was removed, some other measure must be adopted. He moved, as an amendment to the gentleman's motion, the following: "and that, from and after the fourth day of March next, it shall be lawful for the President of the United States to issue letters of marque and reprisal to such citizens of the United States as shall apply for them against the nations having edicts in force violating the lawful commerce of the United States."

Mr. LIVERMORE said, it was true that the Congress of the United States had the power of declaring war; but he did not know that they could delegate the power to the President of the United States. He said he was not surprised at it; for they seemed to have arrived at a period when they should choose a Dictator, and vest him with the power of life and death.

Mr. EFES said that the gentleman from North Carolina had expressed clearly his idea; that he was not prepared to vote on the amendment of Mr. STURGES, and merely meant to express his idea that, if the embargo was taken off at this moment, letters of marque ought to be granted. In this opinion Mr. E. coincided with him exactly. The gentleman from Massachusetts (Mr. LIVERMORE) did not pretend to say that Congress had not the power to issue letters of marque and reprisal. Who, then, said he, is to sign them? Our Speaker? No, sir; most probably the Executive, to whom the gentleman is so tender of granting power. I shall vote for the amendment of the gentleman from North Carolina, but do not consider it as pledging me to vote for the whole section of the gentleman from Connecticut, (Mr. STURGES,) as proposed to be amended; though I will not say that on the fourth of March it might not be proper to do so.

Mr. BLOUNT said, I rise to correct an impression which seems to exist in the minds of some gentlemen, that I am desirous of going immediately to war. I can truly say, that no man in this House is less desirous of going to war at this time than I am. In voting for the embargo, I was actuated by a desire to avert that evil; and I have and shall continue to vote for its continuance, because I still believe it will avert it, if, indeed, it be avertable. I introduced the amendment to the amendment now under consideration to show my opinion that the injuries we have received cannot be submitted to, and that if the embargo is abandoned before those injuries are redressed, we must necessarily resort to war. I shall vote for the amendment and against the section as amended.

He then amended his amendment by inserting the words "and neutral rights" after the word "commerce."

Mr. DAVID R. WILLIAMS said it was very

easy to discover what was the object of the gentleman from Connecticut—to call the yeas and nays, on one question or other, till the empty seats on his side of the House were filled, and then they would not get the question. He was sorry that the gentleman from North Carolina had made an object so unimportant as important as he did. He really wished that he would withdraw his amendment. Every consideration of policy was against its being decided to-night.

Mr. STURGES assured the gentleman from South Carolina that he had no chicanery in his nature; his only object was to obtain a direct decision of the question. He disclaimed the motive attributed to him.

Mr. J. G. JACKSON said, if the gentleman from Connecticut intended to vote for his own amendment, he must certainly vote for that of the gentleman from North Carolina.

Mr. BLOUNT withdrew his amendment, with a declaration that, if Mr. STURGES's amendment were adopted, he should move it as a new section.

After some observations from Mr. QUINCY in favor of, and Mr. MACON against the new section proposed—

Mr. CULPEPER moved to adjourn—yeas 25, nays 68.

Mr. G. W. CAMPBELL opposed the resolution, in a speech of a few minutes.

Mr. DANA spoke about an hour in favor of it.

Mr. MACON spoke in reply for half an hour.

Mr. LYON spoke in favor of the amendments about twenty minutes.

Mr. SMILIE spoke in reply about the same time.

Mr. STANFORD moved to adjourn—yeas 26.

Mr. LIVERMORE spoke in favor of the amendment, and in reply to Mr. SMILIE, about twenty minutes.

Mr. MASTERS.—Mr. Speaker, I perceive that the friends of the embargo are all mustered and marshalled for duty this night. They make so fine an appearance, there is no doubt of victory on their side. Nevertheless, I am determined to raise my arm and my voice against it, and in favor of the repeal. I hope the debate will be continued with all the temper and impartiality that the importance of the subject requires. I do not wish to speak disrespectfully of the measure, but must beg the indulgence of speaking to it with freedom.

We are again called upon for a substitute for the embargo. There are but three ways to be pursued: repeal your embargo laws in the whole, repeal them in part, or make war. The substitute I propose, is, to repeal the embargo laws as to those Powers who are friendly, and suffer your vessels to arm on the defensive. This course has this pre-eminent recommendation, of avoiding the supposed submission on the one hand, and the calamities and horrors of war, with all its attendant miseries on the other.

Let it be recollected, that this course will enable us, in some degree, to increase our commercial resources. Open trade with those countries who are friendly will lead to enterprise far more extensive than we can foresee, and far beyond our

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depth. If this course is viewed with calm, dispassionate, and sober investigation, I yet hope it will be adopted by the House.

Commerce is blended with our customs and manners, and is our right. Let it not be swept away, and a Chinese policy substituted in its place. Because Great Britain and France insult you, are you to prohibit all intercourse with the rest of the world? Commerce is one of the blessings which flows from a good government; which opens the way to many other improvements—to the introduction of arts, of industry, of all the virtues and sweets of civil life. Can industry, can wealth, can civilization, increase among the great bulk of the people, without commerce? If you repeal the embargo in part, it will open our markets, and give the merchants the use of their capital, and considerably increase the strength of the country, by diffusing the gold and silver of Mexico. It will give life to the operation of commerce and all the improvements of agriculture, and, above all other considerations, it will give quiet and internal repose.

The legal power of government is the *guardian* of all privileges and rights: that *guardian* cannot be supported without the respect and reverence of the people. Allegiance is tied to protection: if you deprive the citizens of the benefit of protection, you dissolve their allegiance.

One of the greatest advantages upon which our public welfare and strength particularly depend, is the union of the States, and a spirit of concord. The embargo has a strong and manifest tendency to break the ties of mutual interest which bind and knit us together, and to raise animosities, jealousies, and deadly feuds. Follow not a delusion that may lead to destruction. Do not drive your citizens to madness by your ill-timed measures. Do not quarrel with yourselves.

All classes of men are subordinate to the great laws of society—to the good order, the peace and safety of the country. You must however remember, that your power ought not to be exercised to the grievous inconvenience and detriment of the public. Despotism, in matters of high government to the people, is oppression—is tyranny—wherever it exists. True liberty and good government are inseparably connected. Anarchy is not liberty; despotism is not government. It is in dispensing justice—in protecting the rights and redressing the wrongs of the people—that republican authority best appears to the citizen, and excites his veneration and esteem. When relieved by its care and protected by its power, peace and security will follow.

The coercive and Chinese doctrine of the embargo is false, shallow, and more absurd than the most pestilential theories that were ever engendered by the confused imagination of man—is hostile to the real interest of this country, to national and individual prosperity—and has become one of the greatest scourges this country ever was oppressed with. It was founded on erroneous principles, which is a sufficient reason for its repeal. The idea of coercion is the most contemptible idea that ever entered into the head of man.

We have the best of experience to show how feeble the embargo is, and how inadequate in practice to the great object of coercion.

In contemplating on your embargo and non-intercourse as coercive weapons; the trade of Great Britain to extensive colonies; to Spain and Portugal, with Spanish and Portuguese America; the successes of the British naval force over every sea; the general increase of their power and the extension of their commerce, are events which must be taken into consideration.

Great Britain says you shall not trade to France, and France says you shall not trade to Great Britain. We say, agreed, and pawn our commerce to fulfil the promise. This withdrawing from the ocean is a criminal surrender of our national honor; it is in reality a disgraceful, base, and abject surrender of that rank which we are entitled to among nations. A right to navigate the ocean, and open our ports for exports, is a sentiment in the heart of every American—a law beyond any statute.

Can any man, looking at human nature as it is, contend that your laws cannot be evaded? Will you keep open the door to inroads, to clamor, to evasion of the law, under the false and imposing color of coercion? It often happens that one error in government begets another. If you continue your system, you add error to error. Your measures will give joy to Great Britain and France; and your late election has terminated according to their views and interests. Great Britain and France will soon know that we have got under the same Administration for four years to come, that have for four years back submitted to all the insults, aggressions, and indignities, that they could heap upon us—an Administration that often made great blusterings, but never dared venture anything but proclamations. Although I respect the Executive and his Administration for their pure intentions to preserve neutrality and the blessings of peace, I believe, instead of building imaginary castles, it would have been more wise in due season to have fortified our ports and harbors, and built heavy ships of war. Can we expect that our embargo and non-intercourse will be regarded any more than our gunboats and paper threats? Can we gain satisfaction, as to any one point, by our system? No, sir. The belligerents will expect us to continue our paper warfare and negotiations, and in the meantime encroach upon our rights, and keep us from the ocean, by our submission.

Let gentlemen say what they will, no oratory can persuade me that your paper war, your gunboat war, your embargo war, will not be defeated. Repeal your embargo in whole, or in part, and have an armed commerce. It is my earnest wish that this amendment should be confirmed with the most marked and decided approbation of every member.

Are all our advantages which may be derived from the export of our produce; are all our advantages to be derived from an increase of national wealth, to be retarded by a continuance of the embargo, and by the distractions and divisions of party—by the blind zeal and frenzy of prejudice?

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Every one who reflects upon all the circumstances of our situation, I trust, will agree to decide this amendment free from resentment and agitation, uninfluenced by prejudices, and uninfluenced by the passions on account of British aggressions.

It becomes the duty of every member of this House to unite their aid and assistance to give stability and security to some system. It appears to me the middle course is the most wise. If there is anything which should appear defective, it will become, in consequence, a duty to point out that defect, so that it may be remedied.

The gentleman from Tennessee (Mr. CAMPBELL) tells us. "The embargo is the only efficient measure we have taken; and if it does not soon answer the purpose, we must have war." Heaven forbid, that the fatal alternative should be decided in favor of that gentleman, or in favor of his embargo! The honorable gentleman appears to go upon the idea that there is an unalterable enmity between Great Britain and the United States; which is to suppose an eternal malice in the original frame of man, and that there can be no such thing as a friendly intercourse between the two nations.

The gentleman's position, then, will bring us to war. Will you pluck the gilded feathers and olive branch of peace from the American eagle, which may gripe and pierce with her talons the liberties of this country? Before wise and good men draw the sword, they consider whether the war in which they are going to engage be practicable or necessary, and what they are going to get. We have so little to get and so much to lose by a war, that nothing but the last necessity can induce me to abandon pacific measures, which ought to be the object of this commercial and agricultural country. A few years more of tranquillity, with our various climate and rich soil, will render the United States the most envied spot in the world, if we are not embargoed, and embargoed to destruction.

The belligerents refuse to rescind their edicts. This can be no reason for our declaring war, unless we have a chance, at least, of obtaining by war what we demand. If we go to war against them without any such chance, we shall forfeit all pretence to the character of being a wise and cautious people. I will go as far as any member in defensive measures, and preparation to meet future events. I hold it a sound maxim, in times like the present, to be prepared for war.

If you go to war with both belligerents, the collision will be with Great Britain; and the consequence will be, that France and America will be united in the same object. Although this Government and nation may not intend it, such will be the eventual operation. The *Emperor of France* has always destroyed his best friends. If you associate with France, this Republic is pawned to French influence. If ever our unthinking policy—the overbearing power of prejudice and passion—shall produce that fatal consequence, the melancholy moment will be too late to be perceived and remedied. Such are my sentiments. I am not afraid to avow them in the presence of

the nation, who, I am proud to say, is not poisoned by the stream of French perfidy, whose friendship touches only to blight and destroy every Government.

[Mr. MASTERS proceeded to show that the object of the Emperor of France was universal conquest, and how he obtained his power in the French revolution, in order to prove the dangerous consequences of an association; when

The SPEAKER remarked that the question was not war, and declared him out of order. To which

Mr. MASTERS replied, if he could not have his own way in the debate, Mr. Speaker might decide the question before the House himself, and he should not appeal from the decision.]

Mr. ELLIOT rose and commenced a speech in favor of the resolution. Before he had been speaking many minutes, he was called to order by Mr. J. G. JACKSON.

The SPEAKER decided that he was not in order.

Mr. GARDENIER appealed from his decision, which was confirmed by a large majority.

Mr. ELLIOT proceeded in reading through the documents communicated this session. He was repeatedly called to order, but the Speaker uniformly decided that, if the gentleman chose to make any pamphlet or book a part of his speech, keeping to the question, he had a right to do so. He was afterward called to order by the SPEAKER, when giving an account of his political life, and the regret he felt at some votes which he had given. He concluded his remarks a little after twelve o'clock.

The Clerk then proceeded to call the yeas and nays on the amendment. After the first member on the list had answered, a member rising to speak,

The SPEAKER observed that it was not in order to debate the question, after the first member called had answered.

Mr. RANDOLPH appealed from his decision, affirming, at the same time, that the member who had answered was not in his seat at the time.

After some little altercation, the Speaker's decision was confirmed by the House—yeas 99, nays 10, as follows:

YEAS—Evan Alexander, Lemuel J. Alston, Willis Alston, junior, Ezekiel Bacon, David Bard, Joseph Barker, Burwell Bassett, William W. Bibb, William Blackledge, John Blake, jun., Thomas Bleunt, Adam Boyd, John Boyle, Robert Brown, William Butler, Joseph Calhoun, George W. Campbell, Epaphroditus Champion, Martin Chittenden, Matthew Clay, John Clopton, John Culpener, Richard Cutts, John Davenport, jun., Joseph Desha, James Elliot, William Ely, John W. Eppes, William Findley, James Fisk, Meshack Franklin, Thomas Gholson, jun., Charles Goldsborough, Isaiah L. Green, John Harris, John Heister, James Holland, David Holmes, Benjamin Howard, Reuben Humphreys, Daniel Hsley, John G. Jackson, Richard Jackson, Robert Jenkins, Richard M. Johnson, Walter Jones, Thomas Kenan, Philip B. Key, William Kirkpatrick, John Lambert, Nathaniel Macon, Robert Marion, Josiah Masters, William Milnor, Daniel Montgomery, jun., John Montgomery, Nicholas R. Moore, Thomas Moore, Jeremiah Morrow, John Morrow, Jonathan O. Mosely, Gurdon S. Mumford, Roger Nelson,

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Thomas Newbold, Thomas Newton, Wilson C. Nicholas, Timothy Pitkin, junior, John Porter, John Rea of Pennsylvania, John Rhea of Tennessee, Jacob Richards, Matthias Richards, Ebenezer Seaver, Samuel Shaw, John Smilie, Jedediah K. Smith, John Smith, Samuel Smith, Henry Southard, Richard Stanford, William Stedman, Clement Storer, Joseph Story, Peter Swart, Benjamin Tallmadge, John Taylor, John Thompson, George M. Troup, Jabez Upham, James I. Van Alen, Philip Van Cortlandt, Nicholas Van Dyke, Daniel C. Verplanck, Jesse Wharton, Robert Whitehill, Isaac Wilbour, David R. Williams, Alexander Wilson, and Richard Winn.

YAYS—Barent Gardenier, Francis Gardner, James M. Garnett, Edwin Gray, Joseph Lewis, junior, Edward St. Loe Livermore, Matthew Lyon, Josiah Quincy, John Randolph, and Lewis B. Sturges.

The question was then finally taken on Mr. STURGES's amendment—yeas 35, nays 81, as follows:

YAYS—Epaphroditus Champion, Martin Chittenden, John Culpeper, Samuel W. Dana, John Davenport, junior, James Elliot, William Ely, Barent Gardenier, Francis Gardner, James M. Garnett, Charles Goldsborough, Edwin Gray, John Harris, Richard Jackson, Robert Jenkins, Philip B. Key, Joseph Lewis, jr., Edward St. Loe Livermore, Matthew Lyon, Josiah Masters, William Milnor, Jonathan O. Mosely, Timothy Pitkin, junior, Josiah Quincy, John Randolph, John Russell, James Sloan, William Stedman, Lewis B. Sturges, Samuel Taggart, Benjamin Tallmadge, Jabez Upham, Philip Van Cortlandt, Nicholas Van Dyke, and Killian K. Van Rensselaer.

NAYS—Evan Alexander, Lemuel J. Alston, Willis Alston, junior, Ezekiel Bacon, David Bard, Joseph Barker, Burwell Bassett, William W. Bibb, William Blackledge, John Blake, junior, Thomas Blount, Adam Boyd, John Boyle, Robert Brown, William Butler, Joseph Calhoun, George W. Campbell, Matthew Clay, John Clopton, Richard Cutts, Josiah Deane, Joseph Desha, John W. Eppes, William Findley, James Fisk, Meshack Franklin, Thomas Gholson, junior, Isaiah L. Green, John Heister, James Holland, David Holmes, Benjamin Howard, Reuben Humphreys, Daniel Isley, John G. Jackson, Richard M. Johnson, Walter Jones, Thomas Kenan, William Kirkpatrick, John Lambert, Nathaniel Macon, Robert Marion, Daniel Montgomery, junior, John Montgomery, Nicholas R. Moore, Thomas Moore, Jeremiah Morrow, John Morrow, Gurdon S. Mumford, Roger Nelson, Thomas Newbold, Thomas Newton, Wilson C. Nicholas, John Porter, John Rea of Pennsylvania, John Rhea of Tennessee, Jacob Richards, Matthias Richards, Ebenezer Seaver, Samuel Shaw, John Smilie, Jedediah K. Smith, John Smith, Samuel Smith, Henry Southard, Richard Stanford, Clement Storer, Joseph Story, Peter Swart, John Taylor, John Thompson, George M. Troup, James I. Van Alen, Daniel C. Verplanck, Jesse Wharton, Robert Whitehill, Isaac Wilbour, David R. Williams, Alexander Wilson, Nathan Wilson, and Richard Winn.

The question recurring on the bill's going to a third reading—

Mr. STURGES said: Mr. Speaker, it is with extreme regret that I rise to trouble the House at this late hour of the night. Gentlemen will bear me witness that I rarely take up the time upon subjects which come under our consideration.

Sir, I am willing, generally, to sit silent, and hear those who are in the habit of discussing questions; and my principal ambition as a member of this House, is, to give a correct vote.

Of so interesting a nature, however, in my apprehension, are many of the provisions of this bill, as respects the civil rights of the citizen, that I feel it my duty to state my objections before it passes, and I also know this is the case with several of my friends. Sir, owing to a decision of the chairman of the Committee of the Whole, when this bill was before that Committee, we have had no opportunity to do this. I do, with the most perfect sincerity, assure gentlemen of the majority—if I know my own heart and the disposition of my friends—there is no desire to protract this debate unreasonably, or to keep gentlemen here to an unreasonable hour of the night. I hope we shall be indulged with another day before the final vote is taken. I, therefore, move that the House now adjourn, and call for the yeas and nays upon this question.

The yeas and nays were accordingly taken, and it was decided in the negative—yeas 35, nays 79, as follows:

YAYS—Evan Alexander, Epaphroditus Champion, Martin Chittenden, John Culpeper, Samuel W. Dana, John Davenport, junior, James Elliot, William Ely, Francis Gardner, Charles Goldsborough, Edwin Gray, John Harris, Richard Jackson, Robert Jenkins, Philip B. Key, Joseph Lewis, junior, Edward St. Loe Livermore, Matthew Lyon, John Morrow, Jonathan O. Mosely, Timothy Pitkin, junior, Josiah Quincy, John Randolph, John Russell, James Sloan, Richard Stanford, William Stedman, Lewis B. Sturges, Peter Swart, Samuel Taggart, Benjamin Tallmadge, John Thompson, Jabez Upham, Nicholas Van Dyke, and Killian K. Van Rensselaer.

NAYS—Lemuel J. Alston, Willis Alston, jun., Ezekiel Bacon, David Bard, Joseph Barker, Burwell Bassett, William W. Bibb, William Blackledge, John Blake, junior, Thomas Blount, Adam Boyd, John Boyle, Robert Brown, William Butler, Joseph Calhoun, George W. Campbell, Matthew Clay, John Clopton, Richard Cutts, Josiah Deane, Joseph Desha, John W. Eppes, William Findley, James Fisk, Meshack Franklin, Barent Gardenier, James M. Garnett, Thomas Gholson, junior, Isaiah L. Green, John Heister, James Holland, David Holmes, Benjamin Howard, Reuben Humphreys, Daniel Isley, John G. Jackson, Richard M. Johnson, Walter Jones, Thomas Kenan, William Kirkpatrick, John Lambert, Nathaniel Macon, Robert Marion, Josiah Masters, Daniel Montgomery, junior, John Montgomery, Nicholas R. Moore, Thomas Moore, Jeremiah Morrow, Gurdon S. Mumford, Roger Nelson, Thomas Newbold, Thomas Newton, Wilson C. Nicholas, John Porter, John Rea of Pennsylvania, John Rhea of Tennessee, Jacob Richards, Ebenezer Seaver, Samuel Shaw, John Smilie, Jedediah K. Smith, Samuel Smith, Henry Southard, Clement Storer, Joseph Story, John Taylor, Geo. M. Troup, James I. Van Alen, Philip Van Cortlandt, Daniel C. Verplanck, Jesse Wharton, Robert Whitehill, Isaac Wilbour, David R. Williams, Alexander Wilson, Nathan Wilson, and Richard Winn.

The former question again having been stated by the Speaker, Mr. STURGES rose and addressed the Chair, as follows:

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Mr. Speaker, I hope and trust it will never be recorded upon the journals of this House that permission is granted to read this bill a third time. Sir, if this bill shall pass into a law, your coasting trade will thereby be rendered worthless. If the powers and authorities proposed by this bill to be vested in the President of the United States and the collectors, shall be vested in them, your coasting trade will not only be rendered worthless, but will, in all probability, be entirely destroyed. If this bill shall pass, your Constitution will thereby be violated. If it shall go into operation, according to its letter and spirit, the civil liberties of this people will be prostrated; the chains of slavery will be rivetted upon them, so far as the enacting of bills, and an attempt to execute those of such a character, can produce those effects.

At this late hour, I shall not detain the House by reading to them, at large, the very objectionable sections of this bill. I shall endeavor, faithfully, to present a correct summary of them, so far as it is necessary for the argument I propose to offer; and if I am incorrect, I hope gentlemen will point out to me my mistakes or omissions.

I say, sir, the second, third, and fourth sections of this bill, will not only render the coasting trade not worth pursuing, but will totally annihilate it. What is the purport of them? The second and fourth sections provide, that no specie or goods, wares, or merchandise, either of domestic or foreign growth, produce, or manufacture, shall be put on board any ship, vessel, or boat of any description whatever, except by permission of the collector, and under the inspection of the proper revenue officer; nor then, unless a bond has been given by the owner, &c., to the amount of six times the value of the vessel and cargo; nor then, in case the collector shall think there is an intention to evade the embargo laws, except on board of vessels employed in bays, rivers, sounds, or lakes; nor in vessels of the latter description, unless a general permission is granted to them by virtue of directions and instructions from the President; nor then, if the collector shall suppose there is danger of evading said laws; nor then, unless a bond has been given by the owner, &c., to the amount of three hundred dollars for each ton of the vessel. So that, these two sections put it in the power of the President and collectors to stop this trade entirely. Indeed, in the last resort, it vests this power solely in the collectors; for, finally, they are, at their discretion, to say and determine, as respects both description of coasters, whether there is an intention of evading these laws. But the third section may, in some of our large seaports, be still more oppressive. This section provides, that the owner, &c., of any ship, vessel, &c., as described in the second section, which may, at the time when notice of this act shall be received, &c., be laden in whole or in part, shall, on notice given by the collector, either discharge such cargo within ten days, or give bond for the discharge of the same within three days, on penalty of forfeiting the vessel and cargo; and the collectors may order the

discharge of such vessels; for the same causes, they may refuse permission to load as mentioned in the preceding section. Sir, I am credibly informed, there are some instances now in New York where rich and valuable cargoes are deposited in vessels lying in that port for safe-keeping, instead of putting them into warehouses, and that such cargoes and vessels are worth \$250,000. If, according to the requirement of this section, the collector shall order such cargoes to be re-landed, the bond which must be given will amount to a million and a half of dollars. No merchant can procure a bond to such an amount, or if he could, no man will ask his neighbors to lend his name as surety for such a sum. A common coaster of ninety tons, employed only in bays, rivers, &c., will be obliged to procure bonds to the amount of \$27,000. Sir, these requisitions will be intolerably oppressive upon the merchant. If you really mean to destroy the coasting trade, do it directly—say it explicitly—do not effect, in this disguised manner, what you know that you cannot consistently with the Constitution. Sir, you cannot, without a violation of the Constitutional rights of the people, prevent them from carrying their property from one to another part of the same State, or from one State to another State, by water, any more than you can by land. But, Mr. Speaker, I do consider these oppressive encroachments upon the rights of property as of minor consideration; as nothing, compared with the provisions of some other sections of this bill. I refer to the ninth, tenth, and eleventh. By these the collector shall, under such instructions and regulations of the President as he shall receive, with the aid of military force, seize any specie, produce, &c., when he has reason to believe that they are intended for exportation, or they are in any manner apparently on their way towards the territories of a foreign nation, or the vicinity thereof; and the collectors are also empowered to hold and detain them, by the same military force, until bonds shall be given to land or deliver them where the collectors shall direct, at any place from "whence" there is no danger, in the opinion of the collector, of their being exported. There is no limitation, sir, to the most wanton exercise or abuse of his discretion. He may, with military force, stop any wagon, cart, sleigh, or any other carriage, apparently on their way to a foreign country, or the vicinity thereof. And, however wanton, abusive, or tortuous, may be his conduct in the exercise of this discretion, if a suit be brought against him, acting in pursuance of his instructions, he may plead the general issue, and give this act and said instructions in evidence, as his justification and defence. And the only remedy or relief the person aggrieved has, is to petition the district judge, who is to hear and adjudge the case summarily, and who may order a restoration of the property upon certain conditions, or if he decrees against the petitioner, the collector shall be entitled to treble costs. Sir, in my apprehension, a more hideous exhibition of military despotism was never witnessed in any country, than will be if these provisions shall be

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carried into operation. The military power in array against the civil—in opposition to the usual remedy provided for the injured citizen. The collector is bound to act under such instructions as he shall receive from the President. Are these instructions to be public or private? There is nothing in the bill which determines this question. It is presumable, as heretofore, they are to be private; in his pocket, known only to himself. Let me put the question to gentlemen. What may be the consequence? A collector comes with or without his military force, he shows no warrant, no instructions; he attempts to seize the property of a citizen; the citizen knows not whether the collector acts by virtue of authority; the man whose property is thus attempted to be seized, defends; where is the law which would condemn him for any unhappy consequences which might ensue for his exercising the rights of a freeman, being ignorant whether the collector has such an authority or not?

By the ninth section, the collector is not to permit articles, which he shall seize, to be removed until bond with sufficient security shall be given for the landing or delivery of the same in some place in the States, whence, in the opinion of the collector, there shall be no danger of their being exported. By this section an owner of property may be obliged to remove his property fifty miles, or any other distance, as the collector shall direct, from a seaport into the interior. A person who has, for instance, a thousand bushels of wheat or salt lying in New York, may be obliged to remove them to Albany.

For all these acts of the collector, however wanton and vexatious, I have said the collector is to be completely justified. The tenth section provides that, if the collector is sued, he may plead the general issue, and give this act and instructions, &c., of the President, in evidence for his justification and defence. When I first read this clause, although this phraseology is peculiar to this bill, I was inclined to believe it meant nothing more than to save the collector the necessity of pleading specially. But, sir, the provision that the aggrieved complaining party may petition the district judge, convinces me that the fair construction of it is, that the plaintiff is not, under any circumstances, however aggravated, to take anything by his suit. This opinion is confirmed by adverting to the letter of the Secretary of the Treasury to the chairman of the committee of the Senate, which letter was the foundation of this bill. The Secretary says "vexatious suits are brought against collectors, which not only perplex faithful officers, but have the effect of intimidating others, and prevent energetic performances of their duties. The only provisions which have occurred to me on that subject are to enable the collectors who may be sued, always to remove the cause before a court of the United States." &c. The fact then, is, the citizen is to be deprived of his remedy before a court and jury of his State against a collector, however wantonly he may abuse his authority. Sir, these instructions from the President, which are to

avail the collectors, essentially amount to a power in the President to dispense with the laws and the regular administration of justice in the respective States. You cannot, without a violation of the Constitution of the United States, deprive the citizen of his remedy before a court and jury of his State against a collector or any other officer of the United States, any more than you can against any other private citizen. If he brings his action of trespass or trover against a collector, the defendant must be answerable in damages, unless he can show probable cause. It will be the right and duty of the State courts to disregard this provision of your bill. Even in England, sir, (whose Government gentlemen are so much in the habit of execrating,) the principle is the same. For several centuries no such dispensing power has been recognised to be vested in the King. There, also, a revenue officer is as much liable to a person aggrieved as any private man, unless he can show probable cause for the seizure.

Sir, these seizures in carts, wagons, sleighs, or any other carriage, without warrant and without being obliged to show probable cause, and without oath or affirmation, are expressly contrary to the fourth article of the amendments to the Constitution, which says: "The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated; and no warrant shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched and the persons or things to be seized." Again, sir, this bill will be unconstitutional, in that it authorizes the employment of the militia and other military force, by the President and his subordinate agents, before any insurrection or opposition to law has taken place. It is inconsistent with the principles of this Government to attempt, in the first instance, to execute laws, except through the mild medium of the civil power.

The first article, eighth section, and fourteenth paragraph of the Constitution of the United States, provides, that "Congress may provide by law for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions." In conformity to the meaning and spirit of this provision, it is enacted by a law of the United States, passed the 28th February, 1795, that wherever an opposition to your laws cannot be suppressed by the ordinary course of justice, or by the powers vested in the marshals by that act, then, and then only, the President may call forth the militia for that purpose.

Mr. Speaker, I am bold to say, this bill cannot be executed. I pray I may not be misunderstood in this remark. Do I mean, sir, that there will be insurrections? No, sir, I trust and hope not. Sir, I shall conceive it my duty to be one of the first to discountenance and discourage them. The opposition to this bill will be peaceable, and, from its being peaceable, it will be irresistible. The public opinion will be against it, and you cannot execute a statute in a free country where the pub-

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lic opinion is against it. It has been often said, that this is a strong Government. I hope, sir, there is sufficient strength in this Government to carry into execution all Constitutional laws. But, sir, upon what does the strength of this Government depend? It consists in the good opinion, the attachment, and affections of the people; and note, sir, what I say, it will be a delicate experiment to try its strength in any other way.

I challenge a justification of the principles of this bill from its friends. There is nothing similar in your revenue laws, which the honorable gentleman from Virginia (Mr. EPPES) read to-day. I have not had time since to look at them, but my honorable colleague (Mr. DANA) has satisfactorily, to my mind, answered the observations of that gentleman. Sir, I shall detain the House no longer. I do hope and trust that there is sufficient virtue and patriotism to prevent the passage of this bill. If I should be disappointed, and it should go into operation, according to my apprehensions, it will be in vain hereafter to talk of civil liberty.

Mr. SLOAN.—Mr. Speaker, I trust my uniform conduct, since I have been a member of this House, will exonerate me from the charge of taking up time unnecessarily, for the purpose of making long speeches. No, Mr. Speaker; I have heretofore been, and still am, governed by a sense of duty, and nothing short of an imperious sense of duty could induce me to rise at this late hour to express, in a few words, my abhorrence of the principle of the bill under consideration, which it is evident a majority of this House are determined to pass before they adjourn. So imperious is my present sense of duty, that not even the charge of being "an old tory"—a refugee—a British agent—or under "the influence of British gold," [alluding to a declaration of Mr. SMITH's, that the opposers of the embargo laws were composed of such characters,] can deter me from opposing this bill, which I consider as aiming a deadly blow at the liberty of my country, and the inherent and inalienable rights of my fellow-citizens, which I am determined to support, not only on this floor, but in all places, even to my latest breath. Before I proceed further, I think it my duty to say that I trust there are not two members within these walls capable of such language, or making so indiscriminate or unjust a charge as the one before mentioned, but that, with a single exception, I consider myself surrounded by gentlemen!

Mr. Speaker, the few days' delay in calling up this bill produced in my mind a comfortable hope that its advocates would have permitted it to perish in its embryon state, from a conviction that it is not only amphibious, but must, if brought to life and raised to maturity, be a mongrel, unnatural monster, boasting itself of being the offspring of liberty, whereas its nature and effect is entirely despotic and tyrannical. I cannot better express my detestation of the bill under consideration than by citing the language of a member in the minority, (Mr. LIVINGSTON,) when, under a former Administration, the alien law was passed—

he declared that the mode of deciding the guilt or innocence of an accused person by ordeal or battle, practised formerly by those nations which we term tyrannical and barbarous, compared with that law, was humane and just. Mr. Speaker, that law, compared with the present bill under consideration, was, in my opinion, humane and just; and, in its probable effects upon the people of the United States, not more in comparison than a drop to the ocean. That law the President was under no obligation to execute; nor have I ever heard of its being executed in a single instance. This bill, if passed into a law, and the embargo is continued, I conceive the President will consider it his duty to enforce, in which case, our boasted civil liberty will be at an end, and a military despotism be raised upon its ruins!

I am grieved to see a determination in a majority of this House, instead of relieving the distress and sufferings of the people, to pass a law to silence their complaints with sharp pointed bayonets, and these under the direction of even a deputy collector, to whom a latitude as wide as his own opinion is given.

The introduction of this bill, and the dreadful apprehension of its being passed into a law, and rigorously enjoined, has brought me, by anticipation, into a state similar to one in days of old, (Jeremiah) who, when mourning for the deplorable situation to which the folly of his people had reduced themselves, sought for some case similar, whereby he might comfort them. For a case similar to the present, in modern history, I have sought in vain; howbeit, in ancient history, 10th chapter of the 2d book of Chronicles, I find a case so perfectly applicable, as, in my opinion, to merit the serious attention of this House. There we find recorded that the children of Israel, conceiving themselves aggrieved by the heavy burdens laid on them by Solomon in his latter days, applied to his son to ease them, in which case they would serve him. This his old experienced counsellors advised him to do; but those who were young and inexperienced advised him to answer them roughly, whose counsel he followed, returning for answer, that his little finger should be thicker than his father's loins; and whereas his father had chastised them with whips, he would chastise them with scorpions. Last session we passed laws which have become too grievous for the people to bear; they have petitioned, and are anxiously looking to this session to remove that grievous burden; but, instead thereof, the bill about to be passed contemplates laying it heavier on. The application is too plain to need any elucidation, further than to remind the advocates of this bill that like causes ever have, and consequently ever will, produce like effects!

Mr. LIVERMORE said: Mr. Speaker, it is with extreme reluctance that I rise to make any observations at this late, or rather early hour, [two o'clock, a. m.] and it is at all times a most unpleasant undertaking to make an address to those who appear to have prejudged the cause. But such is the importance of the occasion, and such the extraordinary nature of the bill about to be

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passed, that I am not at liberty to sit still. It is my indispensable duty to expose its enormities, and some of the fatal consequences which must result to our country, should it become a law. As I wish not unnecessarily to detain the House, and am desirous of a patient and candid hearing, I shall endeavor to condense my argument, and consume as little time as the nature of the case will admit.

It is a duty I owe to my constituents, to the part of the country I represent, to the Constitution, and civil liberty, to oppose the passage of this bill, and declare its enormities.

I do not pretend to possess more patriotism, or a greater love for my country than other gentlemen; but at least I think I may safely contend to have as much as those gentlemen who have declared that this bill contains no despotic or unconstitutional principles; nor contained such, as it came from the Senate, and before it was amended.

Gentlemen have seemed alarmed at perceiving the despotic principles contained in this bill opposed from the quarter whence the opposition came. Upon another occasion, an honorable gentleman declared it was "a miracle," and that "he was almost persuaded to become a Christian."

But it is not by declarations like these, nor by angry invectives against any men, that we wish or expect to prevail, but by cool and dispassionate argument, addressed to the reason and understandings of gentlemen, and by pointing out the evils attendant upon measures, that we expect to avert them.

I agree that it is high time the people of the United States explicitly knew what is to be their fate, and what they are to expect from Congress at their present session: Is the embargo to be continued? Is the Chinese, or Terrapin system, as it is called, to be enforced? And is commerce to be destroyed and wholly given up? The bill, now under consideration, if it passes into a law, will establish the fact beyond all controversy. It is so effectual in its provisions, every avenue is so completely guarded, that if it can be obeyed and carried into effect in the manner contemplated, no man can ever leave the United States and return into it again with any degree of safety, and we should be in a short time, as to the rest of the world, completely isolated. Even the domestic commerce of the United States is laid under such restraints and embarrassments, is so much dependent on the will of a dictator, or those whom he may appoint to distribute his favors, that none but favorites can, with any degree of convenience, continue in its prosecution.

In order that this system may be established and enforced beyond all possibility of evasion, the most arbitrary, despotic powers, are confided to the dictator, that can well be given, except as to corporal punishment. Private rights are to be disregarded, private property invaded, the Constitution is to be prostrated, and liberty annihilated! These are very serious considerations, and lead to a variety of inquiries. Let us analyze this bill, and understand its true import and significance; and then consider whether we are pre-

pared to pass it; whether we are ready to sacrifice all we hold dear in society to gratify a vain desire of obtaining an object, in which we have no rational prospect of success; and from which, after another twelvemonth's labor and sufferings, we shall be as distant as when we began.

Upon examining the first section of this bill, it will be found that no property whatever can be transported out of the United States, either by sea or land, of the most trifling value, without subjecting the owner to heavy penalties. The clothing in his trunk or portmanteau, or the money in his purse, to defray his expenses, would subject him to prosecution. Even the intention is made criminal, and a man is liable to suffer for an inchoate act. This system puts an end to all foreign commerce, or at least suspends it for an unlimited time, which amounts to the same thing. For, if nothing can be carried out, it follows that nothing can be brought in; as we cannot rationally suppose that foreigners will bring us their produce gratis. Here let us pause, and inquire whether Congress have the authority to act thus. The physical power they may have, but the legitimate right is of a very different nature. As I cannot find the power delegated by the Constitution, I am disposed to deny the authority. It is a fundamental axiom of the Government of our country, that all power is derivative, and alone proceeds from the people, and what they have not given, either expressly or by necessary implication, as expressive of their will and intention, is retained by them. This principle is expressly recognised and established by the ninth and tenth articles of the amendments of the Constitution.

I was proceeding last evening (when I was interrupted for want of a quorum) in an argument against the authority contended for, and will not now detain the House by a repetition of what I then advanced. [Mr. L.'s argument upon that occasion is here inserted.] It has already been stated by an honorable member, that the origin of the Federal Constitution was commerce, our relations with foreign nations, or the rights of making war and peace, and treaties, and the debts of the United States, and revenue; it might be added, the relation of each State with the others. And the Government was accordingly made, or intended to be, a federative government, and not a consolidated one, by vesting all legislative powers in the government of the Union. There is not a line or sentence in the Constitution of the United States, which manifests an intention of giving any other powers than those necessary for effectuating the objects I have mentioned.

The letter of the 17th September, 1787, signed by General WASHINGTON, as President of the Convention, is undeniable proof of this fact. He says: "The friends of our country have long seen and desired that the power of making war, and peace, and treaties; that of levying money and regulating commerce, and correspondent executive and judicial authorities, should be fully and effectually vested in the General Government of the Union"—and the Federal Constitution was made in conformity to these principles. The

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eighth section of that instrument designates the powers of Congress, and the third article gives them an authority "to regulate commerce with foreign nations, and among the several States, and with the Indian tribes." The seventeenth article of the same section gives the power of making laws necessary and proper for carrying into execution this power, and the other powers given in that section, and other powers vested in the Government of the United States. These are all the powers vested in Congress by the Constitution relative to commerce.

From reading the Constitution, and attentively considering the articles to which I have referred, no man can possibly conceive that the people, when delegating the power to Congress of regulating commerce with foreign nations, contemplated a state of things in which Congress would undertake to prohibit commerce altogether. We therefore cannot rationally expect to find an express negative upon this head; but the fifth article is strongly an implied negative to the principle; it reads thus: "No duty shall be laid upon articles exported from any State." Congress, therefore, have not the power of laying a duty of one cent upon articles exported, yet, by this bill, a right is assumed of prohibiting the exportation altogether. Congress cannot lay a duty of one cent per bale upon cotton exported, but it is contended that Congress can prohibit the exportation of cotton. This appears to be a very unfair way of depriving people of their rights. It is a method of reasoning neither just nor conclusive. "There is," says Lord Bacon, "no torture more intolerable than the torture of laws"—and so to torture them as to make the people express a grant of power which they never intended, is palpably unjust. As it cannot be contended that the people, in adopting the Constitution, contemplated vesting in Congress the right of prohibiting foreign commerce, or the exportation of articles both by sea and land, inasmuch as it would be the right of destroying the very objects of their association, and of the particular rights and interests of those associated, and as it is expressly laid down that the powers not given are reserved; the inquiry is, by what rule can Congress assume the right? The rule must be this, that it is thought expedient because of the expectation of beneficial results. It is conjectured that the United States may be greatly benefited, and that by these measures we may acquire or obtain satisfaction for injuries we have sustained, and security for rights of which we are deprived. But the argument of expediency, when we are inquiring into Constitutional powers, is wholly inadmissible; for, to admit this argument for one moment, there would be an end of delegation of power or derivative authority, an end to written constitutions and limitation of Government; it would at once be resolved into expediency, discretion, and will. For the same power which to-day can say, you shall not export articles, because we wish to deprive certain nations of the benefit of receiving them, may say to-morrow, you shall not grow tobacco, cotton, or wheat—you shall not

catch fish, lest the articles may fall into the hands of those we wish to coerce; by the same rule which you say that we shall not sail ships, you may say, we shall not build them.

By the same rule which you say, we shall not export our produce to countries in amity or at war with us, you may say we shall not raise the produce, or manufacture the articles we wish to export, or even raise or manufacture articles for the sustenance of ourselves and families; and, with like propriety, might the rule be extended to every transaction of human life.

If you can adopt the rule of expediency for your guide, you have passed the Rubicon, and, like Cæsar, assumed the disposal of the liberties of your country.

And there appears to be no more propriety in contending for this power, than there would be under the eighth article of this section, that Congress have a right to prohibit authors and inventors of science and useful arts from exercising their faculties, on the ground that they have the power of securing to them the right of their writings and discourses; or, under the fifteenth article, which gives the authority for regulating the militia, they should undertake to abolish the militia of each State. It may be observed here, that the same rule applies to the commerce between the States, and if Congress have the authority to destroy foreign commerce, they have the right of preventing its being pursued between the different States. The idea that the people would intentionally delegate this power to Congress, is contrary to every principle of reason, and that they have done so without knowing it, is contrary to every principle of volition; and to construe their grant to mean what they never intended, is contrary to every principle of honesty and justice. The Constitution is in the place of divine command, and we have no power to enlarge, or circumscribe it in the least particle, though we might entertain the most serious opinion that infinite benefits might redound to our constituents had we but the power of doing them all the good our benevolence might dictate.

If further evidence is necessary of the power intended by the people to be delegated, and the old law maxim of "what does not appear does not exist," is insufficient, we may with propriety consider, what could have been the opinion of the people of different States in the Union, as resulting from their peculiar circumstances and local situation, at the time of adopting the Constitution. Upon a former occasion I took a view of the benefits arising from commerce—that all our pleasures and conveniences, as well as power and riches, were in a great measure derived from commerce. And that, both in sickness and health, we felt the benign influence of her bounty. That all countries and climates, earth and seas, things animate and inanimate, vegetable and fossil, are made subservient to man through the means of commerce.

Not only our bodily enjoyments are dependent upon commerce, but our mental improvements also. The philosopher in his closet, the farmer

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or planter upon his estate, the herdsman and mechanic, the fisherman and adventurous mariner, derive their advantages from the same source, and are alike benefited with the merchant in his counting-house. The sciences are cultivated, the mind is enlarged and improved, the manners are softened and polished, and man, from a rude, uncomfortable, unenlightened animal, becomes a cultivated, social and useful being, acquiring and receiving happiness himself, and communicating it to others. By commerce, a country grows rich and powerful; and, without it, would remain indigent and weak, and even become so, in a short period, by altogether divesting itself of it, though ever so rich at the commencement.

History affords us the most striking illustrations of these positions; of countries whose Government might be said to balance the world, and whose importance grew out of commerce, and was lost by its decline. But let us turn our attention to objects with which we are more immediately conversant. I mean the affairs of our own nation. What was the situation of the people of this country in 1787? A poor, defenceless, bankrupt, and impotent people, without the ability to discharge our public or private debts, and scarcely possessing strength enough to support a war with either the Algerines or Indians. But, by adopting our present happy Constitution, (for it has hitherto afforded us the means of obtaining happiness,) and by pursuing an advantageous commerce, under the auspices of a Government of men who well considered its inestimable advantages, we, in the short period of twenty years, have arisen to an astonishing degree of wealth, and, if it had been so directed, correspondent power.

Acknowledged to be the second commercial nation in the world, and with most unbounded prospects of future wealth and happiness—what a strange reverse does the prospect of our affairs now present? Like a man inebriated with success, a check in his career drives him to commit suicide. The sages who formed the Constitution, and the people who adopted it, (at least a part of them,) well understood this subject, and have so expressed their sentiments.

It is, therefore, morally certain, that they did not contemplate a situation of affairs in which Congress would deliberate upon the necessity of destroying that commerce which was a principal cause of their association to regulate, and from which they expected to derive the means of relieving themselves from their embarrassments, and, as the event has shown, they did not miscalculate. If, therefore, they did not think of it, it certainly follows, that they did not intend to invest Congress with the power, and consequently have not given it to them, and the most favorable point of view in which the subject can be placed by the gentlemen who contend for the principle, is, that it is a case omitted, and was not thought of, and this is sufficient to support my argument.

It has been said that the embargo is not to be perpetual; that we do not intend it shall be so.

I know not what is a perpetual law, if the embargo laws are not. Their duration depends upon no event; neither is any period limited for their expiration. They are perpetual as to our power, and that should be our only consideration, in this respect, in passing a law. The question should be, is this act such as we wish perpetual? If it is not, we betray the trust reposed in us by the Constitution, in making it so beyond the power of our control. It is not for us to say that the law may be repealed if the Senate and President consent. The Constitution has made the different branches of the Legislature checks upon each other, and we are destroying these Constitutional checks by placing one branch at the mercy of the other: and it would be a poor apology to say, we had a confidence in the other branch, having once parted with our power over the subject, it is gone from us forever; every law is perpetual whose limitation is not in some way expressed in the act.

I shall be told that there has been a judicial decision in favor of the constitutionality of the law; that a district judge, after solemn argument, has judicially given an opinion. I respect the gentleman who gives the opinion, but I by no means subscribe to the correctness of the opinion given. Perhaps in his situation, as an admiralty judge of inferior jurisdiction, it was the correct course to execute the law, and leave it to the highest tribunal to decide upon the important question of its constitutionality, and it might have been as well if he had gone no further. But, in my situation, I take still higher ground; and although a decision of the Supreme Court would be a sufficient rule as a citizen for me to regulate my conduct as to the force and effect of the law, yet, as a legislator, I must judge for myself whether the Constitution has given me the power to act or legislate upon the subject. I altogether condemn that sophistical way of reasoning by which a man derives power to himself, or pretends to derive it, by alleging it is the appendage of power specially granted, or arises by implication from those granted; because he convinces himself by a fanciful argument it would be better for the people if it were so, when, at the same time, it appears that the grantor could not have had the case in view, but rather a case directly the contrary. If it would be fraudulent so to construe the power of attorney of an individual, what must be the case of the substitutes of the people in misconstruing the instrument of their authority, when the dearest rights of their constituents are implicated? I feel no hesitation in saying, that had this thing been contemplated by the people, or the system that is now endeavoring to be established, there never would have been a union of the States by civil compact; and I am compelled to say, I dread the consequences of a continuation of this pernicious system.

But it has been endeavored to maintain the doctrine upon the principle that Congress have the power of making war and peace. It is presumed that a discreet use will be made of this power, and when we are at war with any nation,

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commerce, of course, with that nation will cease, or be interdicted during the continuance of the war; and Congress may interdict commerce with a particular nation, which is a species of war. But preventing the citizens from exporting their produce to nations in amity, was never contemplated. It is totally a different case. But, the question has been asked, has not Congress the right to declare war against all the world? And this is the amount of the present bill. Our nation is to become like the Ishmaelites of old—"our hand against every man, and every man's hand against us." So absurd a thing was never contemplated by the framers of the Constitution.

It is so extreme a case that it is ridiculous to ask the question, and so is the absurdity of the idea of our carrying on war with two nations at the same time, who are waging the most destructive war against each other. Would there not be danger, or cause to apprehend that they might cease their strife for a while, and turn their destructive arms against our defenceless coast, and make us severely pay for our folly and temerity?

While I am upon this subject, I cannot help expressing my dissatisfaction upon the information given us by the documents communicated by the President, relative to the offer which was said to have been made to the British Government, to raise the embargo as to them, provided they would revoke the orders of the 7th of January, and 11th of November, as to us. It seems very strange that the British Government should not agree to a proposition of this nature, and so reasonable in itself—for, this must have been the necessary consequence of such an agreement, either that France must instantly have revoked her blockading decrees against England, or we must have had a war with France. To suppose, therefore, that England did not wish our friendship to them, and hostility to their enemies, is next to impossible with me, and, of itself, leads to a doubt of the reality.

But, upon a fair examination, the authority given to Mr. Pinkney does not appear to be adequate to making the agreement, and that he could not have done so, except he should also assume authority by implication. In Mr. Madison's letter to Mr. Pinkney, of the 30th of April last, he is told that, "should the British Government take this course, he may authorize an expectation that the President will, within a reasonable time, give effect to the authority vested in him on the subject of the embargo laws."

Mr. Pinkney, in his letter to Mr. Madison of the 4th of August, says, "that in an interview of the 29th of June, (that is, with Mr. Canning,) he soon found it necessary to throw out an intimation, that the powers vested in the President by Congress, to suspend the embargo act and its supplements, would be exercised as it regarded Great Britain, if their orders were repealed as regarded us." Mr. Pinkney, as an honest man, must have communicated what his powers were, and that he was not instructed absolutely to make this agreement. Mr. Pinkney in his letter to Mr. Canning, of the 23d of August, says, "that he

had the honor of stating that it was the intention of the President, in case Great Britain repealed her orders, &c., to suspend the embargo, and was authorized to give this assurance in the most formal manner." We have already noticed what the authority was. For my own part, I cannot conceive the necessity of proceeding in this way in so important a concern; and why authority was not given, in the first instance, to make a direct and positive offer, and demand a categorical answer, whether the Government would agree to the proposal, I am at a loss to conjecture. It seems as if we could not have the whole of the correspondence before us, and as if something had been kept back. To me the affair is inexplicable. I must, therefore, leave it to gentlemen who better comprehend it, and proceed to the further examination of the subject before us.

It has been said that every principle in this bill has heretofore been enacted by Congress, and that precedents may be shown to this effect. In all doubtful questions, precedents are entitled to consideration, but then we ought to be certain the precedent applies to the case; but, if I feel no doubt upon the point, the precedent can have no weight with me either way, and it certainly can be no excuse for us that a former Congress have exceeded their authority. As I feel no doubt of the correctness of my argument, it is not very necessary to consider the cases which are supposed to maintain the doctrine; but, even here, I am willing to meet the objection.

The first case is the embargo of 1794. An embargo, as it has ever been understood in the law of nations, is the preventing in time of war, for a short period, the sailing of vessels from a port or ports, that information might not be communicated to an enemy, and thereby the object of an expedition be defeated. And also, (as it is practised in some countries,) for the purpose of manning a fleet. In the case of 1794, our shores were infested with privateers and armed vessels, capturing the vessels of our citizens even in the mouths of our harbors. The embargo was laid by a resolution for thirty days, and afterwards renewed for thirty more, but raised before the expiration of the time, and when it was supposed our people were sufficiently warned of their danger, and prepared to meet it. By a temporary law, the President was authorized to lay an embargo for a limited time in the recess of Congress, should a like necessity require it.

This case was very dissimilar to the present system. It was merely a momentary measure of precaution. It was not perpetual. Neither branch had divested itself of the power of revocation. It was not intended to destroy our commerce, or prevent, for an unlimited time, the exportation or importation of all merchandise. As it had been practised in time of war by nations, to lay an embargo in the way I have mentioned, Congress might suppose that this power was contemplated to be granted by the Constitution, in granting the powers of war and peace. But it will readily be seen, that as this system of destroying commerce had never occurred in the world, and, as I have

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before shown, was so contrary to the principles and objects of the association of the people, it could not, in like manner, be said to be granted, being in its nature a very different thing.

But whether the embargo of '94 can be justified in consonance with the principles I have laid down, I am not anxious to inquire. The event was at a season of the year when its operation was not very injurious, and being limited, there was not much complaint against it, and the apparent necessity seemed a justification. But, if Congress exceeded their powers at that time, it is no justification of the present bill.

The question has been asked, where does the power reside if Congress do not possess it? The answer is, with the people, from whom all power emanates; and I will venture to predict they will never relinquish it. Should the question be proposed at any time, their answer would be very prompt. But, gentlemen have said that the people have expressed their approbation of the system by their elections. This opinion I believe incorrect. Two very powerful and influential States, Massachusetts and Connecticut, have, by their Legislatures, explicitly avowed their decided disapprobation; and the Legislature of Massachusetts have requested their Representatives in Congress to use their influence to obtain a repeal of the embargo laws. This request, of itself, has great weight with me, though it is true it is conformable to my previous opinion.

New Hampshire, and Rhode Island, and Vermont, if the elections are fair *criteria*, have expressed their disapprobation of the embargo system; and the late elections of Representatives in Vermont are incontrovertible proof of the assertion that the elections would have been very different in the United States but for the belief that the embargo was to be immediately raised.

People are very apt to believe the thing they wish, and the rumors which ran through the United States convinced them that their wishes would be shortly realized. The letter, first published in Richmond, which appeared to have the stamp of authority, was printed in almost every paper in the United States; reports, said to come from officers of Government, of high standing, were industriously circulated; all parties appeared to agree in the necessity and belief that the embargo would be raised immediately upon the meeting of Congress, if not suspended before. In this situation the election came on, and the people were asked, will you turn out your old friends and elect others on account of the embargo, which will be immediately raised? The answer was, no! Other gentlemen will form their own opinions, but to me the conclusion is irresistible, that many gentlemen owe their election to these circumstances; and, in this view, I contend that the elections afford no favorable proof of the popularity of the embargo. This question of power ought to be settled by the people, and I make no doubt that the Constitution will receive amendments upon this head.

The second section of this bill establishes a principle which must ever be abominable in a

free government; a system of partiality and corruption. This is contrary to the spirit of the Constitution, which is, that government was not instituted for any man or body of men, but for the general good. Here power is given to the President and his collector to determine who shall carry on the remnant of trade which, under all the restrictions, is left us—the coasting trade. This is, from port to port in the same State, or from ports in different States. The whole rests in the will and discretion of the President, who may issue his instructions to the collectors, and from them there is no appeal. It has the appearance as if party politics were to be the criterion of the rights of trade. It cannot be pretended that the Constitution contemplates such unjust and arbitrary distinctions. Then where, or from whence, is the authority derived for the exercise of such invidious distinctions? The consequence must be the detestation of the Government, and animosity among the people. It would be placing a good man, who may chance to be a collector, in a delicate situation, and a bad man where he might exercise the most arbitrary tyrannical powers.

This is not merely a speculative opinion. We have already had some practical knowledge upon the subject.

The sixth section establishes a new and strange principle in law, a principle of vicarious punishment, or of punishing one man for the offence of another. But this is not the extent of the mischief. It seems a refinement in cruelty. There are men who have vested the principal part of their property in shipping. By the embargo they have been so long deprived of the use of their property that they are almost reduced to beggary. To relieve their necessities they may wish to sell their vessels; but the provisions of this section will render it impossible to do it with any degree of safety, for the seller may be answerable for an offence committed by the real owner, whose name does not appear upon the register, enrollment, or license; and this, together with the enormous bonds of three hundred dollars per ton of the vessel, which must be given upon the transfer, would be almost a certain means of preventing a sale. But the principles contained in the 9th, 10th, and 11th sections of the bill are infinitely more destructive to liberty, and direct violations of the Constitution.

It is provided by the 4th article of the amendments to the Constitution, that "the right of the people to be secure in their houses, papers, and effects, against unreasonable searches and seizures, shall not be violated; and no warrant shall be issued but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized." This is the people's Magna Charta, whereby they have declared certain rights inviolate. It seems as if the framers of this article foresaw a time, when the passions of those in power might cause them to overleap all bounds, and, from some strange causes, an attempt might be made at the destruction of men by an attack on, or an improper and unreasonable interference

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with their private property. The same principle is established in the constitution of most of the States; at least, I find it in nine of them.

These principles are also laid down in the constitution of most of the States: that standing armies are dangerous to liberty; that the military shall be subordinate to the civil power. It appears that the people, ever jealous of their rights and liberties, have endeavored to secure them by every possible restriction. They have been aware of the causes which have deprived other nations of their freedom, and have endeavored to guard against the evils; and I think they will frown upon every encroachment. I hope they will not have cause to reflect that they did not consider that their constitutions were to be administered by men, who might put a different construction upon their words from what they intended, and that, in the sequel, they would meet the same fate they appeared to deplore. But, should the present bill pass into a law, their fancied barriers which they have enacted, are completely broken down, and their constitution, in this respect, becomes but a dead letter. To suppress insurrections or forcible opposition to the due execution of the law, a resort may be had to the military; but to use the bayonet in the first instance, to execute the laws, is a power not vested in Congress, and whenever exercised, it must be upon the ruins of liberty.

In order to make myself the more intelligible, I will state certain cases, in which despotism will appear in most glaring colors, and will then prove, by this bill, that such cases may exist, and the law will be such as to authorize them. Gentlemen may say, they are cases not likely to happen; it is not what we intend by passing the bill; we have too great a confidence in our Executive to believe in the dangers you apprehend, or that the power will be improperly exercised. I should answer that it would not be the first time that too great confidence placed in man has led to the destruction of the liberties of the people, and it would be but a poor excuse to say that we placed the power where we did not believe it would be misused. The ancient Romans did not think, when they created Julius Cæsar perpetual Dictator, that they had placed power in the hands of one who would misuse it, any more than Congress apprehend danger from the present President, or his successor. There was no man more accomplished than Cæsar, or who possessed a greater share of popular talents. He, like Absalom of old, "stole away the hearts of the people," but all historians agree that here commenced the destruction of Roman liberty. It should be our only inquiry, May the powers granted be used for unconstitutional or tyrannical purposes? and not whether the agent is so pure, just, and honest, that he will not make an improper use of them.

The cases which I shall state may, at first view, strike gentlemen as extravagant, and not likely to happen; but let them consider whether the power is given by this bill, and then whether, in the present state of this country, they are not something more than barely possible, and do not ap-

proach even to probability. For instance, a man in Vermont has a wagon loaded with flour, which he intends to carry to market to pay his debts or supply the necessities of his family. The collector or person empowered by the President seizes it, and will not permit it to be removed until bond shall be given for the delivery of it at some place directly opposite to where it was intended to be carried, and to any distance the arbitrary agent may choose, if within the United States. He has the power to do this, and cannot be called to an account, or punished for his misdoings. For, if the wagon is going in a northerly direction, it is "apparently on the way towards the territories of a foreign nation"—I take the words of the bill;—if it is going East, West, or South, it is "apparently on the way" to Boston, New York, or some other place, where the officer seizing may say, "It is intended for exportation;" and of this, of course, he must be the judge. And the same may be said as to the place where the articles are to be delivered, if within the United States. And he may employ such part of the land and naval forces, or of the militia, as he may judge necessary, for taking into custody, guarding, and keeping the articles seized. The same may be done to the owner of a load of tobacco going to Richmond to market, or of a boat-load of cotton transporting to Savannah.

I will state another case. A gentleman—an honorable Senator, if you please—is travelling to Baltimore, from this city, and has in his trunk a sum of money. The President or collector may send a file of soldiers and stop him, and seize the money, and not permit it to be removed until bond shall be given to deposit it in the Washington Bank; (the stockholders of many banks in the United States would be delighted to have an agent with this power); and this bill completely gives the authority. For, the gentleman having put his specie on board his vehicle, (whatever it may be,) and being apparently on his way to a place where exports have been made, and (if report says true) with great success during the embargo, the act gives the full power to commit this enormity, and no one can call the perpetrator to account; and the remedy proposed by the amendment, which virtually takes away a man's common-law right, is an insult to the sufferer, rather than a redress for the injury.

Let not gentlemen imagine that these are cases not likely to happen. Man is a creature of a variety of passions, and there are none more powerful and prevalent than those of avarice and malice. Money may be extorted for favors granted, or the vengeance of the adversary may be wreaked upon an innocent man, who, by this bill, will be deprived of the power of resistance, or of recovering redress.

It has been contended that the principle of seizure contained in this bill is supported in precedent by the sixty-eighth section of the collection law. This section authorizes the collector (not a military band) to enter on board a vessel and seize goods liable to forfeiture for a breach of the law, in not having paid or secured to be paid the duties

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upon the goods, or for other causes of forfeiture mentioned in the law. And if they should have cause to suspect a concealment thereof in any particular dwelling-house, store, building, or other place, upon proper application, upon oath, to any justice of the peace, be entitled to a warrant to enter such house, and in the day time only search for such goods, and seize and secure the same for trial; and all such goods so found, on which the duties shall not have been paid, or secured to be paid, shall be forfeited.

It is to me astonishing that any gentleman can suppose this a precedent in point to support this bill. It shows how far our failings may mislead us in the direction of our understandings.

The case contemplated in the collection law necessarily supposes an offence committed, which is by landing or concealing the goods, not having paid or secured to be paid the duties on them; and for this offence the goods are forfeited; and, if so, there can be no just cause of complaint for their seizure; and the officer must be cautious that he is correct in this, or has just cause for seizure, for otherwise a jury of his country would teach him to respect the private rights of his neighbors. But, the ingenuity of the committee in this amendment is very great. They have found it necessary—a thing never dreamt of by the honorable Senate—to declare an offence, and then a forfeiture of the goods, to justify a seizure to hold for trial. But, to support the case as parallel, let us consider the offence created.

By the amendment, the offence created is this: putting on board a vessel or carriage goods or specie with *intent* to export, &c. If it should be left simply here, I apprehend the law would have very little operation either way. For, if (as upon common principles) the person seizing must prove the *intent* to export, for his justification, there would be but few seizures, as the remedy which the law would give would be sufficient to awe the collector. But, in order to obviate this difficulty attending the seizing of a man's property, the other amendment is introduced, which is of as arbitrary a nature as could well be expected. The district judge is to decide in a summary way the question, and a man is to be deprived of his common-law rights; and the inestimable trial by jury, which the Constitution has guaranteed, is to be done away, and the person who dares to complain shall be adjudged to pay treble costs. This is the fair construction and intention of the bill; and although our courts of law may not consent to have the Constitution trodden under foot, yet this is no apology for the bill.

The act of the 5th June, 1794, is also mentioned. This authorizes the President to make use of military force, if necessary, for preventing the fitting out and arming vessels in the ports and harbors of the United States, and to take possession of any such ship or vessel and her prizes, and to compel the departure of foreign ships and vessels, which by the laws of nations and treaties of the United States ought not to remain. But this power cannot be exercised till after process, issuing out of some court in the United States, shall

have been disobeyed or resisted. This act is founded upon the principle that the civil power must be resisted before the military can be called to aid, and is in strict conformity with the Constitution.

The fifth section of the act of the 3d of March, 1805, for preserving peace within the ports and harbors of the United States, is also mentioned. This gives power to compel foreign armed vessels to depart the United States. If foreign armed vessels must be compelled to depart, it must be by military force.

The act of the 3d March, 1807, authorizes the removal by the marshal, without suit or judgment, of persons who are in possession of lands claimed by the United States. I think this act cannot be justified upon principles of reason and natural law, but it by no means comes up to the principle contended for in this bill. The marshal is to remove without process—without an inquest of office, or any judicial decision—and the President is the sole judge. But it is not to be done by a military force. And although it may operate very inconveniently and oppressively, yet in any cases likely to happen it cannot prove so injurious.

There has been some contest in this House on the question, which part of the country suffers most by the embargo? This is not an essential point to be decided; it is sufficient that all parts suffer grievously by its pressure. But, should this system be continued, it is certain our cities must be wholly ruined, and our ship-holders lose their all. Though the farmer must be greatly distressed, yet he has still some chance of supporting his family upon his farm; but the naked walls of a city house would afford little more consolation to the impoverished owner than the walls of a prison. It has been said that there would be no danger of people's suffering through want in this land of plenty—let them move into the country, and cultivate the soil. I cannot subscribe to the humanity of the act of compelling people to desert their habitations in town to cultivate the soil. Little is it imagined what infinite distress such a cruel necessity must occasion. The country gentlemen must pardon us who live in towns, if we cannot comprehend their policy. They inform us that their object is kindness towards us; that they wish to preserve our property by measure; which we are convinced go to the destruction of it. We are also told there would be no trade for you, should we suffer your ships to leave their ports. Then, why this great solicitude to prevent their sailing? The thing would work its own cure, if left to regulate itself. The merchant would find out whether he could prosecute a safe and beneficial trade, and the underwriter would regulate the amount of the risk; and it ought to be left to the people to have dominion over their own property. The calculations which have been made to show how little trade could be prosecuted are very fallacious. If we have forty-eight or fifty millions of domestic produce and manufactures to export, the articles would find a way to a market, and the consumer must ultimately pay the expense. There is another consideration of very great importance

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to every part of the United States—as well those who have articles to export, as those who make a profit by the exportation. All the articles of exportation in this country may with equal facility be raised in other countries, where the business is as well understood; and there is no preceptor equal to that of necessity. Let the cotton planter, the rice, indigo; and those who make tobacco, as well as those who grow wheat, and the grazier; look well to this. They have put their customers to school, and a fatal lesson for them they may learn. Necessity may compel them to learn a new course of trade, but, when learnt, it may take the same necessity to cause them to retrace their steps. The West India islands may be as well supplied by Spanish America and the British colonies with lumber, beef, corn, and fish, and with wheat from Sicily and Africa; and the immense quantity of cotton which may be imported from Brazil and the East Indies ought to fill the mind of a cotton planter with fearful apprehensions; and as to tobacco, it is indigenous to all soils and climates.

What a singular change there has been in the world in the course of little more than a twelvemonth. Britain and the United States possessed then almost exclusively the commerce of the ocean, but the United States have shut themselves up in their shell, and magnanimously yielded their share to the Spaniards and Portuguese. A commerce which produced a revenue of upwards of sixteen and a half millions of dollars, and employed nearly twelve hundred thousand tons of shipping, and upwards of one hundred thousand seamen, is presented to them gratis. It is true, our commerce has been subject to interruptions and spoliations; but the losses, when compared to the profits, have been much smaller than gentlemen imagine. If the embargo cannot be enforced without the aid of the military, this alone ought to be a sufficient inducement to repeal the law; for nothing can be more calamitous to mankind than a military despotism! It is absolutely time this *terrapin* system was abandoned; it ought to be given up as a bad job. I do not believe it has been productive of any good, and I am morally certain it cannot now produce any. The idea of making war, or of coercing a foreign nation by destroying our own commerce, has ever appeared to me the most fallacious that could well be conceived. All the evidence we have upon the subject, proves to my mind, most clearly, that we have greatly overrated our means of coercion; that in France it is not felt, and in England it is forgotten. This I believe to be the opinion of sensible men. The idea of coercing England, because of a short crop of wheat and scarcity of cotton, is very ridiculous. A man who reasons from premises of no better foundation, I cannot help imagining, must have motives which I do not comprehend. Neither do I believe in the subjugation of Spain by the vast armies pouring in upon them. I entertain no doubt that a very profitable trade may be carried on with that gallant nation; and I confess I do not feel so cold-blooded towards them as not to wish them success in their glorious undertaking. I should wish the embargo off, for this rea-

son among others, that our citizens might have an opportunity of affording them some assistance, and thus pay, in part, a debt of gratitude—of all others the most congenial to a generous mind. The argument that we had better suffer our ships to rot at the wharves, and our produce to perish on our hands, rather than carry it abroad, for fear we should overstock the market and reduce the price, I should expect from a school-boy rather than a politician. We are distressing our citizens, impoverishing our country, destroying our revenue, ruining our commerce, shutting our bowels of compassion against a noble, valiant nation, struggling for liberty and independence, closing the temples of justice in State after State, introducing arbitrary principles of government and military despotism, corrupting the morals of the people, violating the Constitution in its most essential principles—and for what? In the pursuit of a phantom. We might as well imitate the celebrated Knight of La Mancha—arm, *cap à pte*, and attack a wind-mill. Should we continue this course year after year we may bring on in the youth of our Government decrepit old age, and by this improper abstinence emaciate and waste the body politic, until we produce a dissolution of all its members, and still be as far from the end proposed as when we began.

It has been said—and there is great propriety in the observation—that in times of difficulty and danger we ought to rally round our Government. Every man will acknowledge the justice of the maxim; and I believe there are no people more patriotic, and who will more ready rally round their Government, in a just cause, than the people east of the Hudson; and there are no people who better understand their rights, or that are more tenacious of them. And they are too independent to give their approbation of a measure of which their consciences do not approve. A majority of them, at least, think their rights invaded by the embargo system, and wish a change. They cannot see into the policy or necessity of the measure; they think it will destroy their country, and be the means of infinite distress. The arbitrary principles introduced to support it fill their minds with alarming apprehensions. They express their sentiments freely upon it, as they have a most undoubted right to do. The most that can be said by gentlemen who differ from them in opinion, is, that they are in an error. If they are in an error, it should be shown by cool, dispassionate argument, and not by intemperate invective—by an address to their reason and understanding. And gentlemen will consider that this is the only method to convince and conciliate. We are called upon for a substitute for the embargo. The answer is, that the proper substitute for a bad measure (especially an unconstitutional one) is a repeal of it. When other measures are proposed by the Executive, or by order of this House, it will be the duty of gentlemen to give them a fair and attentive consideration, and to act according to the conviction of their understanding. But I know of no rule which makes it expedient for the minority to introduce propositions of this nature, which with propriety

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ought to come from the Executive, or at least be produced by the authority of the House, which the minority cannot be supposed to possess. It is their right and incumbent duty to make such objections as appear to them well founded against any measure proposed, and for the House to judge of their reasons and arguments, which, to understand, must be done with a spirit of candor.

Mr. MOSELY.—Mr. Speaker, in addressing the House at this time I shall not profess, as several gentlemen who have preceded me have done, that I am impelled solely by a sense of duty. In addition to this, sir, I can hardly reconcile it to a sense of civility and the claims of humanity to remain silent, when I perceive so many gentlemen around me apparently gaping for arguments.

But, sir, if I mistake in this particular, the time I must consider as peculiarly propitious. After a continued confinement for more than sixteen hours within the walls of the Capitol, (it being now past three in the morning,) and without any prospect of a speedy release, I think gentlemen may probably begin to have a more feeling sense than they have before experienced of the effects of a permanent embargo.

It is to be expected that gentlemen who have been uniformly opposed to the whole system of embargo will be against any acts that can be proposed for the purpose of enforcing it. But if such acts must be passed, it is not only the privilege but comports with the duty of every one to use his endeavor to have them as unexceptionable as possible—to see that they are not unnecessarily oppressive; and above all, that they do not infringe upon the Constitutional right of the citizen.

Sir, what acts, and how many it may be necessary to pass in order to enforce obedience to this measure, remains yet to be determined. Since the first embargo act was passed, no less than three supplementary acts have been added prior to the one now before us. Still the embargo is violated, and violated to such a degree, say its advocates, as to prevent all the good effects that had been anticipated from it, and which it must otherwise have produced.

Sir, the practicability of carrying the measure into execution was a point that ought maturely to have been considered before it was enacted. For, even admitting (what I never believed) that the embargo might have produced all the wonderful effects that were predicted by its authors—provided it could have been enforced; yet, if this was incompatible with the nature of things—if such was the geographical situation of our country—such the habits, dispositions, and interests of our citizens, that obedience to it was not rationally to be expected, unless enforced by the most rigorous and oppressive measures, (as was urged among other reasons by gentlemen opposed to the act,) it furnished good ground of objection, in the first instance, against passing it, and must operate with increased force against its continuance, as this fact becomes more confirmed by experience.

Sir, in vain do you extend your penalties and multiply your statutes. The more arbitrary and

oppressive you make them, the more obnoxious they will become, and the more difficult it will be to carry them into execution. In one point of view, Mr. Speaker, I cannot but regard the present bill with some degree of complacency, notwithstanding its odious and detestable features. I do consider this bill as containing more conclusive arguments against the continuance of the embargo than any which have been offered upon this floor—and I have listened with pleasure to many very able and eloquent ones. This is, indeed, full of *argumentum ad hominem*. This, sir, presents to the people arguments which they must both understand and feel. If it has come to this, either that your embargo system must be abandoned and given up, or enforced by such acts as this; the people, I presume, will not be long in deciding the question. Why, sir, even the good people of Connecticut, who have been so highly complimented for their obedience to the laws, could hardly be expected to submit patiently to the arbitrary and vexatious provisions of this bill.

And here, sir, whilst it is upon my mind, I must beg leave to express my acknowledgment to the honorable gentleman from Tennessee (Mr. G. W. CAMPBELL) for the epecumium which he has been pleased to bestow upon the State of Connecticut, from which I am a representative. That gentleman observed that the State of Connecticut, although distinguished for its general disapprobation of the measures of the present Administration, was no less so for its uniform obedience to the laws, not only of its own, but of the General Government. The remark was particularly grateful, because I believe it to be just, and because it is so rare that this State receives anything like commendation from the quarter from whence it came. I have sometimes heard gentlemen on that side express a benevolent concern lest the liberties of the State should be lost for the want of a written constitution, or by the overwhelming influence of the clergy. But this is the first time that I have ever heard even one of its *steady habits* commended within the walls of this House.

But it cannot escape the discernment of that and every gentleman acquainted with the human character, that the same honorable and intelligent spirit, which ordinarily induces a prompt and principled obedience to the acts of Government, is not easily to be subdued or controlled, when once roused to resistance by such as may be deemed unconstitutional or too oppressive to be borne. Sir, the free and enlightened citizens of that or any other State, are not, I presume, yet prepared to bend their necks to the yoke of military despotism.

I had contemplated, Mr. Speaker, making some more specific objections to what I consider the most exceptionable and dangerous provisions of this bill. But I shall not at this time attempt it. And I feel the less disposition to do it, as the different sections of the bill have been so ably and particularly commented upon by several gentlemen who preceded me. If what has already been urged is not sufficient to satisfy this House of the

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extreme impolicy and injustice of passing this bill, I certainly should despair of doing it. It does appear to me that it has been clearly shown that this bill goes to subject our coasting trade to restrictions not only vexatious but ruinous. To expose the persons and property of our citizens to innumerable insults and injuries, while it deprives them of the ordinary means of redress; to render the civil subordinate to the military power; and, in fine, to a violation of some of the most sacred principles of the Constitution.

But, say gentlemen, if the embargo is to be continued, it must, at all events, be enforced; and the moment the embargo ceases you must have war. I know that we were informed at an early period of the session by our Committee of Foreign relations that we had no alternative but embargo or war, for of submission I shall say nothing. Too much has already been said upon that subject. Sir, I consider it as a cause of very deep regret that we should be reduced to this deplorable dilemma—that we must either have a war with both the belligerents, or a continuance of the present system.

But when I found further, by that report, that the policy pointed out was to persist in the embargo until its inefficiency should be fully proved—and that the evidence of this fact was daily accumulating, none could deny—it really reminded me of the sage advice which I once knew very generally given: that of two evils, it was best to choose them both, and then you would be sure to have the right.

But I would ask gentlemen who are continually proclaiming that war or embargo are our only alternatives, whether, in case we should not be able to accomplish our wishes, and bring our enemies to terms in that way, we are again to have recourse to embargo? Yes, I am answered by an honorable gentleman, (Mr. CLAY,) from Virginia. Very well, sir, then I understand the system, and I imagine by the time we shall have rung the changes of embargo and war and war and embargo for ten or fifteen years, whatever our wise politicians and philosophers may think, our poets and bards will at least have done singing "*Hail Columbia, happy land!*" But, sir, I do not believe in the necessity of either of these alternatives. War may be held up *in terrorem* to reconcile the people to a continuance of the embargo; and this, I have the charity to believe, is all that is meant, by the constant clamor which is made upon that subject.

I have always cherished a belief that, although in the extraordinary conflict in which Great Britain has been engaged—a conflict, as she says, for her existence—she may have been too regardless of our rights as a neutral nation, and has, doubtless, done us many wrongs, yet that an amicable and honorable adjustment, might have been had of all our differences. The door of conciliation is still open, and it is no less for her interest to be on friendly terms with us than it is for ours to be at peace with her.

As to France, we have little to fear from her in the present state of things. And whether we are

at war or peace with her will make no difference in her treatment of us. When she is disposed to take our property, and can lay her hands upon it, a pretext will not be wanting. The most solemn treaties, we have ample proof, afford no security.

Sir, I believe that the embargo might be taken off without necessarily involving us in a war, or subjecting us to dishonor.

That we might have some commerce which would not be affected either by the British Orders in Council or the French Decrees, is not denied. With respect to the extent of this commerce, there exists a difference of opinion. But I am persuaded it would be much more considerable than many gentlemen are willing to concede. At all events, I am disposed to make the experiment. I am at least for giving the nation a breathing spell. Instead of adding another link to the chain, I am for breaking the shackles which we have already imposed upon our commerce. Our affairs, I have no doubt, would soon assume a very different aspect. Our enterprising citizens would extend the commerce of our country far beyond our present expectations; and through the channel of that commerce our revenue would again be revived. The body politic would be invigorated, individual industry encouraged, and the nation in some degree restored to its former prosperous and flourishing state. But so long as you continue this deadly embargo, so long you can expect nothing but an increase of the distresses and complaints of your citizens. And this may not be all. It becomes gentlemen who appear so zealously determined to pass and enforce the provisions of this bill, well to consider the hazardous experiment they are about making, lest the blow which they are aiming at the liberties of a generous and enlightened people should recoil upon their own head, and, instead of producing the submission which is expected, should prostrate the power of the Administration.

Mr. GARDENIER opposed the bill.

Mr. DANA moved to strike out the 11th section, as follows:

"*And be it further enacted*, That it shall be lawful for the President of the United States, or such other person as he shall have empowered for that purpose, to employ such part of the land and naval forces or militia of the United States, or of the Territories thereof, as may be judged necessary in conformity with the provisions of this and other acts respecting the embargo, for the purpose of preventing the illegal departure of any ship or vessel, or of detaining, taking possession of, and keeping in custody, any ship or vessel, or of taking into custody and guarding any specie, or articles of domestic growth, produce, or manufacture; and, also, for the purpose of preventing and suppressing any armed or riotous assemblage of persons resisting the custom-house officers in the exercise of their duties, or in any manner opposing the execution of the laws laying an embargo, or otherwise violating, or assisting and abetting violations of the same."

And on the question to agree to the amendment, it passed in the negative—yeas 31, nays 70, as follows:

YEAS—Epaphroditus Champion, Martin Chittenden, John Culpeper, Samuel W. Dana, John Daven-

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port, jun., William Ely, Barent Gardenier, Francis Gardner, James M. Garnett, Charles Goldsborough, John Harris, Richard Jackson, Philip B. Key, Joseph Lewis, jun., Edward St. Loe Livermore, Matthew Lyon, Josiah Masters, William Milnor, Jonathan O. Mosely, Timothy Pitkin, jun., Josiah Quincy, John Russell, James Sloan, William Stedman, Lewis B. Sturges, Samuel Taggart, Benjamin Tallmadge, Jabez Upham, Philip Van Cortlandt, Nicholas Van Dyke, and Killian K. Van Rensselaer.

YAYS—Evan Alexander, Lemuel J. Alston, Willis Alston, jun., Ezekiel Bacon, David Bard, Joseph Barker, Burwell Bassett, William W. Bibb, William Blackledge, John Blake, jun., Thomas Blount, Adam Boyd, John Boyle, Robert Brown, William Butler, Joseph Calhoun, George W. Campbell, Matthew Clay, John Clopton, Richard Cutts, Josiah Deane, Joseph Desha, John W. Eppes, William Findley, James Fisk, Meshack Franklin, Thomas Gholson, jun., Isaiah L. Green, John Heister, James Holland, David Holmes, Reuben Humphreys, John G. Jackson, Richard M. Johnson, Walter Jones, Thomas Kenan, William Kirkpatrick, John Lambert, Robert Marion, John Montgomery, Nicholas R. Moore, Thomas Moore, Jeremiah Morrow, John Morrow, Roger Nelson, Thomas Newbold, Thomas Newton, Wilson C. Nicholas, John Porter, John Rea of Pennsylvania, John Rhea of Tennessee, Jacob Richards, Matthias Richards, Ebenezer Seaver, Samuel Shaw, John Smilie, Jedediah K. Smith, John Smith, Richard Stanford, Clement Storer, John Taylor, George M. Troup, James I. Van Alen, Daniel C. Verplanck, Jesse Wharton, Robert Whitehill, Isaac Wilbour, David R. Williams, Alexander Wilson, and Richard Winn.

Mr. UPHAM moved to adjourn—yeas 28.

Messrs. GARDNER and VAN DYKE opposed the bill.

Four o'clock.—Question on its going to a third reading decided—yeas 73, nays 29, as follows:

YAYS—Lemuel J. Alston, Willis Alston, jun., Ezekiel Bacon, David Bard, Joseph Barker, Burwell Bassett, William W. Bibb, William Blackledge, John Blake, jun., Thomas Blount, Adam Boyd, John Boyle, Robert Brown, William Butler, Joseph Calhoun, Geo. W. Campbell, Matthew Clay, John Clopton, Richard Cutts, Josiah Deane, Joseph Desha, John W. Eppes, William Findley, James Fisk, Meshack Franklin, Thomas Gholson, jun., Isaiah L. Green, John Heister, James Holland, David Holmes, Benjamin Howard, Reuben Humphreys, John G. Jackson, Richard M. Johnson, Walter Jones, Thomas Kenan, William Kirkpatrick, John Lambert, Nathaniel Macon, Robert Marion, Josiah Masters, John Montgomery, Nicholas R. Moore, Thomas Moore, Jeremiah Morrow, John Morrow, Roger Nelson, Thomas Newbold, Thomas Newton, Wilson C. Nicholas, John Porter, John Rea of Pennsylvania, John Rhea of Tennessee, Jacob Richards, Matthias Richards, Ebenezer Seaver, Samuel Shaw, John Smilie, Jedediah K. Smith, John Smith, Richard Stanford, Clement Storer, Joseph Story, John Taylor, George M. Troup, James I. Van Alen, Daniel C. Verplanck, Jesse Wharton, Robert Whitehill, Isaac Wilbour, David R. Williams, Alexander Wilson, and Richard Winn.

NAYS—Epaphroditus Champion, Martin Chittenden, John Culpeper, Samuel W. Dana, John Davenport, jun., William Ely, Barent Gardenier, Francis Gardner, James M. Garnett, Charles Goldsborough, John Harris, Richard Jackson, Robert Jenkins, Joseph

Lewis, jun., Edward St. Loe Livermore, Matthew Lyon, William Milnor, Jonathan O. Mosely, Timothy Pitkin, jun., Josiah Quincy, John Russell, James Sloan, William Stedman, Lewis B. Sturges, Samuel Taggart, Benjamin Tallmadge, Jabez Upham, Nicholas Van Dyke, and Killian K. Van Rensselaer.

On the question when it should be read a third time, Messrs. QUINCY, UPHAM, LYON, GARDENIER, ALEXANDER, and DANA, spoke in favor of Saturday, and Messrs. NELSON and TAYLOR for this day.

Mr. QUINCY called for the yeas and nays on the motion for Saturday. Motion lost—yeas 35, nays 68, as follows:

YAYS—Evan Alexander, Epaphroditus Champion, Martin Chittenden, John Culpeper, Samuel W. Dana, John Davenport, jun., William Ely, Barent Gardenier, Francis Gardner, James M. Garnett, Charles Goldsborough, John Harris, Richard Jackson, Robert Jenkins, Joseph Lewis, jun., Edward St. Loe Livermore, Matthew Lyon, Nathaniel Macon, Josiah Masters, William Milnor, John Morrow, Jonathan O. Mosely, Timothy Pitkin, jun., Josiah Quincy, John Russell, James Sloan, Richard Stanford, William Stedman, Lewis B. Sturges, Samuel Taggart, Benjamin Tallmadge, Jabez Upham, Philip Van Cortlandt, Nicholas Van Dyke, and Killian K. Van Rensselaer.

NAYS—Lemuel J. Alston, Willis Alston, jun., Ezekiel Bacon, David Bard, Joseph Barker, Burwell Bassett, William W. Bibb, William Blackledge, John Blake, jun., Thomas Blount, Adam Boyd, John Boyle, Robert Brown, William Butler, Joseph Calhoun, Geo. W. Campbell, Matthew Clay, John Clopton, Richard Cutts, Josiah Deane, Joseph Desha, John W. Eppes, William Findley, James Fisk, Meshack Franklin, Thomas Gholson, jun., Isaiah L. Green, John Heister, James Holland, David Holmes, Benjamin Howard, Reuben Humphreys, John G. Jackson, Richard M. Johnson, Walter Jones, Thomas Kenan, Wm. Kirkpatrick, John Lambert, Robert Marion, John Montgomery, Nicholas R. Moore, Thomas Moore, Jeremiah Morrow, Roger Nelson, Thomas Newbold, Thomas Newton, Wilson C. Nicholas, John Porter, John Rea of Pennsylvania, John Rhea of Tennessee, Jacob Richards, Matthias Richards, Ebenezer Seaver, Samuel Shaw, John Smilie, Jedediah K. Smith, John Smith, Clement Storer, John Taylor, George M. Troup, James I. Van Alen, Daniel C. Verplanck, Jesse Wharton, Robert Whitehill, Isaac Wilbour, David R. Williams, Alexander Wilson, and Richard Winn.

Half past 5 o'clock.—Bill read the third time. On the question, "Shall the bill pass?" Mr. STEDMAN called for the yeas and nays.

After some observations from Messrs. MASTERS and EPPES, the question was taken—yeas 71, nays 32, as follows:

YAYS—Evan Alexander, Lemuel J. Alston, Willis Alston, jun., Ezekiel Bacon, David Bard, Joseph Barker, Burwell Bassett, William W. Bibb, William Blackledge, John Blake, jun., Thomas Blount, Adam Boyd, John Boyle, Robert Brown, William Butler, Joseph Calhoun, George W. Campbell, Matthew Clay, John Clopton, Richard Cutts, Josiah Deane, Joseph Desha, John W. Eppes, James Fisk, Meshack Franklin, Thomas Gholson, jun., Isaiah L. Green, John Heister, James Holland, David Holmes, Benjamin Howard, Reuben Humphreys, John G. Jackson, Richard M. Johnson, Walter Jones, Thomas Kenan, Wil-

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liam Kirkpatrick, John Lambert, Nathaniel Macon, Robert Marion, John Montgomery, Nicholas R. Moore, Thomas Moore, Jeremiah Morrow, John Morrow, Roger Nelson, Thomas Newbold, Thomas Newton, Wilson C. Nicholas, John Porter, John Rea of Pennsylvania, John Rhea of Tennessee, Jacob Richards, Matthias Richards, Ebenezer Seaver, Samuel Shaw, John Smilie, J. K. Smith, John Smith, Clement Storer, Joseph Story, John Taylor, George M. Troup, James I. Van Alen, Daniel C. Verplanck, Jesse Wharton, Robert Whitehill, Isaac Wilbour, David R. Williams, Alexander Wilson, and Richard Winn.

NAYS—Epaphroditus Champion, Martin Chittenden, John Culpeper, Samuel W. Dana, John Davenport, jun., William Ely, Barent Gardenier, Francis Gardner, James M. Garnett, Charles Goldsborough, John Harris, Richard Jackson, Robert Jenkins, Joseph Lewis, jun., Edward St. Loe Livermore, Matthew Lyon, Josiah Masters, William Milnor, Jonathan O. Mosely, Timothy Pitkin, jun., Josiah Quincy, John Russell, James Sloan, Richard Stanford, William Stedman, Lewis B. Sturges, Samuel Taggart, Benjamin Tallmadge, Jabez Upham, Philip Van Cortlandt, Nicholas Van Dyke, and Killian K. Van Rensselaer.

And the House adjourned, a little after daylight, till Saturday.

SATURDAY, JANUARY 7.

A message from the Senate informed the House that the Senate have passed a bill, entitled "An act making a further appropriation towards completing the two wings of the Capitol at the City of Washington, and for other purposes;" also, a bill, entitled "An act to authorize the Marine Insurance Company of Alexandria to alter their style and firm, and to insure against loss by fire;" to which bills, respectively, the Senate desire the concurrence of this House.

The SPEAKER laid before the House a letter from the Secretary of the Treasury, accompanied with a statement of the sums annually received at the Treasury of the United States since the commencement of proceedings under the Constitution; and also a statement exhibiting the annual amount of the respective branches of the customs, and the charges thereon, in pursuance of a resolution of this House of the twentieth ultimo; which were read, and ordered to lie on the table.

A message was received from the President of the United States, transmitting a statement of the works of defence which it has been thought necessary to provide, in the first instance, for the security of our seaports, towns, and harbors, and of the progress towards their completion. The Message and a report from the Secretary of War on the subject of fortifications, which accompanied the same, were read, and referred to the committee appointed the eleventh of November last, on so much of the Message from the President of the United States, at the commencement of the present session, as relates to the Military and Naval Establishments.

The SPEAKER laid before the House a letter from the Secretary of the Treasury accompanying his report on the petition of Mary Miller and

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Anne Hampton, referred to him by order of the House, on the thirtieth ultimo; which were read, and referred to the Committee of Ways and Means.

The House proceeded to consider the amendments proposed by the Senate to the bill, entitled "An act to continue in force, for a further time, the first section of the act, entitled 'An act further to protect the commerce and seamen of the United States against the Barbary Powers:'" Whereupon,

Resolved, That this House do agree to the said amendments.

MILITARY OFFICERS.

Mr. VAN DYKE observed that, as an increase of our military force seemed to be contemplated, it would, no doubt, be desirable to have all information on the subject, and for this purpose he offered the following resolution:

Resolved, That the President of the United States be requested to cause to be laid before this House a list of the names and number of officers, and the number of non-commissioned officers, musicians, and privates, belonging to each of the regiments of the United States, noting the number now wanting to complete the same; and also a list of the names and number of officers appointed under an act of the last session, entitled "An act to raise, for a limited time, an additional military force," and the number of men that have been enlisted pursuant to the provision of said act.

It was suggested by Messrs. W. ALSTON, EPPES, GEORGE W. CAMPBELL, FINDLEY, DAWSON, and RHEA of Tennessee, that all the information the gentleman wished might be had by him on application to the Department of War; and that an official statement would answer no other good purpose than to expose to our enemies an exact statement of the amount, and precise nature of our regular force. Such a thing was said to be unprecedented, as an official list of the names of all the officers of a nation having been thus communicated to foreign Powers.

The resolution was disagreed to by the House.

EXTRA SESSION OF CONGRESS.

Mr. SMILIE offered the following resolution:

Resolved, That a committee be appointed to inquire into the propriety of providing by law for the meeting of Congress at an earlier period than the first Monday in December next, with leave to report by bill, or otherwise."

On this motion a debate of three hours took place. Of this debate we can give no more than sufficient to mark its spirit.

Mr. SMILIE observed that, on reflection, every gentleman must be convinced that both our internal and external situation rendered it proper that Congress should be convened earlier than the usual time.

Mr. MACON said that, as the Constitution had given to the President a power to call Congress whenever he should judge it expedient, and as the President would have a full knowledge of the state of our foreign relations, he was willing to leave the power with him, believing that, if necessary, he would not fail to exercise it. He was

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also opposed to adopting this resolution at this time, because, in six weeks hence, it would be time enough to propose it.

Mr. SOUTHARD observed that the resolution but proposed an inquiry, and no one would commit himself, by voting for it, to vote for an earlier meeting than usual.

Mr. DURELL was opposed to this resolution; for he had no idea of closing the session, without taking further steps in regard to our foreign relations.

Mr. HOLLAND thought the resolution wholly premature.

Mr. TALLMADGE was also opposed to the resolution. He conceived that the House had better proceed in the business which lay before them. When they had progressed farther, they might be much better able to decide this question.

Mr. NICHOLAS said that, if, instead of a resolution, this was a bill on its third reading, he was ready to vote for it. He lamented that the term of service of the present Congress expired as early as the fourth day of March. He wished it to meet as soon after as practicable. He alluded to the State of Tennessee's not choosing its Representatives in Congress before August. He said it would be an embarrassing thing to convene Congress before the Governor of that State could convene the Legislature, to provide for an earlier election, and supply the representation of that important State. Admit that the present Congress were to declare war, no gentleman would deny that Congress ought to convene earlier than usual. If it were not done this session, he would, long before the first of December, give his vote for changing the attitude of the nation. The experiment which we were now making would have been continued as far as justifiable before that time. He said he would not trust the discretion of any one man, under these circumstances, to convene Congress; though he had as much confidence in the person whose duty it would be, as any one man ought to have in another.

Mr. DANA said he had not the slightest suspicion of any intention in the present Congress to declare war. Even the inhabitants of Bedlam would refuse to concur in such a project. He really had no idea of it. He wished the country not to be continually alarmed by these war speeches. Keep out of war if you can, said he; if not, go into it; do not look at it, and proclaim it as so horrible a thing. He was in favor of this resolution, because it was for an inquiry; and he might possibly vote for the bill when reported.

Mr. D. R. WILLIAMS opposed the resolution. Every circumstance, he said, showed that Great Britain predicated her measures on an idea of our want of stability. He wished not to accomplish her expectations by an early session. If the extra session were proposed with a view to war, it was extremely injudicious; if with a view to the repeal of the embargo, it was equally injurious, as it indicated to our enemies the period at which one measure should commence, or the other cease. He wished to hold on to the embargo; he had no doubt of its proving effectual. If any change

of our situation should take place, the Constitution had vested in the head of our foreign relations a power to call Congress.

Mr. STORY had no idea of the resolution producing the effect anticipated by Mr. WILLIAMS. He would be the last man to doubt the ability or integrity of the Administration; but why throw the responsibility on his shoulders? Why shrink from it themselves? When they alone were vested with the power to declare war, why not listen to the warning voice of Providence, attend at their posts, and prepare a whole system which should call for the active co-operation of the people? Did Congress mean to say that the embargo should be co-existent with the Orders in Council? that it was to endure forever? He trusted and believed that this was not the sentiment of any gentleman who occupied a seat on this floor. The time was fast approaching when this measure must give way to one of a more energetic character. And he distinctly understood that it was contemplated that Congress should convene at an early period for discussing this subject. Was Great Britain so totally unacquainted with the subject as not to know that this body had the power to declare war? Certainly not. So far, then, as the call of an extra session could influence Great Britain and France, it would go far to convince them that submission would not be the course of men whose hearts were in their country, and who had their country in their hearts. Mr. S. made some remarks, tending to show that the councils of the mother country were not guided by the cool dictates of reason. When Great Britain lost, as a great statesman had observed, "the brightest jewel of the British Crown," the helm of State was under the guide of an able ministry, but who took council of their passions rather than of their reason. No dependence was, therefore, to be placed on her sense of justice or interest. We must resort at last, to the *ultima ratio regum*, and we ought to prepare for it.

Mr. BIBB wished foreign nations to know that, unless they changed their measures, we would adopt some other measure. He wished the resolution to be adopted, that the people of the United States might know that the time was not far distant when a change of measures would take place.

Mt. G. W. CAMPBELL was in favor of the resolution. He wished the nation to understand that its Representatives would meet here at an early period; that they would meet the day of danger, and be ready to take stronger measures. He cared not how soon foreign nations knew it. It was high time that they should know it. Mr. C. adverted to Mr. DANA's observations, in relation to the madness of the idea of the present Congress declaring war. He observed that the gentleman had but a few days ago voted, that the nation could not submit to the edicts of the belligerents. The gentleman had also expressed an opinion, that the attack on the Chesapeake was cause of war. He could not, therefore, suppose that to resist by war these accumulated injuries would appear strange to the gentleman.

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Mr. TROUP was in favor of the resolution. He regretted not any effect it would have on foreign nations. If Great Britain had rather have war than embargo, said he, let her have it; and let her see that we can be as formidable to her, as an adversary in war, as we are as a rival in peace.

Mr. BACON supported the resolution. He said he had given votes at the present session which he should have given with reluctance, but for the belief that an extra session would take place; and measures were now pending before the House, for which he should vote with reluctance, but under this expectation.

Mr. EPPES said he was not for adhering to the embargo until December; he did not believe that it would comport with the honor or interest of the United States to adhere to it so long. He had declared by his vote that he would not repeal the embargo on the fourth of March, and he was still of the same opinion. But long before the first of December, he said, he should be prepared to substitute another measure in its place.

Mr. J. JACKSON expressed nearly the same sentiments as Mr. EPPES. He did not know whether it would be proper to continue the embargo longer than the first of June.

Mr. DANA observed, that this nation would never go to war, except the objects for which it went to war were distinctly marked and defined; because a war would not otherwise be popular; and a war declared by this Government, to be effectual, must be followed by the general sense of the people. Mr. D. examined some of the points in controversy, and made some observations in relation to the principle, that the American flag should protect all persons sailing under it.

Mr. ALEXANDER moved that the resolution lie on the table.

Mr. TAYLOR was in favor of the resolution. The invasion of Canada could not be authorized without an extra session, nor regular force sufficient for offensive operations be organized. The object for which the nation might now justly go to war was sufficiently defined. The gentleman himself (Mr. DANA) had, by his vote, declared it, and the nation had followed their Representatives in the declaration.

Mr. NICHOLAS said he had thought, and still believed, the embargo to have been the best measure which could have been adopted. It had answered every purpose as a precautionary measure; and he believed it would have operated coercively on the principal aggressor on our rights, and in saying so he had no fear of being accused of undue partiality, if every man in the nation had been faithful to his country, and had it not been for circumstances which we could not control. Those who had violated the embargo, those who had encouraged violations of it, he said, were responsible for its failure, if it did fail; those who told the people that it was to subserve the interests of the South; that it was intended to destroy commerce and promote manufactures. Nothing but extreme ignorance could have produced such an idea; for manufactures neither did nor could exist to any extent in the country whose interests

were said to have been intended to be promoted. He thought that Congress ought to meet about the 15th of May or 1st of June; that the embargo ought to be continued until the country was in a state of defence, and until means of offence were at hand.

The question on the resolution's lying on the table was negatived—ayes 19. The question on the resolution was carried—62 to 21.

MONDAY, JANUARY 9.

Another member, to wit: JOHN ROWAN, from Kentucky, appeared, and took his seat in the House.

On motion of Mr. STORY,

Resolved, That the Committee on Post Offices and Post Roads be instructed to report a bill to this House, authorizing the transmission, by mail, free of postage, of the President's Message of the twenty-third of December last past, and the documents accompanying the same, which have been printed by the Senate and House of Representatives.

On motion of Mr. G. W. CAMPBELL,

Ordered, That the Committee of Ways and Means, to whom was referred, on the thirtieth of December last, a petition of sundry mariners, late masters and mates of vessels belonging to the port of Portland, in the district of Maine, be discharged from the consideration of the same.

Mr. LEWIS presented a petition of Marsham Waring, and others, inhabitants of the District of Columbia, praying that all executions which have been or may be awarded against the petitioners and other inhabitants of the said District, may be stayed during the continuance of the embargo and non-intercourse laws of the United States; or, that such other relief may be afforded in the premises as to the wisdom and justice of Congress shall seem meet.—Referred to the Committee for the District of Columbia.

Mr. NELSON, from the committee to whom was recommended the bill for the relief of the infirm, disabled, and superannuated officers and soldiers of the late and present Army of the United States, reported several amendments thereto; which were read, and ordered to lie on the table.

The House proceeded to consider the amendment of the Senate to the second amendment proposed by this House to the bill sent from the Senate, entitled "An act supplemental to an act, entitled 'An act for extending the terms of credit on revenue bonds, in certain cases, and for other purposes:—' Whereupon,

Resolved, That this House do agree to the said amendment to the amendment.

NAVIGATION LAWS.

Mr. DANA said that, by the present laws of the United States, it was not necessary that an American vessel should carry a single American seaman. His object was to make some provision directly for the interest of American seamen, and which might incidentally contribute to their protection at sea. He wished to make it the inter-

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est of American merchants to employ American seamen. And, with these views, he offered the following resolution :

Resolved, That, for the benefit of the seamen of the United States, it is proper to make provision that American registered vessels, after a time to be limited by law, shall not continue to enjoy the benefits and privileges of American vessels, unless some of the mariners on board the same shall be citizens of the United States.

Mr. D. observed that, during the present suspension of navigation, it might be proper to adopt regulations of a permanent nature, to go into effect whenever it was resumed. He moved a reference of the resolution to a select committee, with liberty to report by bill or otherwise.

On the suggestion of Mr. D. R. WILLIAMS, with the consent of Mr. DANA, the resolution was ordered to lie on the table.

Mr. DANA then observed that he wished to ascertain the whole number of naturalized seamen in the United States. He believed that, in the annual returns of seamen registered, a distinction was made between native and naturalized seamen. He conceived, therefore, that the following resolution would enable him to attain his object :

Resolved, That the Secretary of State be directed to lay before this House a statement of the whole number of persons born in foreign countries, and legally admitted citizens of the United States by naturalization, who have been registered as American seamen and returned as such to the Department of State, according to the lists collected by the collectors of the customs, in pursuance of the law relative to the relief and protection of American seamen.

The resolution was agreed to.

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The amendments of the Senate to the bill sent from the House for employing an additional number of seamen and marines, were taken up. [The amendments propose the immediate arming, manning, &c., all the armed vessels of the United States.]

Mr. G. W. CAMPBELL expressed a hope that the House would disagree to the amendments. The President was already authorized by law to fit out these vessels, whenever, in his opinion, the public service should require it; and the expense which would attend them was a sufficient argument against it, if no urgent occasion existed for their service, which he believed did not.

Mr. STORY entertained a very different opinion from that of the gentleman from Tennessee. In case of war there must be some ships of war of one kind or other; and it would take six months at least to prepare all our ships for service. At present they were rotting in the docks. If it were never intended to use them, it would be better to burn them at once than to suffer them to remain in their present situation. He believed if out at sea they might be useful and would be well employed. Why keep them up at this place, whence they could not get out of the river perhaps in three weeks or a month? He believed that a naval force would form the most effectual

protection to our seaports that could be devised. Part of our little navy was suffered to rot in the docks, and the other part was scarcely able to keep the ocean. Could not a single foreign frigate enter almost any of our harbors now and batter down our towns? Could not even a single gunboat sweep some of them? Mr. S. said he could not conceive why gentlemen should wish to paralyze the strength of the nation by keeping back our naval force, and now in particular, when many of our native seamen (and he was sorry to say that from his own knowledge he spoke it) were starving in our ports. Mr. S. enumerated some of the advantages which this country possessed in relation to naval force. For every ship which we employed on our coasts, he said, any foreign nation must incur a double expense to be able to cope with us. The truth was, that gentlemen well versed in the subject, had calculated that it would require, for a fleet competent to resist such a naval force as the United States might without difficulty provide, four or five hundred transport ships to supply them with provisions, the expense of which alone would be formidable as a coercive argument to Great Britain. He wished it to be shown, however small our naval force, that we do not undervalue it, or underrate the courage and ability of our seamen.

Mr. COOK followed Mr. STORY on the same side of the question. He compared the nation to a fortress on which an attack was made, and the garrison of which, instead of guarding the portal, ran upon the battlements to secure every small aperture. He thought their attention should first be directed to the gates, and that a naval force would be the most efficient defence for our ports.

Mr. D. R. WILLIAMS called for the yeas and nays on the amendments.

Mr. SMILIE said that raising a naval force for the purpose of resisting Great Britain, would be attacking her on her strong ground. If we were to have a war with her on the ocean, it could only be carried on by distressing her trade. Neither did he believe that these vessels of war would be of any effect as a defence. They did not constitute the defence on which he would rely. If we had a navy, it would form the strongest temptation for attack upon our ports and harbors. If Denmark had possessed no navy, Copenhagen would never have been attacked. The only way in which we could carry on a war on the ocean to advantage, Mr. S. said, would be by our enterprising citizens, giving them sufficient encouragement. Were we to employ a naval force in case of war, it would but furnish our enemy with an addition to her navy. He hoped the House would disagree to the amendments of the Senate and appoint a committee of conference.

Mr. DANA said that the amendments sent from the Senate presented a question of no small importance to the nation. Without expressing any opinion on the question, it appeared to him to be at least of sufficient importance to be discussed in Committee of the Whole. Coming from the other branch of the Legislature, and being so interesting to the nation, he wished that it might

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be discussed fairly and fully; and, therefore, moved a reference to a Committee of the Whole.

Messrs. DANA, TALLMADGE, and STORY, urged a reference to a Committee of the Whole, on account of the great importance of the subject, on which a full discussion would be proper; and Messrs. MACON, G. W. CAMPBELL, and HOLLAND, opposed it, because the seamen proposed by the original bill were now wanted, and the subject of the amendment was already referred to a Committee of the Whole in a distinct bill. Motion lost, 58 to 55.

Mr. MACON observed, that the immediate expense of this arrangement, if agreed to, would be at least five or six millions of dollars, and but four hundred thousand were appropriated by the bill. When he compared this bill with the report of a select committee made to the House of Representatives, he said he was astonished. A part of that report was a letter from the Secretary of the Navy, in which the very number (two thousand) contained in the bill as it went from this House, was desired. Mr. M. adverted to the observation of Mr. STORY, that it would cost Great Britain as much to keep one frigate as it would cost us to keep two. He thought the expense would be about equal. The expense of the transportation of provisions would be counterbalanced by the difference of expense between the pay of the British and American seamen, the latter being double of the former generally. He objected to this bill from the Senate because no estimate accompanied it. He thought they would go far enough if they gave the Departments all that they asked. This House had indeed as much right to judge of the force requisite, as any other department; but he did not wish to be called upon to supply a deficit in the appropriation, which never failed to occur even in the ordinary appropriations for the Navy Department. Give the four hundred thousand dollars asked for, and the deficit in the appropriation will be at least ten times the amount of the sum appropriated.

Mr. COOK contended strenuously in favor of a naval force. He detailed the advantages which would accrue to the nation from a few fast sailing frigates. He said they were essentially necessary to defence. He expatiated on the difficulty with which any foreign Power could maintain a force on our coast.

Mr. HOLLAND did not profess to have much knowledge on this subject, but he said it did not require much to overthrow the arguments of gentlemen on the subject. What defence a few frigates would be to the extensive coast of this country, he could not understand. There certainly never had been a time when this country should rely on a maritime force as a sufficient protection. Indeed, he said, if we had fifteen or twenty or more sail-of-the-line, he should hesitate much before he would go to war with Great Britain, because these would undoubtedly be lost. Our power of coercion was not on the ocean. Great Britain had possessions on this Continent which were valuable to her; they were in the power of the United States, and the way to coerce her to

respect our rights on water would be attacking them on land. He said, he certainly did not undervalue the disposition and prowess of our seamen; and it was because he valued them, that he did not wish them to go into an unequal contest, in which they must certainly yield. Gentlemen might understand naval matters; but it was no reason that they should therefore understand the efficiency of a naval force. There was sufficient evidence in history to warn the United States against it.

Mr. DAWSON moved that the bill should lie on the table till the amendments of the Senate could be printed. Motion lost—yeas 40, nays 78, as follows:

YEAS—Evan Alexander, Lemuel J. Alston, William W. Bibb, William Blackledge, Epaphroditus Champion, Martin Chittenden, Orchard Cook, John Culpeper, Samuel W. Dana, John Davenport, jun., John Dawson, William Ely, Moshack Franklin, Barent Gardenier, Charles Goldsborough, Isaiah L. Green, John Harris, William Helms, Reuben Humphreys, Richard Jackson, Philip B. Key, Joseph Lewis, junior, William McCreery, Jonathan O. Mosely, Roger Nelson, Jacob Richards, Samuel Riker, John Rowan, John Russell, Samuel Shaw, James Sloan, Joseph Story, Samuel Taggart, Benjamin Tallmadge, John Thompson, Jabez Upham, James I. Van Alen, Philip Van Cortlandt, Nicholas Van Dyke, and Daniel C. Verplanck.

NAYS—Willis Alston, junior, Ezekiel Bacon, David Bard, Joseph Barker, Burwell Bassett, John Blake, jr., Thomas Blount, John Boyle, Robert Brown, William A. Burwell, Joseph Calhoun, George W. Campbell, Matthew Clay, John Clopton, Richard Cutts, Josiah Deane, Joseph Desha, Daniel M. Durell, James Elliot, John W. Eppes, William Findley, James Fisk, Francis Gardner, James M. Garnett, Thomas Gholson, jr., James Holland, David Holmes, Benjamin Howard, Daniel Hsley, John G. Jackson, Richard M. Johnson, Thomas Kenan, William Kirkpatrick, Edward St. Loé Livermore, Edward Lloyd, John Love, Matthew Lyon, Nathaniel Macon, Robert Marion, Josiah Masters, William Milnor, D. Montgomery, jr., John Montgomery, Nicholas R. Moore, Thos. Moore, Jeremiah Morrow, John Morrow, Gardon S. Mumford, Thomas Newbold, Thomas Newton, Wilson C. Nicholas, Timothy Pitkin, junior, John Porter, John Pugh, John Rea of Pennsylvania, John Rhea of Tennessee, Matthias Richards, Lemuel Sawyer, Dennis Smelt, John Smilie, Jedediah K. Smith, Henry Southard, Richard Stanford, William Stedman, Clement Storer, Lewis B. Sturges, Peter Swart, John Taylor, Abram Trigg, George M. Troup, Jesse Wharton, Robert Whitehill, Isaac Wilbour, David R. Williams, Alexander Wilson, and Nathan Wilson.

Mr. TROUP said he rose but for the purpose of stating facts which struck him as being applicable to the subject before the House. He referred chiefly to an extract of a letter written to himself and published in the paper of to-day. [Mr. T. then read the extract which appeared in the National Intelligencer on the 9th instant.] In addition to these facts, letters had been received, in the course of this morning, containing further particulars, which he begged leave to state to the House. After the officer (commander of a British armed vessel) had been forced on board his vessel, and

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while lying in our waters and within our jurisdiction, he had fired several shots at pilot-boats, passing and repassing, had been very abusive, and threatened the town with what he called vengeance; and, in addition to these facts, letters had reached Savannah from Liverpool, giving satisfactory information that vessels of fifteen or twenty guns had been fitted out for the purpose of forcing a cotton trade with South Carolina and Georgia. This information, Mr. T. said, came from unquestionable authority. And it was because he was unwilling that the people of this country should longer submit to the abuse of British naval officers; because he was unwilling that they should be exposed to the insolence of every British commissioned puppy who chose to insult us; because he was unwilling that armed vessels should force a cotton trade, when every man knew that nine-tenths of the people of Georgia would treat as traitors the violators of the embargo; it was for this reason that he was disposed to vote for the amendments from the Senate. The great objection which had been taken to them was the expense which they would produce. Economy, Mr. T. said, was a good thing in time of peace; but if this contracted spirit of economy predominated in our war councils, if we were forced into a war, so help him God, he would rather at once tamely submit our honor and independence than maintain them in this economical way. If we went to war, we ought not to adopt little measures for the purpose of executing them with little means; neither should we refuse to adopt great measures, because they could not be executed but with great means. It was very true that, in war as well as in peace, calculation to a certain extent was necessary; but, if they once resolved on an object, it must be executed at whatever expense. He was no advocate for standing armies or navies, generally speaking; but, in discharging his duties here, he must be governed by the circumstances of every case which presented itself for his decision, and then ask himself, Is it wise, politic, and prudent, to do this or omit that? He said he would never go back to yesterday to discover what he had then said or done, in order to ascertain what he should now do or say. Political conduct must depend on circumstances. What was right yesterday might be wrong to-day. Nay, what was right at the moment he rose to address the House, might, ere this, be palpably wrong. Conduct depended on events, which depended on the folly or caprice of men; and, as they changed, events would change. It might have been a good doctrine long ago that this country ought to have a navy competent to cope with a detachment of the British navy; it might have been good doctrine then, but was shocking doctrine now.

At that time England had to contend with the navies of Russia, Denmark, France, Holland, Spain, &c. Now England was sole mistress of the ocean. To fight her ship to ship and man to man, and it was impossible that gentlemen could think of fighting her otherwise, if they fought her at all, we must build up a huge navy at an im-

mense expense. We must determine to become less agricultural and more commercial; to incur a debt of five hundred or a thousand million of dollars, and all the loans and taxes attendant on such a system, and all the corruption attendant on them. He should as soon think of embarking an hundred thousand men for the purpose of attacking France at her threshold, as of building so many ships to oppose the British navy. It was out of the question; no rational man could think of it. But that was not now the question. It was, whether we would call into actual service the little navy we possessed. It was not even a question whether we would have a navy at all or not. If that were the question, he would not hesitate to say that even our present political condition required a navy to a certain extent, to protect our commerce against the Barbary Powers in peace, and in time of war for convoys to our merchantmen. He only meant a few fast sailing frigates, such a navy as we have at present, for the purpose of harassing the commerce of our enemies also. He therefore thought our present naval force ought to be put in service. As far as the appropriation (\$400,000) would go, it would be employed; but if Congress should hereafter see cause to countermand or delay the preparation, they would have it in their power to do so by refusing a further appropriation.

Mr. D. R. WILLIAMS said it was his misfortune to differ with gentlemen upon all points on the subject of the navy. He was opposed to it from stem to stern; and gentlemen who attempted to argue in favor of it as a matter of necessity, involved themselves in absurdities, they were not aware of. When money had been appropriated for fortifications, there had been no intimation that it would be necessary to prop them up with a naval force. If our towns could not be defended by fortifications, he asked, would ten frigates defend them? The gentleman from Massachusetts (Mr. STORY) had even gone so far as to say that a single gunboat could sweep one-half of our harbors. If a single gunboat could now sweep most of our harbors, Mr. W. said he should like to know what eleven hundred and thirty vessels of war could do, even when opposed by our whole force of ten frigates! The gentleman from Massachusetts had said it would be cheaper to keep these vessels in actual service than in their present situation. Mr. W. said he supposed that the gentlemen meant that they would rot faster in their present situation than if they were at sea. He said he was for keeping them where they were, and would rather contribute to place them in a situation where they would rot faster. Mr. W. combated the arguments that employing the navy would afford relief to our seamen, and that the maintaining a navy on our coast would be more expensive to an European Power than the support of a larger naval force by us. And he said we should never be able to man any considerable fleet except the Constitution were amended to permit impressments, following the example of Great Britain.

The gentleman from Massachusetts (Mr. STORY)

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had said that except we begun with this bill, and got his fast sailing frigates, we should never regain our rights. If that were really the case, Mr. W. said he was ready to abandon them. He considered that the sort of maintenance of our rights adverted to by the gentlemen from Massachusetts, would be destructive to those rights. Gentlemen must have forgotten that when Hamburg was in the greatest state of prosperity, she did not possess even a single gunboat. Why! there was not wealth enough in this whole nation, if every one were to carry his all, thus to maintain our rights against the navy of Great Britain. If we were carried into a war, and everything really seemed to be tending that way, we must rely upon the enterprise of our citizens; and that, when set at liberty, would be found more desperate than the navy of any country. When we arrived at the end of the Revolutionary war we had but one frigate, and the best thing we ever did was to give that one away. The State of South Carolina had not yet got clear of the curse. She embarked one frigate in the general struggle, and she had not rid herself of the debts incurred by it yet. Private enterprise must be depended upon. The people from the Eastward had shown in the last war what they would do. When vessels were loaded with sugar they would fight like bull-dogs for it. He recollected a story, he said, of one of our privateers being beat off by a Jamaican, whom they attacked. The captain not liking to lose the prize, and finding his crew disheartened, told them she was full of sugar. "Is she?" said they "by G—d let us at them again." They scarcely ever failed in their enterprises.

In allusion to the case at Savannah, Mr. W. regretted that an insult should be offered to the people of the country. The insult at Savannah had by this time been redressed, he had no doubt. He had no information to induce him to believe so, but the knowledge that the sloop of war *Hornet* was stationed off Charleston, and of course cruised near the place. The *Hornet* was perfectly adequate to drive any vessel of twenty guns out of our waters. She was one of the best vessels of the United States, and as well officered as any. [Mr. TROUP observed that the *Hornet* was off Charleston. Now, he wanted a frigate at Savannah.] Mr. W. said that Savannah was the very place where gunboats would be perfectly effectual. He meant to make no reflection against the proposer of the gunboat system, but he did against those who had only given one-half of the system, and omitted the other—the marine militia. And now, when an attack was menaced at Savannah, gentlemen wanted a frigate! If nine-tenths of the people were opposed to the evasions of the embargo law, Mr. W. said it would not be evaded. The evaders would be considered as traitors—as the worst of traitors. As to preparing a force for the protection of navigation, the gentleman from Georgia must well know that the whole revenue of the United States would not be competent to maintain a sufficient number of vessels to convoy our merchantmen.

Mr. W. concluded by saying, that he wished the nation to be protected, and its wrongs to be redressed; but when he reflected that at Castine the soil had been most abominably violated, he could not view the insults in our waters as being equal to it; for, said he, touch the soil and you touch the life-blood of every man in it.

Mr. DURELL considered the present subject as one of the most important which had been introduced at this session. It would indeed be difficult to reason gentlemen into a modification of a principle to which they were opposed throughout; but he trusted that this House was not generally so disposed. He believed that a large majority of the House were at the present moment in favor of embargo or war, because the House had been so distinctly told by a committee on our foreign relations, that there was no alternative but submission; and almost every gentleman who had the honor of a seat within these walls, had committed himself on the subject, either to persevere in the embargo, or to resort to war. What would be the object of a war? Not the right of the soil, not our territorial limits, but the right of navigating the ocean. Were we to redress those wrongs, those commercial injuries, on the land? Not altogether, he conceived. Would it be good policy, he asked, to let our means of carrying on war on the ocean rot in our docks, and not make use of them? These vessels would also be useful as a defence. Why then should they not be manned and put in readiness for service? It was said that we could not cope with the British navy. Mr. D. said this argument proved too much, if it proved anything. If he did not feel perfectly comfortable in a cold day, should he therefore divest himself of all clothing? Why send out the sloop of war *Hornet*, alluded to by the gentleman last up—why rely upon it for redressing the insult at Savannah, if naval force was useless? It was no reason, because Great Britain had more vessels than we, that we should not use what we had. Indeed those gentlemen who objected to naval force, appeared to be mostly from the interior, and of course could not properly estimate its value.

Mr. SAWYER was wholly opposed to the amendments from the Senate. The objection to this particular increase of naval force on the score of expense, was not to be disregarded. He called the attention of gentlemen to the state of the Treasury. The expense of this system would be three millions; and when this sum was added to other sums which would be requisite if measures now pending were adopted, it would render it necessary for Congress now to borrow money on the credit of posterity. The expedient of direct taxation would not be resorted to. It had already been the death-blow to the political existence of one administration. This Government, he said, was founded on public opinion, and whenever the approbation of the people was withdrawn, from whatever cause, the whole superstructure must fall.

Mr. S. dwelt at some length on the disadvantage of loans. He said, if this nation was destined to raise a navy for the protection of com

merce, it should have begun earlier, in the year 1793, when such outrageous violations had been committed on our commerce. The expense of such an establishment would have far exceeded the amount in value of captures made since that period. He concluded, from a number of observations which he made on this subject, that, on the score of the protection of trade, it would not be proper to fit out a navy. This proposition, he said, was the mere entering wedge. The system was either unnecessary, or would be wholly futile in practice. Our seamen would cost us at least double of what is the expense of her seamen to Great Britain; and it required her utmost exertions to pay the interest of the enormous debt with which her unwieldy navy had saddled her. He therefore certainly thought that an attempt to justify it on the score of profit would not succeed. He deprecated the extension of Executive patronage, which would result from an increase of the Naval Establishment. Need he go back, he asked, to the time when the black cockade was necessary, in some parts of the country, to secure a man from insult from the officers of the navy? He wished to limit the Executive patronage; to adhere closely to the maxims of our forefathers. By sending out a navy, too, he said, we should volunteer to support the ascendancy of the British navy, become the mere jackals of the British lion. Mr. S. went at some length into an examination of the former Administration in relation to a navy. There was nothing, he observed, in the nature of our Government, or of our foreign relations, to require a navy. If we could not carry on foreign commerce without a navy, he wished to have less of it and more of internal commerce, of that commerce which the natural advantages of the country would support between different parts of it. If we were to build a navy for the protection of foreign commerce, we should throw away our natural advantages for the sake of artificial ones. He was in favor of the embargo at present. There was more virtue in our barrels of flour as to coercion than in all the guns of our navy; and we had lately given our adversaries a supplementary broadside, which he hoped would tell well. Mr. S. stated the origin and progress of navies at some length, commencing with the Republic of Genoa. Our chief reliance as to defence must be on our militia. So little did Great Britain now rely on her navy for defence of her soil, that she had called upon every man in the country to be at his post, if danger came. Other nations might be justified in supporting a naval force, because they had colonies separated from them by the sea, with whom they were obliged to have means of intercourse, but we had not that apology for a navy. Mr. S. concluded his observations, after speaking near an hour, not, he said, that he had gone through the subject; but, as it was late in the day, he yielded the floor to some other gentleman.

Mr. J. G. JACKSON said, that gentlemen should not be influenced, in discussing the present question, by a belief that they were now discussing the propriety of raising a naval force for offensive

purposes. This was not the question. It was only whether, at this crisis, the House would employ a little force for the purpose of resisting attacks made on our territory at home. The gentleman from South Carolina (Mr. WILLIAMS) had said that an attack on the soil touched the life-blood of every man in it. Yes, Mr. J. said, it did; whether the invasion was on our jurisdiction, on land or water, it touched equally the life-blood of the nation. He would as soon resist an attack on our territorial jurisdiction on sea as on land. It made no difference with him whether a foreign frigate came up to the piles of Potomac bridge and fired over into the town, or whether its crew came on shore and assaulted us with the bayonet. The territory, he said, was equally invaded in either case. Were we not to resist Great Britain because of her 1,130 sail of armed vessels? This would amount to a declaration that we must succumb to her, because she could at any time send a squadron sufficient to destroy our naval force at a single blow. This was the tendency of the argument. Mr. J. said it would be more honorable to fight, while a single gun could be fired, notwithstanding her overwhelming force. This mode of reasoning had a tendency to destroy the spirit of the people. He would never consent to crouch before we were conquered; this was not the course of our Revolutionary patriots, and he trusted it was one which we should not follow. He would rather, like the heroic band of Leonidas, perish in the combat, although the force of the enemy was irresistible, than acknowledge that we would submit. This naval force was not, however, intended to cope with the navy of Great Britain, but to chastise the petty pirates who trespassed on our jurisdiction; pirates, he called them, because the British Government had not sanctioned their acts. It had not justified the murder of Pierce, or asserted the right of jurisdiction claimed by an officer within the length of his buoys, &c., because, if she had, it would have then been war. For this reason he wished our little pigmy force to be sent on the ocean, notwithstanding the giant navy of Great Britain. Some gentlemen had opposed this on the score of expense. Our most valuable treasure, Mr. J. said, was honor; and the House had almost unanimously declared that it could not submit without a sacrifice of that honor.

A motion was now made to adjourn, and carried—47 to 29.

TUESDAY, January 10.

The bill sent from the Senate, entitled "An act making a further appropriation towards completing the two wings of the Capitol at the City of Washington, and for other purposes," was read twice and committed to a Committee of the Whole on Monday next.

Mr. NICHOLAS presented a petition of sundry officers of the Virginia line of the late Revolutionary army, praying that such compensation may be made as may be equivalent to the respective services and losses of the petitioners, in the

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capacity aforesaid.—Referred to the committee appointed, the twenty-sixth ultimo, on the memorials and petitions of the late officers of the said Revolutionary army.

The bill sent from the Senate, entitled "An act to authorize the Marine Insurance Company of Alexandria to alter their style and firm, and insure against loss by fire," was read twice and committed to a Committee of the Whole tomorrow.

On motion of Mr. NELSON,

Ordered, That the amendments reported, yesterday, from the select committee to whom was recommitted the bill for the relief of the infirm, disabled, and superannuated officers and soldiers of the late and of the present army of the United States, which lay on the table, be committed, together with the bill, to a Committee of the Whole on Wednesday next.

Mr. RHEA, of Tennessee, from the Committee on Post Offices and Post Roads, presented a bill to authorize the transportation of certain documents, by mail, free of postage; which was read three times and passed.

The SPEAKER presented to the House a representation of sundry inhabitants of Townsend, in the county of Middlesex, and State of Massachusetts, stating certain objections to the manner of appointing Electors for President and Vice-President of the United States, by the Senate and House of Representatives of the said State of Massachusetts; and praying the interference of the powers vested by the Constitution in the two Houses of Congress, to prevent the establishment of a precedent which, in their opinion, will have a dangerous tendency; which was ordered to lie on the table.

On motion of Mr. DANA,

Resolved, That the Committee of Commerce and Manufactures be instructed to inquire into the propriety of amending the law relative to bonds which may be required for enrolled or licensed vessels of the United States, with leave to report by bill or otherwise.

The House proceeded to consider a resolution proposed, yesterday, by Mr. DANA, and ordered to lie on the table; the same being amended to read as follows:

Resolved, That, for the benefit of the seamen of the United States, it is proper to make provision that registered ships and vessels, after a time to be limited by law, shall not continue to enjoy the benefits and privileges appertaining to ships or vessels of the United States, unless a certain proportion of the mariners on board the same shall be citizens of the United States.

Ordered, That the said resolution be referred to Messrs. DANA, DAVID R. WILLIAMS, QUINCY, MUMFORD, and MCCREERY, with leave to report thereon by bill, or bills, or otherwise.

Mr. LEWIS presented a petition of the Pastor and Committee of the Presbyterian Congregation, in the town of Alexandria, in behalf of themselves and others, praying that an act of Congress may be passed for incorporating the congregation aforesaid, under such terms and provisions as to the wisdom of Congress shall seem meet.—Re-

ferred to the Committee for the District of Columbia.

On motion of Mr. VAN HORN,

Resolved, That the Committee for the District of Columbia be instructed to inquire what amendments are necessary in the act concerning the District of Columbia.

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The House resumed the consideration of the amendments proposed by the Senate to the bill, entitled "An act authorizing the appointment and employment of an additional number of navy officers, seamen, and marines." The first amendment, which was depending yesterday, at the time of adjournment, being again read—

Mr. LYON was in favor of the amendment because it proposed an appropriation of a less sum of money than that sent from this House; and it would require the Executive to call upon the next House of Representatives for further appropriation, before it could be carried into effect, and the subject would then be completely in the power of the House.

Mr. UPHAM was against the amendment. He was as much desirous of relieving our seamen as any gentleman; but, if there was no occasion for the employment of a naval force, he would not vote for it merely to employ idle and starving men. He considered this amendment as a part of the great system for enforcing the embargo, for destroying commerce instead of protecting it. He considered the first embargo perpetual, and Nos. 1, 2, 3, and 4, for carrying it into effect, of the same nature; and the law lately passed, more unconstitutional than any. He considered it the worst law ever passed under the Constitution.

[The SPEAKER here called Mr. UPHAM to order, as wandering from the subject under debate.]

Mr. J. MONTGOMERY observed that the phraseology of the law was different from any other law on this subject.

Mr. UPHAM observed that he had not relinquished the floor. He considered the last embargo law as more unconstitutional than any other. [Mr. U. was called to order by Mr. JACKSON on the same grounds as by the Speaker.] Mr. U. said that he went on the ground that the law was unconstitutional, and that this bill was to enforce it. [The Speaker permitting Mr. U. to proceed, Mr. JACKSON appealed from the decision of the Chair. This mode of discussion was not in order. He did not, however persist in his appeal.] Mr. U. proceeded in explanation of his remarks. Mr. U. made further remarks on the law passed a few days ago, which, he said, he considered an unconstitutional law; that it laid the axe at the root of civil liberty, and, therefore, he would not consent to vote for this bill for enforcing it. Believing the embargo laws to be unconstitutional, and this bill intended to enforce them, he therefore would not vote for it.

Mr. MONTGOMERY offered an amendment to the amendment of the Senate, making it discretionary with the Executive to arm, fit, and send out the frigates, &c.

Mr. LOVE observed that the adoption of the amendment would render it difficult to ascertain the appropriation which would be necessary for the object.

Mr. DAWSON observed that a law already in force, contained precisely the same power as proposed by the amendment of the gentleman from Maryland.

Mr. G. W. CAMPBELL observed that the adoption of the amendment would not preclude the President from putting the frigates in service immediately, if required. He was willing to adopt the amendment, because a doubt seemed to exist whether the Executive now possessed the power of calling the frigates into service. Without the amendment just proposed, he could not vote for the amendment of the Senate.

Mr. COOK hoped it would not be adopted, because it would divest the bill of the little energy it possessed, and would render it nugatory.

Mr. NEWTON observed that he represented a part of the country where, in case of war, an attack would probably first be made. To the defence of this town, (Norfolk,) a few frigates would be of great service. It was the opinion, he said, of the best informed men that a few frigates, combined with natural advantages, would prevent the town from suffering from attack by sea. Mr. N. believed that the President would consider himself equally bound, whether the amendment were adopted or not, if the bill, as amended, should pass. He adverted to the argument of expense, which, he said, should be of no weight. Mr. N. was proceeding in commenting on the measures of the preceding Administration, in respect to naval force, when he was called to order by the Speaker. He said that this was not a system for enforcing the embargo. It was necessary to order our frigates from the Eastern Branch to the ocean, to protect our coasts from insult. He alluded to the affair lately taken place at Savannah, and observed that, to repel this species of marauding, the Navy of the United States ought to be at the disposal of the President. If they were to decide on incurring an expense which he considered necessary for preparation for war, it might be a means of preventing war; it would convince the nations of Europe, that we were determined effectually to resist; would tell them that if they wished to resume relations of amity with us, they must make overtures, which, when made by us, had been so insultingly received. From what he could understand, the people of the United States looked to Congress for vigorous measures, and if such were not taken, would be grievously disappointed. We, said Mr. N., are the first whom the storm of war would reach; we, (his constituents,) are to be the first sufferers, and we only ask of the Congress of the United States to enable us to make a glorious defence.

Mr. DANA said he should think it rather more expedient for the Congress of the United States to decide this question. Which ever way the President should decide, he might act wrong, in the opinion of those particularly attached to him;

and to those who were not, might afford grounds for censure. He thought it proper that the new President of the United States, be he whom he might, should come into office under favorable circumstances in relation to public opinion. He alluded to the difference of opinion, in different parts of the Union, on the subject of naval establishments. It had been supposed by some gentlemen that there might be occasion for this force in May or June. He said it would require considerable time to furnish all the sails, rigging, &c., for a vessel of war, at this place especially; and, if these vessels were necessary, it would be more correct that the House should decide this question, and not throw it on the President. How the amendment of the Senate ought to be decided, he did not say.

The amendment of Mr. MONTGOMERY was negatived, yeas 30.

Mr. TALLMADGE, circumstanced as he was in relation to the bill, could not vote for the amendment of the Senate. Strongly in favor of having the frigates removed from this place to some place where they might be efficient, he wished a bill for that purpose to pass. This had been his uniform opinion. An inducement with him to vote for this bill, Mr. T. said, was the present situation of the seamen of the United States. But, when he considered that we had upwards of one hundred and seventy gunboats—so great a proportion of this inefficient mode of defence—he could not, in conscience, vote for it, nor ever would. He spoke in a qualified sense; for, in all shallow waters, he would give to gentlemen, as far as his vote would go, the whole number they wanted. But, when he saw that this was to be the great naval preparation, he could not sanction it. He therefore moved to strike out "and gunboats."

Mr. G. W. CAMPBELL hoped the House would not agree to the amendment, because it must directly tie the hands of the Executive from employing the gunboats at all.

Mr. TALLMADGE said that was not his object. Wherever they could be effectual, he was willing to employ them.

Mr. NEWTON was of the same opinion with the gentleman from Tennessee. Gunboats were an excellent defence for rivers, and for co-operation with fortifications. They were never intended for sea, but to be used in smooth water. Let it be recollected, said Mr. N., that no man can say how long we shall have peace. Gentlemen from every quarter had declared that war must take place, if reparation for our injuries were not made. Recollect that the majority is responsible for the situation of the country, and that it is our duty to avert the impending storm. Were they not to do it, he said, they would subject themselves to the imputation of neglecting their country.

Mr. DANA was opposed to officering, manning, and employing, as soon as may be, all the gunboats. He was willing that they should be ready, however; for, in smooth waters and rivers, they might be effectual. But, as to their service at

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sea, when they attempted to seize vessels violating the embargo, they were cause of mirth; for, of everything which swam on the water they were the laziest. Really, one of these boats chasing a fast sailing vessel, was something like a snail chasing a Virginia race horse. Mr. D. was willing that all of them should be ready for service, but he was opposed to officering them; for, of all places in which you can put a young officer, they are the worst. It was not a situation in which they would acquire that habit of command and respectable deportment which was necessary for the respectability of our Navy. Placed in a situation in which every coaster laughs at him, and the ungainly thing on which he is fixed, it certainly is not calculated to improve an officer. Old officers might do well on board these vessels; but consider the severe trial to which you put a young man, with no superior over him, in those boats. Mr. D. dwelt at some length on the disadvantage to officers, &c., from being placed on board gunboats. If the gunboats were ready for service, there would be no difficulty in detaching a sufficient number of seamen and volunteers to man them, on any emergency. Even of volunteers, there was no necessity that they should be constantly employed. If you send gunboats to enforce embargo laws, you must get revenue cutters to tow them along. They are perfect floating batteries; and, as to expense, they were the most expensive species of naval force. Mr. D. believed that the law of last session authorized the fitting out the gunboats when public service required; and, if their employment became necessary, it would not need the sanction of this law.

Mr. G. W. CAMPBELL always understood that the law already gave the same power in relation to the gunboats as to the frigates, and no other.

Mr. COOK observed that, after so strong a vote for building gunboats he should scarcely expect the House would refuse to man them; for, of what use would they be, except they were manned?

The question on striking out the word "gunboats" was taken by yeas and nays, and negative—yeas 28, nays 93, as follows:

YEAS—Epaphroditus Champion, Martin Chittenden, Samuel W. Dana, John Davenport, jr., William Ely, Francis Gardner, James M. Garnett, Charles Goldsborough, William Helms, Richard Jackson, Philip B. Key, Joseph Lewis, jr., Matthew Lyon, Nathaniel Macon, Jonathan O. Mosely, Timothy Pitkin, jr., John Rowan, John Russell, James Sloan, William Stedman, Lewis B. Sturges, Samuel Taggart, Benjamin Tallmadge, Abram Trigg, Jabez Upham, Nicholas Van Dyke, Killian K. Van Rensselaer, and David R. Williams.

NAYS—Evan Alexander, Lemuel J. Alston, Willis Alston, jr., Ezekiel Bacon, David Bard, Joseph Barker, Burwell Bassett, William W. Bibb, William Blackledge, John Blake, jr., Thomas Blount, Adam Boyd, John Boyle, Robert Brown, William A. Burwell, Wm. Butler, Joseph Calhoun, George W. Campbell, Matthew Clay, John Clopton, Orchard Cook, John Culpeper, Richard Cutts, John Dawson, Joseph Deane, Joseph Desha, Daniel M. Durell, James Elliot, John W. Eppes, William Findley, James Fisk, Meshack

Franklin, Thomas Gholson, jr., Edwin Gray, Isaiah L. Green, John Harris, James Holland, David Holmes, Benjamin Howard, Reuben Humphreys, Daniel Hiley, John G. Jackson, Thomas Kenan, William Kirkpatrick, John Lambert, Edward Lloyd, John Love, Robert Marion, Josiah Masters, William M'Creery, William Milnor, Daniel Montgomery, jr., John Montgomery, Nicholas R. Moore, Thomas Moore, Jeremiah Morrow, John Morrow, Gurdon S. Mumford, Roger Nelson Thomas Newbold, Thomas Newton, Wilson C. Nicholas, John Pugh, John Rea of Pennsylvania, John Rhea of Tennessee, Jacob Richards, Matthias Richards, Samuel Riker, Lemuel Sawyer, Ebenezer Seaver, Dennis Smelt, John Smilie, Jedediah K. Smith, John Smith, Samuel Smith, Henry Southard, Richard Stanford, Clement Storer, Peter Swart, John Taylor, John Thompson, George M. Troup, James I. Van Alen, Philip Van Cortlandt, Archibald Van Horn, Daniel C. Verplanck, Jesse Wharton, Robert Whitehill, Isaac Wilbour, Alexander Wilson, Nathan Wilson, and Richard Winn.

The question recurring on the amendment from the Senate,

Mr. DANA said he was placed in a situation in which he approved one part of the proposition presented to him, and disapproved of another. He felt considerable hesitation in equipping the frigates, because of the use to which they might be applied by the Executive, viz: to enforce the embargo laws; to enforce which, in this manner, he did not believe would redound to the credit of the United States, because he did not believe that the effects would be produced by it which gentlemen contemplated. Much greater danger there was of a violation of the rights of the people in executing the embargo laws on land than on water; and when command was vested in inferior officers, much greater tyranny and insolence was to be expected than from superior and responsible officers. Employing frigates for the execution of the embargo laws was the least unconstitutional and the least objectionable of any mode. He felt a regret that these laws should be executed by the navy. He feared that the navy might be associated in idea with the laws which they enforced, and thus give a prejudice against naval force. But, nevertheless, he thought the propriety of employing responsible officers overbalanced this consideration. Another reason why he was in favor of equipping the frigates, was, because it would take some time to prepare them, and if a meeting of Congress took place in May or June, it might be expected that the embargo would be removed, and then all the frigates would probably be put in service, before which time, if now ordered, they could not be prepared. They had been lying at the navy yard here, to rot and be repaired, to be repaired and rot again. Mr. D. observed that, in fresh water, decay took place more rapidly than in salt water; he wished to send them to their natural element; it would be conducive to their health and long existence. Another reason, he stated, why he should vote for the bill: there was an idea amongst some gentlemen, that there was a probability of war. He had no idea of Congress, this session, declaring war, because they had made no preparation for

it. And if we were to make war, he conceived that we should not do it like privateers, but like officers; that it should not be a strife of children, but of men, and that preparation should be made for it. Whenever we had war, it must be for maritime and not territorial rights; and he had no idea of abandoning the very ground for which we contended. He was therefore willing to place our frigates on the sea-coast. It was a very different question from that of the establishment of a large navy. Had gentlemen considered the importance of a naval force on our coast? Had they considered the propriety of having a force sufficient to repel insults in our harbors? Mr. D. adverted to the superior advantages of our naval situation over that of other nations which could send a force on our coasts. He had said that he had no idea of our declaring war; neither had he any idea of any of the nations of Europe declaring war against us. Not a corporal's guard could Great Britain send here; without sacrificing objects on which her interest and honor depended; and the Emperor of France, whilst collecting a force to resist the troops of Great Britain in Spain, would he abandon his conquests and the pretensions of his family, to send a force here, when such numerous battalions could be arrayed against them? Another thing: the seasons were against their sending a force here for several months. War therefore was not to be expected this session, except, as had been said, it was a paper war, another supplemental broadside, as a gentleman had observed; but that species of war, Mr. D. said, he did not take into the question. If we were to have war, he wished a unanimity of sentiment to attend it, without which it would be ineffectual. When this unanimity, the result of the exercise of judgment by free and unbiassed minds, existed, we need fear no enemy. This could not exist when the people were called upon to be friends, whilst gentlemen took the attitude of enemies; when they were called upon to be friends with an insinuation that they were traitors in their hearts. He wished this language to be expelled from our councils. Whatever difference of opinion might exist on local concerns, with respect to foreign nations, he thought we ought to show that we are all ready to maintain the cause of the country; and to insinuate a doubt of this conveyed a reproach. And men long habituated to reproach, did not feel that impulse to honorable effort which those felt who were not accustomed to it. He then adverted to the circumstance of one of the greatest military commanders of antiquity having selected a regiment or battalion whose fidelity or courage he had doubted, and placed them in a conspicuous place on the field of battle, appearing to place confidence in them, and thus insuring their good conduct. Mr. D. held up this example to the attention of gentlemen. He concluded, by saying that, because he wished to call into action all the resources of the country, though opposed to a part of this amendment from the Senate, (that part relating to gunboats,) he thought it his duty to vote for the amendment.

Mr. SLOAN intimated that he should vote for

this amendment, to get our frigates from the sickly situation in which they were now placed; to get them out of this state of embargo, and to restore them to health and freedom.

The question on the amendment of the Senate was then decided in the affirmative—yeas 64, nays 59, as follows:

YEAS—Ezekiel Bacon, Joseph Barker, Burwell Bassett, John Blake, jr., Matthew Clay, John Clopton, Orchard Cook, Richard Cutts, Samuel W. Dana, John Dawson, Josiah Deane, Daniel M. Durell, James Elliot, William Findley, James Fisk, Francis Gardner, Thomas Gholson, jr., Charles Goldsborough, Isiah L. Green, John Harris, William Helms, David Holmes, Reuben Humphreys, Daniel Isley, John G. Jackson, Walter Jones, Thomas Kenan, Philip B. Key, William Kirkpatrick, John Lambert, Joseph Lewis, jr., Edward St. Loe Livermore, Matthew Lyon, Josiah Masters, William McCreery, John Montgomery, Nicholas R. Moore, Jonathan O. Mosely, Gurdon S. Mumford, Thomas Newbold, Thomas Newton, Wilson C. Nicholas, Timothy Pitkin, jr., Samuel Riker, John Russell, Ebenezer Seaver, James Sloan, Dennis Smelt, Jedediah K. Smith, John Smith, William Stedman, Clement Storer, Lewis B. Sturges, Peter Swart, John Thompson, George M. Troup, James I. Van Alen, Philip Van Cortlandt, Nicholas Van Dyke, Archibald Van Horn, Killian K. Van Rensselaer, Daniel C. Verplanck, Isaac Wilbour, and Nathan Wilson.

NAYS—Evan Alexander, Willis Alston, jr., David Bard, William W. Bibb, William Blackledge, Thomas Blount, Adam Boyd, John Boyle, Robert Brown, William A. Burwell, William Butler, Joseph Calhoun, G. W. Campbell, Epaphroditus Champion, Martin Chittenden, John Culpeper, John Davenport, jr., Joseph Desha, William Ely, John W. Eppes, Meshack Franklin, James M. Garnett, Edwin Gray, John Heister, James Holland, Benjamin Howard, Richard Jackson, Richard M. Johnson, Edward Lloyd, Nathaniel Macon, Robert Marion, William Milnor, Daniel Montgomery, jr., Thomas Moore, Jeremiah Morrow, John Morrow, Roger Nelson, John Porter, John Pugh, John Rea of Pennsylvania, John Rhea of Tennessee, Jacob Richards, Matthias Richards, John Rowan, Lemuel Sawyer, John Smilie, Samuel Smith, Henry Southard, Richard Stanford, Samuel Taggart, Benjamin Tallmadge, John Taylor, Abram Trigg, Jabez Upham, Jesse Wharton, Robert Whitehill, David R. Williams, Alexander Wilson, and Richard Winn.

Mr. G. W. CAMPBELL called for the yeas and nays on the next amendment, relative to the number of seamen, &c.

Mr. D. R. WILLIAMS said he would give all his earthly goods, if the last vote could be recalled; for he valued property and life less than the liberties of the country, which he believed would be destroyed by the consequence of that vote. He believed that they had pronounced against a man whom he had always censured, when he thought he had acted improperly, but who had done great and important services to the country—the President of the United States—a censure which he did not merit. What was this force for? Those who were desirous of war were perfectly consistent in voting for it; but for those who wished for peace, it was the worst thing that could have happened. The first thing done by this navy would be to search out a British frigate, and re-

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venge the outrage on the Chesapeake. But a short time would elapse before it would involve us in war. He hoped a disagreement to the present amendment would take place, so as to defeat the object of the bill; he hoped so, because he was zealous to preserve peace.

Mr. NELSON said, that he was one of the minority on the question just taken; he wished that the decision had been different; but the decision having been made, he should vote for all the other amendments to the bill, because he conceived it a necessary consequence of having adopted the first.

Mr. MASTERS said that, if justice were not done to this nation, we ought to go to war, and to be prepared for it. He thought there could have been no difference of opinion on that point. The only question had been, whether the embargo was the proper measure. The moment that Great Britain laid a tax on us, if not withdrawn, it was a cause of war. He had never entertained a different opinion. He then went into examination of the propriety of possessing some frigates, and declared himself much pleased at the vote just taken.

Mr. DANA had no idea of throwing a censure on the President of the United States, by voting for this bill. Congress had the power to raise and support armies and navies; and it had been doubted whether any discretion should ever be given to the Executive on the subject. He had thought that a discretion might be given, but in this case he had thought it proper that Congress should exercise this right. He understood this force was to be employed in our waters; and if foreign nations did come into our waters and insult our national sovereignty, he said he should wish to teach them to respect it. He had no idea of causing war; he wished to preserve peace; but was peace the yielding to violations of jurisdiction, and to insults in our own waters? and was a resistance of these war? No; it was the exercise of the natural right of all animated nature to resist, when injured, and could not be called war, in the general sense of the word. If the defence of our clear and indisputable rights was to be war, let it be war; for they must be maintained.

Mr. GHOLSON said he had hardly expected that a question once decided, would be again discussed. For the vote which he had given, he was accountable to his constituents and to his conscience, and not accountable to any honorable gentleman on this floor for it. From the commencement of our Government to the present day, he said, our coast had been infested with cruisers and plundering pirates; and it was with a design to drive off these that he had given this vote.

Mr. G. W. CAMPBELL wished it to be understood that he should vote against this amendment. He believed the vote just taken to be unprecedented, of its own kind; no such thing as that amendment could be found on the statute book; it was giving power without means to carry it into effect; he considered it a dead letter, when connected with the small appropriation for the

object, and should vote against the other amendments. They had heretofore given a discretionary power to call out the frigates, but now they had passed a peremptory order that they should be put in service. He regretted that the vote had passed; and believed that before one month had elapsed many gentlemen who had voted for it would wish that they had not given the vote. It would produce a sentiment abroad that we were to have a maritime war, and would thus delude the people. They would say, if we are to have four or five thousand seamen, and only nine thousand men on land, it must be intended to carry on a maritime war. Mr. C. said he was willing to meet any event, if war did become necessary; but he did not wish to provoke it. Gentlemen have said that we have been insulted; but they would not say that our whole force would be competent to meet a single squadron of the British navy. The expense ought not to be overlooked—an expense of four millions; some gentlemen said six. It would be two millions in addition to what it would have been but for the amendments, without an atom of additional security to be derived from the money expended. He was willing to afford any assistance to American seamen in distress; but not to employ them because idle, when he believed their employment would be productive of mischief. He trusted until some way of filling the Treasury was discovered, that they would not totally empty it.

Mr. J. G. JACKSON said he had incurred the censure of the House for calling gentlemen to order, for whom he had high respect, during this session. After the example of this day it was time to desist, when, after a principle was solemnly adopted, gentlemen were permitted again to debate it. It was said that the adoption of the amendment was disrespectful to the President of the United States. Mr. J. said he had the highest respect for this venerable sage. This principle of Executive confidence was repugnant to the principle of the Constitution. With this House was vested the power of war or peace, of raising armies and navies, and of levying taxes, and with them properly rested the responsibility of employing the naval force. At a time when the President had been charged with wishing to excite a war pulse, he would of necessity be guarded in his expressions on the subject; and he had not expressly recommended any particular species of preparations. Gentlemen had said that they were desirous of peace. Mr. J. said that peace was already destroyed; and he said that he could not consent to cry out peace, peace, when there was no peace. What was the case which lately occurred at Savannah? But he did not conceive that we should rush into war, without giving an opportunity for procuring peace. Because we prepared for defence, did we invite war? No; and were we to be prevented from protecting our waters, from the fear of exciting sensations in a foreign government? He trusted not. This House had declared that it would not submit; and a permanent abandonment of the ocean would be submission. Our natural rights

were to be protected at all hazards, and at every expense. He understood the question very differently from the gentleman from Tennessee. He did not believe that the President of the United States possessed the power to employ all our vessels. There was such a law; but the number of seamen to be employed was limited. It was impossible that the President of the United States could carry the law into effect, and of course the power was nugatory without men and money. He had no idea in voting for this amendment that it involved war, or that it would delude the people into the idea that we meant to carry on a maritime war. If we went to war, he hoped we should adopt measures more efficient. He approved the sentiments of the gentleman from Connecticut, (Mr. DANA,) and when gentlemen came out in this way, he was willing to do away distinctions of federalism and republicanism, and hail them as whigs, as Americans, as friends to their country. Mr. J. entered into an examination of the necessity of a small naval force, and urged several arguments in favor of its efficacy as a defence.

Mr. SLOAN professed himself highly gratified at the vote which had just taken place, and he was at the same time as much in favor of peace as any gentleman. This measure had been looked for from sections of the country which must suffer in case of war. He thought it would tend more to harmonize than any measure adopted at this session. He rejoiced that the wishes of the people would be gratified by a removal of these frigates from this place, where they had been rotting so long.

Mr. MACON expressed his surprise at the change which appeared to have taken place in the House, within a few days. The current had set in favor of the embargo a short time ago, but its course was turned, and it was for war. He was for holding to the present measures as long as we could. He cautioned gentlemen against measures which would provoke war; and intimated as his belief, from the vote just given, that it would take place in three months. It was yet time for gentlemen to prevent it, by withholding the sinews of the Navy, by disagreeing to the remaining amendments proposed by the Senate. Send out the Navy in its present disposition, said he, and you send it to war. He had been afraid, from the commencement of the session, that we should have war; and war would assuredly follow the going out of these frigates. Did he not appreciate the character of the American seamen, their courage and spirit, he should not fear war from it. He could not account for the change which had taken place in the House within a few days. Whence this leaning to war? Nothing new had occurred that he knew of but the trifling case at Savannah. He knew that for years past we had had cause of war. Not a year since the commencement of the French revolution, in which we might not with good reason have declared war. But he wished a fair experiment of the embargo first. If we were to go to war there was no man in the nation who could foretell its re-

sult. He was not surprised that the gentleman from Connecticut should be against the embargo, because he had been so from the first. He would hold on to the embargo as long as he could. He thought he sufficiently understood the interests of the people whom he represented, and of the United States generally, to know that they would suffer by war. When he had said that the attack on the Chesapeake was as much cause of war as the attack on Copenhagen, the changes had been rung through the nation on his words. He was not in favor of war. He was surprised to hear gentlemen saying that the people would not bear the embargo; and that the friends of the measure were yielding to this impression. Come the day when it would, they would find war no slight matter. Gentlemen talked about sending these vessels out to protect trade. If sent out they would fight. He could not see what good ten frigates were to do as a defence. He had always feared that we should have a fleet; and he said no nation could maintain a navy and live well. Liberty was of no value if it was only tongue liberty; and a navy would soon strip the citizen of his property, and leave him but the liberty of speech. He had been in hopes that the country would not have followed the track of Europe. He hoped this Navy policy might not eventually change the form of our Government. Take this bill, said he, with the fifty thousand men proposed—call them what you will—they are not militia—and see what it looks like. With respect to supporting our sailors, was there not now, he asked, a bill before the House for appropriating a sum of money for supporting them? When he compared the number of seamen proposed to be employed with the actual number in the United States, he had no idea that the bill was intended to relieve them. No. It squinted at war. He was not for any of these war measures till it was ascertained that the embargo did not produce an effect. This measure had occasioned less inconvenience than any great national measure could, and had been productive of more benefit by saving property, &c., than any other would have been. Give foreign nations time and time again to reflect on proposals for peace, said he, before you launch into war. He thought, with the gentleman from South Carolina, that the agreement to the amendment was a reflection on the President. This was not the proper place for him to say what he thought of that man; but the censure was undeserved. The gentleman from Virginia (Mr. JACKSON) says, that Congress alone has the power to declare war. The President also has a share in the power, and it cannot be declared without his concurrence. Mr. M. referred to the section of the Constitution which says that every order, resolution, act, &c., shall be presented to the President for his approbation. The very next section declared that Congress shall have power to declare war, raise armies, &c., &c., and would any man say that they had the power to do it without the consent of the President? No, sir. [Mr. J. G. JACKSON said that the gentleman wholly misunderstood him. He

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had no idea that the consent of the President was not necessary.] Mr. M. then observed that the pain he felt in his breast prevented him from proceeding further.

Mr. TAYLOR said as this was a very important question and one which the House had entered into, he should conceive that they wished to come to a conclusion, and would not therefore occupy much of their time. He did not believe with the gentleman from Maryland (Mr. NELSON) that it was his duty, because the first amendment was adopted, to adopt the remainder. He protested against the doctrine. He believed that it was in the power of the majority to negative any amendment. The amendment of the Senate contemplated an increase of expense at least double that contemplated by the bill as sent from this House, and yet the Senate had stricken out the sum adequate for one half the actual number now contemplated, and inserted \$400,000! He could not understand a system which authorized double the force proposed by the bill sent from this House, and for which it appropriated but one-half the sum. There must be some mode of calculation in that honorable body which he did not understand.

The town is besieged; and instead of taking the system of defence into our closet and examining it, we are to take it in a speech as we can catch it, without having it upon paper to judge of it. It ought to have been upon our tables weeks ago. He would say what he thought of it. It was leading to the abandonment of our most efficient force for our weakest—to the abandonment of the embargo for a naval war. If we were to have war, this was not to be the whole force employed. This sum of \$400,000 could deceive no one. With the money necessary for four thousand additional seamen an army of thirty thousand men could be paid who would sweep the Canadas in a year. A landsman, he had heard said, cost the United States \$130 annually, whilst a mariner cost \$1100, seven and a third times as much. The House had been told that the nation must contend for its rights on the element where we must enjoy them. In the language of the great Chatham, France was conquered in America. Great Britain has been conquered in America, and may be conquered on *terra firma* again. He said, instead of launching a navy on the ocean, he would advance to the Gibraltar of America, possess ourselves of it, and take from Great Britain her only depot on the American continent. He would force her whole commerce on the northern continent of America to pass under our cannons' mouth. He believed that it would be an extravagance to appropriate this money for a small naval force, when with it we could sweep the enemy from our northern frontier altogether. He wished not to be considered as an advocate of either mode. He was for an adherence to the embargo. If that were given up, he was for putting our resources to the best possible use for the defence of the country, and he was not for launching into an element where our enemy must be master. He believed if we were

to have war on the ocean, that we should do more mischief by individual enterprise, by seizing a straggler here and a straggler there, plundering a squadron here and a squadron there, than by any regular force of the United States. With respect to invasion of our territory, he had understood that gunboats co-operating with fortifications were competent to the defence of our harbors. Now it seemed that they could not drive out a picaroon. And would any one say that this immense appropriation for gunboats would have been made under an expectation that they would supersede the necessity of frigates? He said he should not himself have voted for the gunboats if he had supposed that the House would have refused the other part of the system—the marine militia. He adverted to the refusal of the proposition to erect dry docks, and the subsequent proposition for a marine militia. He concluded by observing that he conceived that the tenor of the amendment went to cast a censure on the President, to dishonor that sage whom gentlemen affected to revere.

An adjournment was called for, and carried.

WEDNESDAY, January 11.

On motion of Mr. RHEA, of Tennessee, that the House do come to the following resolution:

Resolved, That a resolution of this House of the ninth of January, one thousand eight hundred and nine, "directing the Secretary of State to lay before this House a statement of the whole number of persons born in foreign countries, and legally admitted citizens of the United States by naturalization, who have been registered as American seamen, and returned as such to the Department of State, according to the lists transmitted by the collectors of the customs, in pursuance of the law relative to the relief and protection of American seamen," be, and the same is hereby, rescinded.

The resolution was read, and ordered to lie on the table.

On motion of Mr. DAWSON, the House proceeded to consider a resolution proposed by him, and ordered to lie on the table, on the thirtieth ultimo; and the same being again read, was, on the question put thereupon, agreed to by the House, as follows:

Resolved, That the Committee of Commerce and Manufactures be directed to inquire into the expediency of removing the Collector's Office from the port of Tappahannock to that of Fredericksburg, in the State of Virginia; with leave to report by bill or otherwise.

Mr. SMILIE, from the committee appointed on the seventh instant, presented a bill to alter the time for the next meeting of Congress; which was read twice, and committed to a Committee of the Whole on Monday next.

Mr. NELSON, from the committee appointed on so much of the Message from the President of the United States, at the commencement of the present session of Congress, as relates to the Military and Naval Establishments, presented a bill supplementary to the act, entitled "An act for

the establishing and organizing a Marine corps;" which was read twice, and committed to a Committee of the Whole on Monday next.

Mr. NELSON, from the same committee, presented, a bill providing an additional military force; which was read twice, and committed to a Committee of the Whole on Friday next.

NAVAL ESTABLISHMENT.

The House resumed the consideration of the amendments proposed by the Senate to the bill, entitled "An act authorizing the appointment and employment of an additional number of Navy officers, seamen, and marines."

Mr. TROUP said he regretted exceedingly that he was under the necessity of again troubling the House, but he felt himself bound, in some measure to state more particularly his reasons for voting for the bill, and to reply to some cogent objections made from a quarter of the House which he much respected. He stated anew the reasons which he had given why the United States should have a small naval force. He thought it indispensable at this time to man and equip our little Navy, not for the one or the other general reason in its favor which he before stated, but to protect from violence and insult the territory of the United States; that territory which gentlemen in this House were so fond of calling the territory of the good old United States—he meant the marine league from the shore—as sacred and inviolable as any spot of earth within our limits. It was for the purpose of protecting this part of our territory, for removing those cruisers which are competent to blockade the mouth of our rivers, that he wished this Navy to be equipped. Gentlemen said the gunboats were competent to the protection of our harbors. Mr. T. acknowledged it; he said he did believe that the invention of man never devised a more competent system than gunboats, co-operating with fortifications, for the protection of our ports and harbors, but they were calculated to act only on shoals and in smooth waters. They were not fit for any other species of service; they could not stand the winds and waves, the billows and the tempests. And notwithstanding our ports and harbors might be well defended by these gunboats, they were not competent to the purpose for which these frigates were to be manned, to prevent blockades of our own waters. He said he had expected, when gentlemen had solemnly resolved not to submit, that they had a serious determination to execute their resolve; and when they solemnly and unanimously resolved to place the country in a posture of defence, that they had seriously determined to do so. For his own part, he said he had been as seriously determined upon both, as he ever was upon anything in his life. And when gentlemen said they would not submit, what did they mean by it? Merely that they would not submit to the orders and decrees of the belligerents, or that they would not submit to violence and insults in their own waters? And when they said they would place the nation in a state of defence, did they only mean to hold the

militia in requisition? The militia were already in requisition, and were always subject to it. No, indeed; he had expected a very different species of defence; a defence calculated to meet a decisive and active hostility on the part of a great foreign enemy. He had understood that an army was to be raised, not only sufficient for the protection of our own territories, but sufficient to carry war into the territories of our enemy. He had expected, at least, that our little Navy would have been equipped—for, if you determine to change your present system of measures, how would you get along? Suppose you determine to go to war, you must determine at the same time to have a *war commerce*, to open a free trade with those nations with whom you shall be at peace—and how will you effect it? In your present situation it would be impossible, for these twenty-gun frigates as completely blockade the mouths of your rivers as the most formidable navy on the face of the globe could. Your commerce cannot move, if they choose to prevent it. Suppose you were to raise the embargo and adopt a non-intercourse with the belligerents; with what effect could you, under the present circumstances of the nation, give such liberty to commerce, when the mouths of your rivers are blockaded, much more effectually than they ever were by your embargo laws? Whether, then, you contemplate raising the embargo and adopting a non-intercourse, or war, a small naval force is absolutely indispensable. Mr. T. said he had to lament what had fallen from an honorable friend of his from South Carolina (Mr. D. R. WILLIAMS.) That gentleman, not many weeks ago, with a manly and dignified eloquence, which charmed almost every man who had heard him, scouted a principle which he had but yesterday adopted to all intents, and in all its bearings, viz: that interest was honor, and honor was interest; and that this country could have no provocative to war, and must, at all hazards, be preserved in a state of peace.

Mr. WILLIAMS said he held no such sentiments; if, in his agitation at the vote which had taken place, he had expressed such, he solemnly revoked them.

Mr. TROUP observed that he had understood the gentleman to declare that he was determined to adhere to the system of the embargo as a permanent measure of offence and defence, and from this expression he had drawn the deduction.

Mr. WILLIAMS disclaimed the idea of a perpetual embargo.

Mr. TROUP explained what he had said when up before on the subject of economy. He had spoken of war measures, which, when adopted, the old peace principle, that standing navies, and armies, and funding systems, were great evils, should be discarded. He had spoken of a liberal policy as preferable to that puerile, petty, contemptible, narrow economy, whose means and ends were both calculated and measured by popularity; and he added that whenever this nation was driven into a war, and the great principles of its action were determined on the question of popularity or

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unpopularity, we should come out of the war with dishonor, disgrace, and ruin.

Mr. SAWYER resumed the observations which he commenced on Monday. On the subject of the Naval Establishment, he said that this system had introduced into our laws a long list of capital crimes heretofore unknown to us, and perfectly incompatible with civil liberty. He disliked the absolute despotism exercised by naval commanders, who feasted in their cabins like bashaws, with their bands of music to entertain them the while, and twenty or thirty men employed for no other purpose than to fiddle and pipe to the crew, at a pay of twenty dollars per month each perhaps. Were these men intended to charm the enemy, as Orpheus of old? [Mr. S. was here reminded by the SPEAKER that he was wandering from the question.] Mr. S. said he presumed, that if he was at liberty to prove the system wrong in whole, he was at liberty to prove it wrong in any part. He did not believe that this naval force would add to the strength of the country, but rather weaken it. The strength of the country depended more on internal improvement and union among the people. Twenty odd millions of dollars, at least, had been expended on this system, and no improvement was visible from it. Suppose this money had been employed in facilitating communication through the country. This mode of expenditure would have been more conducive to the public interest than that of supporting the robust crews of the frigates in idleness. He hoped that Congress would, like the prodigal son, return home and sin no more; that after they had corrected their error in respect to this species of force, they would not again encourage it. Mr. S. spoke of the danger to be apprehended from such a system. Did any one ever hear of a navy taking part with the people against despotism? On the contrary, they were always ready to assist it, for the spirits of the crews were always broken down by severe discipline. He had just as great objections to navies as to standing armies; and, for the same reasons, was against both.

A gentleman had said that we ought to avenge the violations of our jurisdiction. Mr. S. said he agreed with him; he was willing to go to war for them. But because the injuries were committed on the ocean, was it any reason that we should go to war there? So far from wiping off the stain on our honor by this means, Mr. S. said we should make it the more indelible. Should we, single handed, when all the world had fled before the leviathan of the deep, sally out and defy her to combat? He was for meeting her on *terra firma*; for using the energies of the country, and in that manner which our situation required. Suppose France had exhausted herself in keeping up a navy, what would have been her situation at this time? Would she have been mistress of the Continent? No; she would have sunk into absolute insignificance. Mr. S. said that he was for raising the standard of his country, for enlisting every man who would come forward, and for making an irruption into Canada.

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The blood of Pierce could be as well avenged, and the manes of the slaughtered seamen of the Chesapeake as well appeased, under the walls of Quebec as on the seacoast. It had excited his astonishment that Great Britain could have persevered in her unjust conduct so long when it was in our power to sweep her from the continent. If this bill were to pass, it would afford her a proof of the weakness of our policy, which he hoped never to see given. Did gentlemen mean to multiply the odium of the affair of the Chesapeake by increasing the quantum of the means of national disgrace? He said he would ask gentlemen if one frigate brought so much disgrace, how much would fifteen bring? Gentlemen had said that Great Britain could send but a small force on our coast. Mr. S. said that she would always send enough for us. He concluded by observing that he derived some consolation from the circumstance that the terms of this bill were not absolutely imperative; and he had too much confidence in our excellent Chief Magistrate to believe that he would ever carry the power into effect.

Mr. D. R. WILLIAMS moved to commit the bill with the amendments to a Committee of the Whole. His object was to obtain a reconsideration of all the amendments. He felt a conviction on his mind that the House, having had time to consider the tendency of the vote of yesterday, would agree to rescind it. He wished no national measure to be adopted at this session with a poor, paltry majority of five. The nation, he said, was not to be got along in this way. He said when he had risen yesterday, he had felt an agony of soul which he could not repress or express. He, with his friend from North Carolina (Mr. MACON) was willing to have adhered to the embargo till the last of September, or till its effect was clearly ascertained. And when the vote of yesterday was taken, he had thought he saw war, with all its ruinous consequences, stalking over this once happy land. Under this embarrassment he said he had addressed the Speaker, and appeared to have been misunderstood by the gentleman from Georgia. He wished the bill to be re-committed, because he understood that a part of the seamen were considered as immediately necessary for the public service; he wished not to delay their employment by a discussion of the merits of a naval establishment—for no man opposed to the bill would, he presumed, permit it to pass till he had exerted himself to his utmost to prevent it.

Mr. W. ALSTON was in favor of the motion for commitment. The sum appropriated by this House for the smaller object had been stricken out by the Senate, and a sum inserted for the larger, which would scarcely be sufficient to open a rendezvous for enlisting men; if it were not enlarged, the bill would be a nullity.

Mr. DANA said it was his opinion, if a question had been unexpectedly taken, that it did not establish the point in question. He was, therefore, in favor of a commitment, in order to accommodate gentlemen. Mr. D. replied in a humorous man-

ner to Mr. SAWYER's observations on the subject of the music on board the navy; saying that indeed it was true that they had drums and bells on board of a frigate, and even silver whistles for the boatswain's mates. The seamen were such strange creatures, too, that they would despise an officer who would not make himself be obeyed within the fair limits of his authority. And this subordination, he said, was necessary. The seaman was subordinate to the midshipman, who was subordinate to the lieutenant, the lieutenant to the captain, who was subordinate to the commodore, who was under the direction of the Secretary of the Navy, who acted under the Executive; and thus the Executive held the whole, and wielded it at his pleasure for the execution of the law and the general maintenance of public right. He was willing to have the bill committed, but not for the sake of altering the appropriation; for the bill only settled the principle, and the appropriation was for commencing the work.

Mr. BACON said if the nation was really hungry after debate, or thirsting for long speeches, he should have no objection to go into Committee of the Whole; but, believing this not to be the case, he should object to it, because it could answer no purpose but delay.

Mr. FISK was in favor of the House taking the responsibility of this matter upon itself, and not for throwing it on the President's shoulders. He wished this force to repel infractions of our laws and rights. Armed ships, in violation of our laws, were now carrying on trade within our waters; and information was received that armed vessels were coming on our coast to force a trade. Was this to be permitted? Of what efficacy were our embargo laws, if armed vessels were to come and go when they pleased? What, he asked, could we get by persevering in a system which was thus rendered of no effect but to injure the honest part of the community? He said he wished to treat such violators of the laws as pirates. Unless such a measure was adopted, our embargo laws would be of no effect. It would answer no good purpose to go into Committee of the Whole on the bill; for the object of the motion was to defeat the bill. The bill rested on this basis—would they or would they not take measures at this time to meet the crisis, or would they rely wholly on the embargo? This was in fact the true question. The passage of this bill would give of this species of force no more than its due proportion. Mr. F. said he was no friend to standing armies or navies, but, in legislating, judgment must be guided by circumstances. It had been said that the sending out our frigates to sea would produce war; that the spirit of our officers was such that they would engage. He hoped they would not, at the same time that he believed they would resist all encroachments on our rights. Decatur had been at sea for many months with a frigate, and no such consequence had been produced. Mr. F. replied to the observations of Mr. SAWYER, in relation to the conduct of captains; and concluded with some general arguments in favor of naval force.

Mr. ALEXANDER was in favor of going into a committee, and was opposed to the amendments of the Senate. He said, if we were to have war, the ocean was not the theatre on which we should attack Great Britain. It was in another quarter. The course which had been adopted by the Administration, and wisely adhered to, he wished first to have a fair experiment. Though he was a friend to the embargo, he did not think that it should be continued for a long time. As long as a hope of adjustment remained, he did not wish to make preparations for war.

Mr. BURWELL hoped that, after a majority appeared to be in favor of the principle, no gentleman would delay the adoption of the other amendments of the Senate. He said he had no idea that any gentleman had been taken by surprise in the vote he had given. The observation of Mr. WILLIAMS, about a bare majority of five, Mr. B. said was not correct. A majority must always prevail. He was opposed to going into a Committee of the Whole.

Mr. KEY said, he was not surprised that gentlemen who were wholly opposed to the bill, should wish to have it recommitted. The amendments of the Senate presented but one question to his mind; whether it would be proper, in the present situation of our country, to arm those vessels which we have. He was a little surprised that gentlemen should hesitate, after what had been so often said on this floor. He recollected that those who a few weeks ago had spoken in favor of a middle course, were treated almost as enemies to their country; it was even said that every man was an enemy to his country, who was not in favor of a continuance of the embargo, or war.

Gentlemen had said that the line should be drawn, that the distinction should be made between friend and foe. And now, when a defensive measure was brought into consideration, how stood it? It was no quixotic idea of a navy to meet the mistress of the ocean on her own ground. That, said he, is not the question. Let us not be deceived by the idea. The solitary question is, whether, when our ships are lying in our waters, we shall man and equip them—for what? For the protection and defence of our homes. We have information that the proclamation of the President of the United States has been violated, and even at this moment may be violated. The lion is bearded in his den—the eagle strangled on its perch. It was for the purpose of compelling foreign nations to respect our rights within our jurisdictional limits, that he would give this additional quota of naval force. He was among the number of those who thought that if our frigates, instead of laying in our docks, had been heretofore sent out, no instance of such hostility would ever have taken place. In one case alone had these violations appeared to have been premeditated, when there was a fleet in the mouth of the river watching the motions of the Leopard, and ready to insure success to her. All other instances had been insulated. Gentlemen had said that they would not provoke war. Mr. K. said neither would he. But was

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honorable defence of our rights war? Far from it. To be prepared for war was one of the best preventives of war. Weakness invited, strength repelled insult and injury. He was, therefore, for arming those vessels which we have, and sending them out, but not for building others. This was very different from an attempt to protect foreign commerce in this way, which he hoped never would be made. The marine league on the coast was as inviolable as the soil. From headland to headland of the coast, and all the water within this line, had always been considered as part of the territory; and he contended, politically speaking, that an insult on our sovereignty there was as great as if the forces of a foreign Power were to land on our shores, come up to our houses, and murder and plunder the inhabitants. If we had a force upon the water, did any man believe that a single ship of twenty guns, commanded by a lieutenant, would have come within the limits of the harbor of Savannah, and fired a gun? No. Within these limits he would not permit insults on our sovereignty, and therefore wished these vessels to be sent out. His idea was that this force, as an auxiliary to gunboats, whether further to enforce the embargo, or to protect our territorial limits, ought to be given to the President of the United States. One gentleman had said, let us try the present system until September. What then? When all chance of negotiation had ceased, in what situation should we be placed? Unarmed, the vessels rotting, and not ready for any service. We should be better employed in placing ourselves in such a situation that if war be inevitable, we may better and more firmly resist it. We are a peaceable nation, and I hope we may have peace yet; but a preparation for war will guaranty peace. A man has two neighbors hostile to him; he would not go to attack them, but the moment they put their foot over his threshold would repel them with force, and chastise them, if in his power. This is the case of this nation, and I would employ the means which God has given us to repel invaders of our territory, whether maritime or territorial. Mr. K. said he could not agree to refer the subject to a Committee of the Whole, for the proposition was so simple that it would be a waste of time longer to detain the House on the subject. He said he had voted for the gunboat system, not that he was in favor of it, but because it was a defensive measure, in what he thought a difficult crisis. He thought war now still more probable, and if it were, he said, sound policy, and a regard for the destinies of the country, dictated that we should be prepared, and not let the enemy come upon us without resistance.

Mr. EPPES said he should vote for a commitment, in conformity with the vote which he had yesterday given against the amendment. When this subject had been presented to the House, he had not then or now attached to it that importance which gentlemen appeared to give it. Many questions had been brought to bear on it which were not now connected with it. It was not

now a question whether we should commence a naval system. Whilst the House had been amused with an examination of the whole naval system, the only question was, whether, in the present situation of our affairs, it would be proper to employ 6,000 or 4,000 seamen, the difference between the bill as sent from this House and as received from the Senate being two thousand seamen. The principal objection to the bill in its present form was the manner, in which it had been introduced into the House. We received a bill from the Senate, which is now before a committee of this House; whilst this is under consideration, another bill of the same nature is sent to us, and we are called upon to vote blindfolded, without a single estimate or designation of the object for which this force is to be raised. If convinced that 6,000 seamen were necessary, Mr. E. said he would as soon vote for them as for 6,000 troops. But before he incurred an expense of six millions of dollars, for he averred that this would be the consequence of passing the bill, he must be convinced that it was not only necessary that the bill should pass, but that it should pass immediately; and at the same time totally disclaimed any intention of submitting to insults within our waters. The zeal which gentlemen had now displayed would have been better shown in the case of the Chesapeake. Why did they not then drive the British squadron out of our waters? This affair, however, had blown over, and now, when a twenty-gun vessel went to Savannah, the House was called upon to employ all our vessels to drive it out! Our Executive, he said, was now by law authorized to employ all the armed vessels, and if, with the 2,000 additional seamen granted by this House, he could not drive these vessels out of our waters, he could not do it with all our armed vessels. Mr. E. said he should vote for commitment, because it would enable him again to vote on the amendment of the Senate. He disclaimed all the doctrine which had been laid down in respect to navies. Whenever we had war, he said he would employ those armed vessels which we have, he would send them out to sea, and if they should be taken or destroyed, let them go. He had rather they should be destroyed contending for our rights, than suffered to rot in this place. It might be proper here to observe something respecting the situation of the frigates. If gentlemen would come forward with a call for an official statement of their situation, whether they were more rotten now than they would be with their complement of seamen sailing along the coast, he believed it would be found that this was not the fact. Ordinary merchant vessels were kept in good condition at an expense of about ten per cent. per annum, and he believed not more had been employed on the frigates; and that all but two of them could be prepared for service in a short time. Mr. E. also objected to the amendments from the Senate, because they were at variance with the measures which the House had adopted. He was for adhering to the embargo yet a while longer. He believed it more for

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the interest of the nation to husband its resources, than to squander them on an object which could produce no real good. What was to be done with all these frigates? Were they merely to sail along the coast? No; and he knew not in what gentleman would employ them. He was for waiting until the period arrived at which they might be of service; he was, therefore, opposed to the amendments of the Senate. He disclaimed permitting them to rot, when there was an occasion for their actual service; but he was not for sending out these vessels to force a war, before a single soldier was ready to march where they ought. So soon as our troops were ready to send to Canada, he was ready to send out the frigates. Whenever it appeared that we were ready to resort to war, Mr. E. said, he should be as ready to employ all the energies of the nation as any man.

Mr. JOHNSON expressed his pleasure at perceiving that the arguments in favor of and against this bill proceeded from the heart, and were not the bickerings of party. He was not disposed, however, to pass a law making it imperative on the President to employ our naval force; he could not see that it would be necessary for defence, because Congress would have authorized the President, independently of the amendments of the Senate, to employ 171 gunboats, and ten small armed vessels, whilst the fortifications of our harbors were progressing with all the rapidity which the season would permit. For enforcing the embargo they were not necessary. Because the President was already authorized to employ twelve additional revenue cutters, and to hire thirty other vessels, if necessary. They were not necessary for the protection of commerce either; for what protection would ten frigates afford to the vast tonnage of the United States against the great navies of Europe?

Mr. J. said that Congress had already induced the nation to believe that they would not take off the embargo during the present session, but that it might be removed in May or June. Mr. J. said the people would draw this conclusion from the decision of the House on the amendments offered for enforcing the embargo. And, if the House had determined not to strike a blow at this session, was not the proposition now before the House directly in the teeth of the system which they had determined to adopt? He said it was known to many members of the House, and he was not ashamed to avow it on this floor, that if the majority had thought proper to abandon the embargo system, he had been prepared to take other measures. But he took it for granted, from the sentiments of a majority of the House as expressed by their vote, that it would not be repealed at their present session. Will you, then, now take offensive measures? said he. No; for you have determined to enforce the embargo. For offence, indeed! Mr. J. said that he considered this naval force inadequate, incompetent, and inefficient. Whenever there was war on water, he conceived that it must be carried on by private armed vessels; and, whenever we did

wage war, it must be as much on land as possible. Gentlemen spoke lightly of economy. Mr. J. said, he would venture to say that rational economy would be necessary to carry the nation through the storm, even with the aid of loans and taxes. He thought it proper that the two thousand seamen proposed to be given by the bill as sent from this House, should be authorized, for the purpose of more strongly fortifying New Orleans, which was the outlet to the whole Western country; and he thought it more expedient to keep in the Treasury the money which the bill from the Senate proposed to expend.

Mr. DURELL professed his astonishment at the opposition made by gentlemen in the minority to the prompt passage of the bill, for he had always understood it to be the duty of the minority to yield to the majority, when its will was fairly expressed. Some of these frigates, he said, were so far gone that they would soon be not worth repairing, and that was one reason why they should be immediately put in a state of preparation. The gentleman from Kentucky wanted two thousand seamen, to go to one place to the Southwest. Mr. D. said he wanted two thousand, to go to the East. He did not consider this proposition as at all premature. Was this House to come to a declaration of war before it could be induced to pass this bill? Gentlemen had said, that, if the embargo did not produce an alteration in our situation before September, they would abandon it, and take a measure more coercive. Supposing this to be the case, in what situation would the nation find itself? Completely unprepared. The preparation for defence belongs to us, said Mr. D.; the direction of it when prepared, is reposed in the Executive. He said that gentlemen seemed to think that these vessels could be prepared for sea in four and twenty hours. Not so; it would require three or four months, if ample appropriations were made, to prepare them for sea. It would be two months before a single frigate could get out of the capes of Virginia.

Mr. TAYLOR said he agreed with his colleague, (Mr. D. R. WILLIAMS,) that any important measure taken by this House, ought to be adopted by something like an imposing majority. In addition to this idea, he said, he would call the attention of the House to what he alleged yesterday, and neither denied then nor now, that that Department of our Government which was responsible for the execution of all laws, and for keeping the nation in a state of peace—in terms as clearly to be understood as if conveyed in a formal Message for the purpose—had declared that it did not want this additional force. He thought it fair to conclude that a difference of opinion existed on this subject in the three great Departments of the Government. Even if the principle were not, in itself, all important, Mr. T. said, it would seem to him that the extraordinary situation in which we were placed, would require that this subject should have a full discussion. And, besides, said he, it seems to me to be a duty which we owe to ourselves, that the honorable

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body which sent us these amendments, should not, in this way, force upon us a measure, when they have already, in the usual course of business, presented the same measure to our consideration which has been referred to a Committee of the Whole. It was all important, he said, in a matter of such magnitude, that all branches of the Government should move hand in hand. There had been no estimate of the expenses of this thing. He asked if there would not be a propriety, if it was the conviction of this House and the other branches of the Government that these vessels should be put in service, in directing the Secretary of the Treasury, or the Committee of Ways and Means, to find out a source from which those expenses were to be raised, and in inquiring whether the nation must not again resort to eight per cent. loans for the support of this establishment.

He believed, that this proposition, if meant to enforce the embargo, was leading to an abandonment of the embargo system. This was clear to his mind; for if the nation were once convinced that the expense of this system was as great as the expense of an actual war would be, there was no doubt what would be the voice of the nation. The embargo would be abandoned, and war adopted in its stead. If we were to have peace, as he had heard from all the gentlemen who were in favor of the amendments from the Senate, then he would say, notwithstanding all the disregard to popularity which gentlemen might profess, the incurring the expense of fitting out all this navy, of retaining a regular army of 10,000 men and a provisional army of 50,000 men, who were to be clothed, and fed, and paid from time to time, and which, disguise it as they would, was but a standing army of 50,000 men on furlough—the expense necessary for carrying on such a system as this, would bring gentlemen, whether they would or not, to think of the popularity of the measure. Why was not this measure carried into effect at the last session of Congress? Was it that Great Britain had discovered a greater disposition to yield her Orders in Council than she did now? Mr. T. said, the nation stood in the same situation now as it did then, except that the breaking up of the negotiation with Mr. Rose, at the last session, seemed to give the atmosphere more of hostility and war, than at any time during the present session. When the affair of the Chesapeake had been recent, and a mockery of discussion had taken place on it, why had not this measure from the Senate, the members of which held their seats for the term of six years, and were secure in their seats for two, four and six years, been adopted then? Mr. T. recalled to the recollection of the House, the circumstances which had broken down the former Administration, amongst the most prominent of which was the establishment of a Navy. The fact was, he said, that no Administration, even if composed of Adamites, Pickeronians, Jeffersonians, and Madisonians, all combined to assist one another, could uphold this navy system in time of peace. The common sense of the nation

would frown them down. He said he was willing that the next Administration should have fair play. There seemed to be a disposition to identify the future Administration with the present—he liked it the better for it—the future Administration would then be opposed to having this millstone swung round its neck, for the present Executive had given an intimation as plainly as he could that he wanted not this force. He wished every President to have fair play, and where his patriotism was undisputed, that he should not have measures forced upon him, which he did not desire. Mr. T. said, he had not expected to hear from the gentleman from Maryland, (Mr. KEY,) who last year voted for gunboats as auxiliaries to fortifications, that he now wanted frigates as auxiliaries to gunboats. Next, 74-gun ships would be wanted as auxiliaries to frigates, till they got to ships of 120 guns, as auxiliaries to gunboats! The example of former nations, he said, ought to impress gentlemen with the importance of this subject. Gentlemen had said, that the marine league from our shore had been violated; and so Mr. T. said, that of France had constantly been, except where her batteries had driven them away. But had France sent out frigates for *guarda costas*? No; with all the revenue which she had at command, she had considered the naval system as a system of profusion, of throwing away money. And when the few frigates which she possessed had escaped from her harbors, had they hugged along the coast? No; for that was the place of greatest danger; they had ran on in the night time till they got off from their own coast for safety. And if we were to send out frigates he hoped they would not be *guarda costas*, but go off to some distance, and play hide-and-seek with the enemy, and not stay in the very place where they would be sought for.

Mr. NEWTON said he was willing to support on his shoulders all the odium which the adoption of this measure would excite. Instead of a millstone hung around the next President's neck, it would be a buoy to support him. If any effect was produced on the popular feeling, it would be against those who refused to adopt the measure. In case of an attack anywhere, would not every man who refused to send out this force, be censured for having done so? Surely he would. Those who are opposed to us, said Mr. N., who say that we are in possession of power and abuse it, will justly come forward and say that the helm of State ought to be wrested from our hands, because we shall have left the nation exposed to the insults of a foreign Power. When the subject presented itself thus, he said it had an awful bearing. There was no fear of war from sending out our navy. Was the power of peace or war placed in the hands of a naval commander? No. Gentlemen had said that the Decatur of the nation would be seeking opportunities to wipe away the disgrace of the affair of the Chesapeake. Did gentlemen recollect that Decatur and the Chesapeake had been out some time on the coast? There was no fear of their precipitating the nation into war. But it was said that the President

did not want this force, because he had not required it. Mr. N. called upon gentlemen to recollect that the President had at the opening of the session devolved upon Congress the work of preparation. He quoted the President's message to show that he had not said what should or should not be done, but that the representatives of the nation, coming from the midst of the people, were the best judges of what ought to be done. Mr. N. said no man within these walls or in the United States had more respect for the President of the United States than himself. As much as he respected that man for his eminent services, the reward of which he trusted he would receive, and that his retirement would be as honorable as that of any statesman or patriot that ever lived, yet, if he differed in opinion with this exalted character, he said he should consider it his duty to pursue the dictates of his judgment. If this bill were not passed, he conceived that the President, seeing from the debates of Congress the disposition of a considerable portion of the representatives of the nation, and those from the parts most exposed to foreign attack, would immediately order all the naval force to be put into requisition. Impressed as he was with the necessity of this measure, and not seeing any good which could result from the recommitment of the bill, he should adhere to the vote which he had given; and particularly as he considered that the safety of the United States required the passage of the bill.

And the question on recommitting the bill being now taken, it passed in the negative—yeas 58, nays 59, as follows:

YEAS—Evan Alexander, Lemuel J. Alston, Willis Alston, jun., David Bard, William W. Bibb, William Blackledge, Thomas Blount, Adam Boyd, John Boyle, Robert Brown, William Butler, Joseph Calhoun, Geo. W. Campbell, Epaphroditus Champaign, Martin Chittenden, John Culpeper, Samuel W. Dana, Joseph Desha, William Ely, John W. Eppes, Meshack Franklin, Barent Gardiner, Thomas Gholson, jun., Edwin Gray, William Hoge, James Holland, Benjamin Howard, Richard Jackson, Richard M. Johnson, Nathaniel Macon, Robert Marion, Daniel Montgomery, junior, Thomas Moore, Jeremiah Morrow, John Morrow, Timothy Pitkin, jun., John Porter, John Randolph, John Rea of Pennsylvania, John Rhea of Tennessee, Jacob Richards, Matthias Richards, Lemuel Sawyer, John Smilie, John Smith, Samuel Smith, Henry Southard, Richard Stanford, Samuel Taggart, John Taylor, John Thompson, Abram Trigg, Jabez Upham, Jesse Wharton, Robert Whitehill, David R. Williams, Alexander Wilson, and Richard Winn.

NAYS—Ezekiel Bacon, Burwell Bassett, J. Blake, jun., Matthew Clay, John Clopton, Richard Cutts, John Davenport, jun., John Dawson, Josiah Deane, Daniel M. Durell, James Elliot, William Findley, James Fisk, Francis Gardner, Charles Goldsborough, Isaiah L. Green, John Harris, William Helms, David Holmes, Reuben Humphreys, Daniel Isley, Robert Jenkins, Walter Jones, James Kelly, Philip B. Key, John Lambert, Edward St. Loe Livermore, John Love, Matthew Lyon, Josiah Masters, William McCreery, William Milnor, John Montgomery, Nicholas R. Moore, Jonathan O. Mosely, Gurdon S. Mumford, Thomas Newton, Wilson C. Nicholas, Josiah Quincy,

Samuel Riker, John Rowan, John Russell, Ebenezer Seaver, Samuel Shaw, James Sloan, Dennis Smelt, Jedediah K. Smith, Clement Storer, Lewis B. Sturges, Peter Swart, George M. Troup, James I. Van Alen, Philip Van Cortlandt, Nicholas Van Dyke, Archibald Van Horn, Kilian K. Van Rensselaer, Daniel C. Verplanck, Isaac Wilbour, and Nathan Wilson.

An adjournment was called for, and carried.

THURSDAY, January 12.

A message from the Senate informed the House that the Senate have passed a bill, entitled "An act supplementary to an act, entitled 'An act more effectually to provide for the national defence by establishing a uniform militia throughout the United States;'" to which they desire the concurrence of this House.

NAVAL ESTABLISHMENT.

The House resumed the consideration of the amendments proposed by the Senate to the bill, entitled "An act authorizing the appointment and employment of an additional number of navy officers, seamen, and marines." Whereupon, the second amendment of the Senate to the said bill, which was depending yesterday at the time of adjournment, being again read at the Clerk's table, and farther debate arising thereon, a motion was made by Mr. JOHN MONTGOMERY, that the said amendments of the Senate, together with the bill, be recommitted to the consideration of a Committee of the whole House: And the question being taken thereupon, it was resolved in the affirmative—yeas 69, nays 53, as follows:

YEAS—Evan Alexander, Lemuel J. Alston, Willis Alston, jr., David Bard, Joseph Barker, Burwell Bassett, William W. Bibb, William Blackledge, Thomas Blount, Adam Boyd, John Boyle, Robert Brown, William A. Burwell, William Butler, Joseph Calhoun, George W. Campbell, Martin Chittenden, John Clopton, John Culpeper, Richard Cutts, Josiah Deane, Joseph Desha, John W. Eppes, William Findley, Meshack Franklin, Thomas Gholson, jun., Edwin Gray, John Heister, William Hoge, James Holland, Benjamin Howard, Richard Jackson, Richard M. Johnson, Walter Jones, Thomas Kenan, John Lambert, Nathaniel Macon, Robert Marion, William McCreery, Daniel Montgomery, jun., John Montgomery, Nicholas R. Moore, Thomas Moore, Jeremiah Morrow, John Morrow, Roger Nelson, Thos. Newbold, John Porter, John Pugh, John Rea of Pennsylvania, John Rhea of Tennessee, Jacob Richards, Matthias Richards, Lemuel Sawyer, Ebenezer Seaver, Dennis Smelt, John Smilie, John Smith, Samuel Smith, Henry Southard, Richard Stanford, John Taylor, Abram Trigg, Jabez Upham, Jesse Wharton, Robert Whitehill, David R. Williams, Alexander Wilson, and Richard Winn.

NAYS—Ezekiel Bacon, John Blake, junior, Matthew Clay, Samuel W. Dana, John Davenport, jun., John Dawson, Daniel M. Durell, William Ely, James Fisk, Francis Gardner, James M. Garnett, Charles Goldsborough, Isaiah L. Green, John Harris, William Helms, David Holmes, Reuben Humphreys, Daniel Isley, Robert Jenkins, James Kelly, Philip B. Key, Joseph Lewis, jun., Edward St. Loe Livermore, Edward Lloyd, John Love, Matthew Lyon, Josiah Masters,

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Importation of Salt.

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William Milnor, Jonathan O. Mosely, Gurdon S. Mumford, Thomas Newton, Wilson C. Nicholas, Timothy Pitkin, junior, Josiah Quincy, Samuel Riker, John Rowan, John Russell, Samuel Shaw, James Sloan, Jedediah K. Smith, William Stedman, Clement Storer, Lewis B. Sturges, Peter Swart, Benjamin Tallmadge, John Thompson, George M. Troup, James I. Van Alen, Philip Van Cortlandt, Nicholas Van Dyke, Archibald Van Horn, Killian K. Van Rensselaer, and Nathan Wilson.

Resolved, That the said bill and amendments be made the order of the day for to-morrow.

An adjournment was then called for, and carried.

FRIDAY, January 13.

The SPEAKER laid before the House a letter from the Secretary of the Treasury, accompanied with a statement exhibiting the amount of duties and drawbacks on goods, wares, and merchandise, imported into the United States, and exported therefrom, during the years 1805, 1806, and 1807, inclusive, prepared in pursuance of a resolution of this House of the third of March, 1797; which were read, and ordered to lie on the table.

Mr. MUMFORD presented memorials of the surviving officers of the late Revolutionary army and navy of the State of New York, respectively stating their claims to the interest on final settlement certificates for pay, and on commutation certificates; also, the interest upon one-third of the principal of their respective final settlement certificates and commutation certificates, from the periods or dates therein mentioned.—Referred to the committee appointed, on the twenty-sixth ultimo, on the memorials of sundry late officers of the Revolutionary army.

A Message was received from the President of the United States, transmitting the account of the fund established for defraying the contingent expenses of Government, for the year 1808. [Of the twenty thousand dollars appropriated for that purpose, two thousand dollars were deposited in the hands of the Attorney General of the United States, to pay expenses incident to the prosecution of Aaron Burr and his accomplices, for treason and misdemeanors alleged to have been committed by them; nine hundred and ninety dollars were paid to the order of Governor Williams, on the same account; and the balance of seventeen thousand and ten dollars remains in the Treasury unexpended.]

Ordered to lie on the table.

Mr. LEWIS, from the Committee for the District of Columbia, presented a bill to incorporate the Trustees of the Presbyterian Church in the town of Alexandria; which was read twice, and committed to a Committee of the Whole on Monday next.

Mr. NELSON presented a memorial of sundry late officers of the Revolutionary army, residing within the State of Maryland, praying that they may receive an allowance of half-pay for life, in consideration of the respective services rendered by the memorialists in the capacity aforesaid, in lieu of the commutation of five years full pay,

which had been accepted by the officers of the said Revolutionary army, at the close of the war with Great Britain, as an equivalent for the said half-pay.—Referred to the committee appointed, the twenty-sixth ultimo, on the memorials of sundry late officers of the said Revolutionary army.

The bill sent from the Senate, entitled "An act supplementary to an act, entitled 'An act more effectually to provide for the national defence, by establishing a uniform militia throughout the United States,'" was read twice, and committed to the committee appointed, the eleventh of November last, on so much of the Message from the President of the United States, at the commencement of the present session of Congress, as relates to the Military and Naval Establishments, to consider and report thereon to the House.

Mr. POINDEXTER, from the committee appointed on the twenty-seventh ultimo, presented a bill for the relief of Alexander Baillie; which was read twice, and committed to a Committee of the Whole on Monday next.

Mr. GEORGE W. CAMPBELL, from the Committee of Ways and Means, presented a bill for imposing additional duties upon all goods, wares, and merchandise, imported from any foreign port or place; which was read twice, and committed to a Committee of the Whole on Monday next.

Mr. G. W. CAMPBELL presented two memorials, on the subject of the batture at New Orleans, which were referred.

IMPORTATION OF SALT.

Mr. BURWELL, from the committee appointed to inquire into the propriety of providing for a supply of salt, reported, in part, a bill authorizing the President of the United States to permit vessels to depart from the ports and harbors of the United States for the purpose of bringing in salt; which was twice read, and committed.

The following letter from the Secretary of the Treasury was also laid before the House:

TREASURY DEPARTMENT,

January 7, 1809.

SIR: I had the honor to receive your letter of the 27th ult. requesting such information as I may possess respecting the means of obtaining immediate and permanent supplies of salt from the establishments of the United States.

The annexed statement A shows the annual consumption of imported salt for each of the calendar years 1802 and 1807, after deducting the quantities used for the cod fishery, and also for pickled fish and salted provisions exported from the United States.

The annual average is almost three millions of bushels, weighing each 56 pounds, equal to 75,000 tons, and requiring in fact 125,000 tons of shipping for its importation. It must also be observed that the deductions above mentioned being calculated by the allowances on fishery and drawbacks; and the allowance being in fact greater than the amount of duty on salt employed in the cod fishery, the quantity of imported salt actually consumed in the United States is greater than appears by the statement.

The statement B is intended to show the gross

amount of salt annually imported for the years 1802 and 1807, and the countries from which imported. The manner in which the accounts are kept at the Treasury has rendered it more convenient to give the amount in this instance for the years ending the 30th September than for calendar years.

It will be perceived by the statement A, that the domestic establishments have not increased, even in the same ratio as the population of the United States, for the average of their consumption of imported salt is greater for the last than for the first years of the statement. Considering also the regularity of the importations, and the well known fact that the article has been principally imported as ballast from England, there is reason to believe that the quantity of salt now in the country is very inadequate to the supply of the present year; and I am confident that there can be no reasonable expectation of the deficiency being supplied for that year from internal resources.

I am, therefore, clearly of opinion, that every encouragement should be given to immediate importations, and that measures should at the same time be adopted for the purpose of insuring for the succeeding years a supply from domestic establishments.

The only means of promoting immediate importations appear to be: 1st, either to except salt from the operation of the non-intercourse act, or to put off the general operation of that act till the first of July next; which last alternative appears in every respect the most eligible. 2d. To authorize the President to permit American vessels to proceed, during the continuance of the embargo, to such foreign ports as may be designated by law, for the sole purpose of bringing in cargoes of salt.

The internal resources must be drawn from either the salt springs in the various parts of the Western States, from the Onondago springs in the State of New York, or from the Atlantic shores.

The high price of salt in the Western States does not arise from the actual expense incurred in manufacturing the article, for it does not cost more than seventy-five cents per bushel at the Indiana or Wabash Saline, and yet its market price has not been less than two dollars. It follows, that the price is kept up by reason of the quantity made being much less than the actual demand, and therefore that no considerable addition can be expected from the quantity—none certainly beyond the wants of that part of the country.

The quantity of salt made at the Onondago springs may certainly be considerably increased. I have been informed that about 300,000 bushels are now annually made, and that the amount might, perhaps, be increased to 600,000. On that subject, however, I cannot form a positive opinion, but am satisfied that the most sanguine calculations fall very short of the annual consumption of the United States, and that the principal resource to be relied on is the increase of establishments on the seashore. These may be multiplied in numerous places from Massachusetts to Georgia; and although the repeal of the law laying a duty on importation has checked their progress, experience has proven that capital may be advantageously employed in that manufacture. I think that nothing more is necessary to induce, at present, the application of a capital sufficient in a short time to produce an adequate supply than the certainty of not being ruined by the competition of large importations at reduced prices. But it is doubtful whether it would be most eligible to effect that object by a bounty on the

domestic manufacture, or by a renewal of the duty on the importation, to take place after the first of January 1810, and to continue for — years. A combination of both would perhaps be best calculated to insure success, and also most equitable. But a duty on importation alone is the easiest to execute, and is not liable to any Constitutional objections.

The encouragement thus given to domestic establishments may indeed, during the number of years to which the duty or bounty would be limited, increase the price of salt. But that temporary inconvenience should be cheerfully submitted to, if an adequate supply of that necessary article may thereby be ever after insured on reasonable terms, and from internal resources not liable to be affected by war or by any other interruption of commerce. I have the honor to be, &c.

ALBERT GALLATIN.

Hon. W. A. BURWELL, *Chairman &c.*

NAVAL ESTABLISHMENT.

The House resolved itself into a Committee of the Whole, on the amendments of the Senate to the bill for employing seamen and marines.

Mr. J. MONTGOMERY moved to strike out the first amendment of the Senate requiring the President to cause to be manned and employed all the armed vessels and gunboats of the United States, and insert a provision, leaving it discretionary with the President to employ them whenever in his opinion the public service may require it.

A division of the question was called for, so as to take it first on striking out the words in the amendment of the Senate.

On this motion a desultory debate of three or four hours took place, in which Messrs. J. G. JACKSON, G. W. CAMPBELL, SLOAN, SMILEY, SOUTHARD, BACON, GARDNER, GHOLSON, DAWSON, NEWTON, LLOYD, MOSELY, LOVE, LYON, and VAN DYKE partook.

The motion to strike out was carried, 53 to 42; and the motion to insert negatived, 55 to 47.

It was understood that this vote destroyed the first amendment in Committee of the Whole; but that the House might disagree to the report of the Committee.

The question was taken separately on each of the other amendments from the Senate, (for adding to the number of midshipmen, corporals, seamen, and marines,) and carried by majorities of four, five and six votes.

The Committee then rose and reported to the House their disagreement to the first amendment of the Senate, and their agreement to the remainder. And the House adjourned.

SATURDAY, January 14.

The House proceeded to consider the bill, entitled "An act authorizing the appointment and employment of an additional number of navy officers, seamen, and marines," together with the amendments proposed by the Senate thereto: Whereupon, a motion was made by Mr. NICHOLAS that the further consideration of the said bill and amendments be postponed until Monday next. And the question being put thereupon, it was resolved in the affirmative.

JANUARY, 1809.

Distressed Seamen.

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DISTRESSED SEAMEN.

The House resolved itself into a Committee of the Whole on the bill for the relief of sick, disabled, and distressed seamen.

The blank for the sum to be appropriated for the purpose was filled with \$200,000—sixty-eight rising in the affirmative. The Committee rose and reported the bill. The question on concurrence with the Committee in filling the blank, having been stated—

Mr. BURWELL said he should vote against this, because he did not consider this class of the community as particularly entitled to relief from the Government; and even if it were proper, there was no security in the bill that the money would be properly applied. He did not believe that there was any such distress among the seamen as represented.

Mr. NEWTON explained that the Secretary of the Treasury had the direction of the fund for the relief of distressed and disabled seamen, which had heretofore been supplied from a tax on their wages. This fund was now exhausted; and the Secretary of the Treasury said, if money were not appropriated, the doors of the hospitals must be closed against them, an office which the Secretary did not wish to perform. He had, therefore, recommended an appropriation of \$200,000 for their relief. Mr. N. then stated the peculiar hardships attached to the seaman's situation, &c.

Mr. HOLLAND considered this a novel measure. The seamen who were in distress, he conceived, entitled to relief from the respective States in which they might be, who were bound to support their poor. Indeed this money could not be applied to the use of the embargoed seamen generally, because it was only for the relief of those who were subject to the municipal regulations of the State in which they may be.

Mr. QUINCY observed that the fund for the support of distressed seamen had heretofore been derived from a tax on the wages of the seamen. This fund, which had heretofore been sufficient, having been destroyed by the suspension of commerce, he asked whether the General Government was not pledged to do something for these men, who would not have suffered but for its measures?

Mr. SMILIE was in favor of the bill. The funds heretofore established for the relief of our seamen had been destroyed by a measure which had been deemed necessary for the good of the country, and he thought assistance ought to be given to them. Mr. S. called for the reading of the Secretary of the Treasury's report on the subject.

Mr. TALLMADGE said that every gentleman who attended to the reasoning of the report of the Secretary of the Treasury, could not fail to be convinced of the rectitude of his statement, and the conclusion which he had drawn from it. The General Government had destroyed the service by which the seamen had heretofore been supported; in doing which they had thrown a burden on the community in the same ratio as the service had been destroyed. The Secretary

of the Treasury had fairly and candidly told the House that the fund for the support of the distressed seamen was destroyed. What should be done? Should nothing be apportioned from the funds of this Government to support the establishment? He hoped and trusted that there would. For the information of the gentleman from Virginia, (Mr. BURWELL,) who did not know that this class of men was more distressed than any other, Mr. T. said he would mention that he had letters from different parts of the Union, particularly from Philadelphia, from one of the most respectable merchants in that city, informing him that the merchants had formed a fund for the relief of these persons, which had been exhausted, the seamen being in the greatest distress, without a stick of wood in the severe weather even to cook their victuals, and requesting him as a member of the General Government to exert himself for their relief. Mr. T. said he would venture to declare that this was the case in all the ports of the United States, and he thought it most unquestionably became the Government to grant some sort of relief to these citizens. He believed that the appropriation proposed was proper, and that less than that would be too little for the purpose.

Mr. D. R. WILLIAMS thought the object of the bill very laudable, but he wished a modification of the principle. He was willing to advance the \$200,000, subject to be refunded from the funds hereafter to be received for the support of this establishment. He thought this amendment would be highly proper, because, from a document in his hands, he found that the funds of the establishment for the relief of sick and disabled seamen, had always been more than sufficient for its support. In June, 1802, the balance of the fund was \$76,188; in 1803, the balance was \$67,443. This showed that the funds arising out of the twenty-cents-a-month-tax on the seamen's wages, was more than adequate for the purposes for which it had been established, and that the fund would hereafter be able to refund to the Government the moneys now about to be appropriated. Considering the commercial prosperity of this Government since 1803, it was fairly presumable, that at the time of the imposition of the embargo, the balance on hand was greater than at the former period. Under this view of the subject, though he had not the slightest wish to delay the bill, he moved that it lie on the table until an amendment could be prepared.

Mr. NEWTON said that the fund heretofore derived from the tax on seamen, had not been more than adequate to their support. In the town in which he lived, persons had not been admitted into the hospital who were acknowledged to be entitled to relief. In consequence of the construction put upon the law, a great many of the very people who had paid twenty cents a month out of their wages had been thrown upon the community as paupers, and supported by the community at large.

Mr. D. R. WILLIAMS replied that the result of the amendment which he contemplated would

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be, that if there never was a balance in the funds the moneys appropriated would never be repaid.

Mr. STORY deprecated the delay which would result from the bill lying upon the table. The means of supporting this fund were destroyed by a law of the United States, and he thought that the General Government should, by giving an aid to it, supply the deficiency. He represented the peculiarity of the seaman's general character; having no thought for to-morrow, when deprived of his monthly pay, he was of course subjected to distress. In the protection of the general rights of the community, the General Government had been compelled to subject the seamen to a particular calamity. He, therefore, thought that an additional aid for the support of the sick and disabled should be afforded by Congress.

Mr. D. R. WILLIAMS withdrew his motion for postponement, with a view of moving an amendment.

Further debate took place on this subject, in which Messrs. SLOAN, ALEXANDER, QUINCY, STORY, SMILIE, NEWTON, and D. R. WILLIAMS, advocated the principle of the bill, and Messrs. HOLLAND, BOYD, GARDENIER, and MACON, opposed it. Mr. GARDENIER started a Constitutional objection to the bill; he said that there was no power given under the Constitution by which either House of Congress could be converted into an alms-house; it was assuming the exercise of the legislative powers of the States, which had never even been proposed to be given to the General Government. He said he thought he saw a disposition in a certain part of the Government to encroach upon the rights of the States; and in however pleasing forms those encroachments were dressed, they ought to be guarded against. To this it was replied by Messrs. QUINCY and STORY that, as, under the sanction of a law of the United States, hospitals had been erected, and they labored under a temporary embarrassment, it was in the power of the General Government to afford them temporary assistance. If the General Government had a right to establish marine hospitals, (which question had been settled and acted upon for many years,) and the funds for their support should fail, it was in the power of Congress, under the general clause of the Constitution, to provide temporary funds for their support.

The question on inserting \$200,000 was taken by yeas and nays, and carried—Yeas 69, nays 37, as follows:

YEAS—Evan Alexander, Willis Alston, jun., Ezekiel Bacon, Joseph Barker, Burwell Bassett, William W. Bibb, William Blackledge, John Blake, jun., John Boyle, Epaphroditus Champion, Martin Chittenden, John Culpeper, Richard Cutts, John Davenport, jun., Josiah Deane, Daniel M. Durell, William Findley, James Fisk, Francis Gardner, Isaiah L. Green, Wm. Helms, David Holmes, Benjamin Howard, Daniel Hsley, John G. Jackson, Richard Jackson, Robert Jenkins, Richard M. Johnson, Walter Jones, James Kelly, William Kirkpatrick, John Lambert, Matthew Lyon, Robert Marion, Josiah Masters, William McCreery,

William Milnor, John Montgomery, Nicholas R. Moore, Jeremiah Morrow, John Morrow, Gurdon S. Mumford, Roger Nelson, Thomas Newton, Josiah Quincy, Jacob Richards, Samuel Riker, John Russell, Lemuel Sawyer, Ebenezer Seaver, Samuel Shaw, James Sloan, Dennis Smelt, John Smilie, Jedediah K. Smith, William Stedman, Clement Storer, Joseph Story, Peter Swart, Samuel Taggart, Benjamin Tallmadge, John Taylor, John Thompson, James I. Van Alen, Daniel C. Verplanck, Isaac Wilbour, David R. Williams, Nathan Wilson, and Richard Winn.

NAYS—Lemuel J. Alston, David Bard, Thomas Blount, Adam Boyd, Robert Brown, William A. Burwell, William Butler, Joseph Calhoun, Matthew Clay, John Clopton, Joseph Desha, James Elliot, John W. Eppea, Meshack Franklin, Barent Gardener, Thomas Gholson, jun., Charles Goldsborough, John Heister, William Hoge, James Holland, Joseph Lewis, jun., John Love, Nathaniel Macon, Daniel Montgomery, jun., Thomas Moore, Thomas Newbold, John Pugh, John Rea of Pennsylvania, John Rhea of Tennessee, Matthias Richards, John Rowan, Samuel Smith, Richard Stanford, Nicholas Van Dyke, Archibald Van Horn, Killian K. Van Rensselaer, and Robert Whitehill.

Mr. D. R. WILLIAMS moved to add to the clause making the appropriation the following words: "And that the same shall be refunded into the Treasury of the United States out of such sums as may accrue to the fund for the relief of disabled seamen." This amendment was modified, on the suggestion of Mr. QUINCY, by adding to it the words: "At such times and in such manner as may not defeat the general purposes for which such fund was established." The amendment, as modified, was agreed to.

Mr. STEDMAN moved to add to the bill the following sentence, which he conceived would make the bill conform to the Secretary of the Treasury's letter on the subject: "And shall be expended therein in proportion to the amount collected in each, (port,) on account of the fund, for the relief of sick and disabled seamen during the year 1807." This was objected to by Messrs. MACON, D. R. WILLIAMS, and NEWTON, who declared that it would defeat the object of the bill, and if adopted would compel many to vote against the bill. Mr. STEDMAN, desirous that the bill should pass, withdrew his amendment.

And on the question, "Shall the bill be engrossed for a third reading?" there were in favor of it 54—against it 24.

The bill was ordered to be read a third time on Monday.

MONDAY, January 16.

Mr. VAN HORN presented a memorial of sundry inhabitants and proprietors of lots or parcels of land, in Georgetown and its vicinity, in the Territory of Columbia, stating certain objections to the provisions contained in a bill now depending before the House, supplementary to the act, entitled "An act to amend the charter of Georgetown;" and praying that the said bill may be revised and amended in such manner, previous to its passage into a law, as to the wisdom of Congress shall appear best calculated to promote the convenience

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and benefit of the memorialists, and others.—Referred to the Committee of the Whole to whom was committed, on the fifth instant, the bill supplementary to the act, entitled "An act to amend the charter of Georgetown."

The bill for the relief of Edward Beamont, now imprisoned for the sum of four hundred dollars, due as a penalty, to the United States, went through the Committee of the Whole, was reported to the House, and ordered to be engrossed for a third reading.

DISTRESSED SEAMEN.

An engrossed bill for the relief of sick, disabled, and distressed seamen, was read the third time; and on the question that the same do pass, it was resolved in the affirmative—yeas 66; nays 30, as follows:

YEAS—Evan Alexander, Willis Alston, jun., Joseph Barker, Burwell Bassett, William Blackledge, John Blake, jun., John Boyle, George W. Campbell, John Culpeper, Richard Cutts, Samuel W. Dana, John Dawson, Josiah Deane, Daniel M. Durell, William Ely, Francis Gardner, John Harris, David Holmes, Benjamin Howard, Reuben Humphreys, Daniel Isley, Robert Jenkins, Richard M. Johnson, Walter Jones, James Kelly, John Lambert, Matthew Lyon, Robert Marion, Josiah Masters, William McCreery, William Milnor, John Montgomery, Nicholas R. Moore, Jeremiah Morrow, John Morrow, Gurdon S. Mumford, Roger Nelson, Thomas Newton, Timothy Pitkin, jun., John Porter, Jacob Richards, Samuel Riker, John Russell, Ebenezer Seaver, Samuel Shaw, James Sloan, Dennis Smelt, John Smilie, John Smith, William Stedman, Clement Storer, Joseph Story, Lewis B. Sturges, Peter Swart, Samuel Taggart, Benjamin Tallmadge, John Taylor, John Thompson, George M. Troup, Philip Van Cortlandt, Daniel C. Verplanck, Jesse Wharton, Isaac Wilbour, Nathan Wilson, and Richard Winn.

NAYS—Lemuel J. Alston, David Bard, Adam Boyd, Robert Brown, William A. Burwell, John W. Eppes, Meshack Franklin, James M. Garrett, Thomas Gholson, jun., Edwin Gray, John Heister, William Hoge, Thomas Kenan, Edward Lloyd, John Love, Nathaniel Macon, Daniel Montgomery, jun., John Pugh, John Rea of Pennsylvania, John Rhea of Tennessee, Matthias Richards, John Rowan, Samuel Smith, Richard Stanford, Jabez Upham, Nicholas Van Dyke, Archibald Van Horn, Killian K. Van Rensselaer, Robert Whitehill, and Alexander Wilson.

INDIANA TERRITORY.

On motion of Mr. THOMAS, the House resolved itself into a Committee of the Whole on the bill for the division of the Indiana Territory. The blanks in the bill were filled, and it was reported to the House.

[The bill, as reported, provides that after the 1st day of March next, all that part of the Indiana Territory which lies west of the Wabash river, and a direct line drawn from the said Wabash river and Post Vincennes, due north to the Territorial line between the United States and Canada, shall, for the purpose of temporary government, constitute a separate Territory to be called Illinois, and that until otherwise ordered by the Legislature of the said Illinois Territory, Kaskas-

ia, on the Mississippi, shall be the seat of Government of the Territory.]

The bill was ordered to be engrossed for a third reading without a division.

NAVAL ESTABLISHMENT.

The House resumed the consideration of the amendments proposed by the Senate to the bill, entitled "An act authorizing the appointment and employment of an additional number of Navy officers, seamen, and marines." Whereupon, the first amendment, to which the Committee of the Whole reported their disagreement on the thirteenth instant, being again read at the Clerk's table, in the words following, to wit:

"Section one, line two. After the word 'assembled,' insert, 'That there be fitted out, officered, manned, and employed, as soon as may be, all the frigates and other armed vessels of the United States, and gunboats: That the President of the United States be authorized and empowered to cause the frigates and armed vessels, so soon as they can be prepared for actual service, respectively, to be stationed at such ports and places on the seacoast, as he may deem most expedient; or to cruise on any part of the coast of the United States, or territories thereof, and:—"

Mr. MILNOR explained the reasons why he should now vote differently from his vote on a former occasion. He wished that the House would not concur with the Committee of the Whole in their disagreement to the first amendment.

Mr. STURGES assigned the reasons for his vote in a speech of about twenty minutes.

Mr. STORY made a speech of about an hour and a quarter, in favor of the amendments from the Senate.

Mr. RHEA, of Tennessee, spoke about five minutes against them.

Mr. D. R. WILLIAMS replied to Mr. STORY in a speech of an hour.

Mr. SMILIE spoke on the same side for about fifteen minutes.

Messrs. BACON, LYON, and DURELL, each spoke a short time in favor of the amendments from the Senate.

The question was then taken on concurring with the Committee of the Whole in their disagreement to the first amendment of the Senate, and carried—yeas 68, nays 55, as follows:

YEAS—Evan Alexander, Willis Alston, jun., David Bard, Burwell Bassett, William Blackledge, Thomas Blount, Adam Boyd, John Boyle, Robert Brown, William A. Burwell, William Butler, Joseph Calhoun, George W. Campbell, Martin Chittenden, John Clapton, John Culpeper, Josiah Deane, Joseph Deaha, John W. Eppes, Meshack Franklin, Barent Gardener, Thomas Gholson, junior, Peterson Goodwyn, Edwin Gray, John Heister, William Hoge, James Holland, Benjamin Howard, Richard M. Johnson, Thomas Kenan, William Kirkpatrick, John Lambert, Edward Lloyd, Nathaniel Macon, Robert Marion, William McCreery, Daniel Montgomery, jun., Nicholas R. Moore, Thomas Moore, Jeremiah Morrow, John Morrow, Roger Nelson, Thomas Newbold, Wilson C. Nicholas, John Porter, John Pugh, John Randolph, John Rea of Pennsylvania, John Rhea of Tennessee, Jacob

Richards, Matthias Richards, Ebenezer Seaver, Dennis Smelt, John Smilie, John Smith, Samuel Smith, Henry Southard, Richard Stanford, John Taylor, Jabez Upham, Daniel C. Verplanck, Jesse Wharton, Robert Whitehill, Isaac Wilbour, David R. Williams, Alexander Wilson, Nathan Wilson, and Richard Winn.

YAYS—Ezekiel Bacon, John Blake, jun., Matthew Clay, Richard Cutts, Samuel W. Dana, John Davenport, jun., John Dawson, Daniel M. Durell, James Elliot, William Ely, William Findley, James Fisk, Francis Gardner, Charles Goldsborough, Isaiah L. Green, John Harris, David Holmes, Reuben Humphreys, Daniel Ilaley, John G. Jackson, Richard Jackson, Robert Jenkins, Walter Jones, James Kelly, Philip B. Key, Joseph Lewis, junior, Edward St. Loe Livermore, Matthew Lyon, Josiah Masters, William Milnor, John Montgomery, Jonathan O. Mosely, Gurdon S. Mumford, Thomas Newton, Timothy Pitkin, jr., Josiah Quincy, Samuel Riker, John Rowan, John Russell, Samuel Shaw, James Sloan, Jedediah K. Smith, William Stedman, Clement Storer, Joseph Story, Lewis B. Sturges, Peter Swart, Samuel Taggart, John Thompson, George M. Troup, James I. Van Alen, Philip Van Cortlandt, Nicholas Van Dyke, Archibald Van Horn, and Killian K. Van Rensselaer.

The question was then taken that the House do concur with the Committee of the Whole in their agreement to the second amendment, and resolved in the affirmative.

The third amendment, to which the Committee of the Whole House also reported their agreement, was again read, in the words following, to wit:

“Section one, line five. Strike out, ‘two thousand seamen,’ and insert ‘four thousand four hundred and forty-seven able seamen, ordinary seamen, and boys.’”

The question was then taken that the House do concur with the Committee of the Whole in their agreement to the same, and passed in the negative—yeas 41, nays 73, as follows:

YAYS—Burwell Bassett, John Clopton, Samuel W. Dana, John Dawson, Daniel M. Durell, James Fisk, Thomas Gholson, jun., Charles Goldsborough, Isaiah L. Green, John Harris, David Holmes, Daniel Ilaley, John G. Jackson, Robert Jenkins, Thomas Kenan, William Kirkpatrick, Matthew Lyon, Wm. McCreery, William Milnor, John Montgomery, Nicholas R. Moore, Jonathan O. Mosely, Roger Nelson, Thomas Newbold, Thomas Newton, Wilson C. Nicholas, Timothy Pitkin, jun., Samuel Riker, Ebenezer Seaver, Samuel Shaw, Jedediah K. Smith, John Smith, William Stedman, Clement Storer, Joseph Story, Peter Swart, James I. Van Alen, Nicholas Van Dyke, Archibald Van Horn, Daniel C. Verplanck, and Isaac Wilbour.

NAYS—Evan Alexander, Willis Alston, jun., Ezekiel Bacon, David Bard, William W. Bibb, William Blackledge, John Blake, jun., Thomas Blount, Adam Boyd, John Boyle, Robert Brown, William A. Burwell, William Butler, Joseph Calhoun, Martin Chittenden, Matthew Clay, John Culpeper, Richard Cutts, Josiah Deane, Joseph Desha, Jas. Elliot, Wm. Ely, John W. Epes, Wm. Findley, Meshack Franklin, B. Gardenier, Francis Gardner, Peterson Goodwyn, Edwin Gray, John Heister, William Hoge, James Holland, Benjamin Howard, Reuben Humphreys, Richard M. Johnson, John Lambert, Joseph Lewis, jr., Edward Lloyd, Nathaniel Macon, Robert Marion, Josiah Masters, Daniel Montgomery, junior, Thomas Moore, Jeremiah

Morrow, John Morrow, Gurdon S. Mumford, John Porter, John Pugh, John Randolph, John Rea of Pennsylvania, John Rhea of Tennessee, Jacob Richards, Matthias Richards, John Rowan, John Russell, James Sloan, Dennis Smelt, John Smilie, Samuel Smith, Henry Southard, Richard Stanford, Lewis B. Sturges, John Taylor, John Thompson, Abram Trigg, George M. Troup, Jabez Upham, Philip Van Cortlandt, Jesse Wharton, Robert Whitehill, David R. Williams, Alexander Wilson, and Richard Winn.

The fourth and fifth amendments of the Senate to the said bill, were then again read, and, upon the question severally put thereupon, disagreed to by the House.

The title, as amended by the Senate, was then read, in the words following, to wit:

“An act for manning, arming, and equipping, for immediate service, all the public ships of war, vessels, and gunboats of the United States:”

And, on the question that the title be so amended, it passed in the negative.

A motion was then made by Mr. BASSETT that the House do reconsider their vote of concurrence with the Committee of the Whole in their agreement to the second of the said amendments; and, on the question for reconsideration, it was resolved in the affirmative.

The question was then taken that the House do concur with the Committee of the Whole in their agreement to the said amendment, and passed in the negative.

TUESDAY, January 17.

An engrossed bill for the relief of Edward Beamont was read the third time, and passed.

A message from the Senate informed the House that the Senate insist on their amendments disagreed to by this House to the bill, entitled “An act authorizing the appointment and employment of an additional number of Navy officers, seamen, and marines,” and desire a conference with this House on the subject-matter of the said amendments; to which conference the Senate have appointed managers on their part.

FOREIGN RELATIONS.

A Message was received from the President of the United States, communicating certain letters which passed between the British Secretary of State, Mr. Canning, and Mr. Pinkney, our Minister Plenipotentiary at London.

The Message and accompanying papers having been read—

Mr. BURWELL moved that 5,000 copies of the Message and documents be printed. He said, while up, he could not refrain from expressing his regret that the Executive had not taken a different course to counteract the effect of Mr. Canning's letter than the one which he had chosen. It was impossible that any new evidence should have been wanting to prove that our Government had acted with justice and moderation. But it is so perfectly plain that we are waging a war of honor and candor against treachery and intrigue, that it is surprising that a stop has not been put

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to it. Why is it that our presses are teeming with treachery? A regular system is going on to overthrow the Government. How is it that men high in the Government say that no formal offer was made to Great Britain to repeal our embargo on the revocation of her Orders in Council, when there are documents before us proving directly the contrary? Yet, sir, it was asserted, by men high in office in this country, that our Minister had acted only in his individual capacity long before this British Minister's letter was published. But what does this singular letter amount to? Mr. Canning wishes to prove that the offer to repeal the embargo was made in an unofficial manner, when there is a formal letter from himself in answer to the official note of Mr. Pinkney, making the proposition as from his Government. Why did not Mr. Canning meet him? This letter of his is but a continuation of that infamous system of misleading the people of this country which has been so long persisted in. Recollect the speech of Mr. Canning on the floor of Parliament on the 24th day of June last. Sir, I am sorry to mention this subject here, but when I see the rights of my country insulted, and public sensibility worked upon as it has been, I cannot restrain my feelings. It is time to put a stop to this underhanded system. Can it be forgotten what were the sentiments of the people of America when the famous Genet commenced his appeal from the President, who properly put a stop to it? Why does Canning contend that the Orders in Council were not known to us at the time that the embargo was laid? It is to meet the feelings of the country, and to support views taken in this nation. I hope that 5,000 copies will be printed, and that this is the last time we shall be under the necessity of counteracting these insidious appeals to the people.

Mr. NICHOLAS observed, that the letters which had just been read furnished another evidence of the fidelity and ability of the public servants; and another signal to warn the people of this country of the danger which hangs over them, to show that the British Government is in a course of intrigue for the purpose of separating the people from their Government. I want no other evidence of this than the letter of Mr. Canning, which has just been read. How did that letter get into the papers of the United States. It must have been sent here by the British Government—for what purpose? It is an appeal by the Government of Great Britain to the people of America. On what ground is this appeal made? On the ground of justice, of truth, or of sincerity? Neither, sir; it is for the purpose of deceiving the people of this country with the most ungentlemanly and unmanly misrepresentations. God forbid that I should believe that Great Britain has many adherents in this country; but that she has some, this business is to my mind full demonstration. How is this production received? How is it ushered into the public view? Have the printers who first gave it publicity shown even a common impartiality between their own Government and that of a foreign nation? Have

they shown a desire to hear what their Government could say? Can these men be Americans? No, sir; they are British partisans, pleading the cause of the British Government against their own. Mr. N. said, he had before him a paper called the *Boston Centinel*, containing some comments on Mr. Canning's letter. [Mr. N. here quoted some passages from these comments, stating this letter of Mr. Canning's to be evidence of a partiality in the Government of the United States to France, &c.] This is an American print, said Mr. N., and this letter is exultingly given to the American people as tending to show that their Government has practised a deception upon them.

Mr. TROUP said, he believed that the publication of this letter was intended by the British Government to influence the people; and in order that the whole truth might be widely disseminated, he moved that ten thousand copies be printed.

Mr. GARDENIER concurred most heartily in the motion for printing, and also in the proposition for the largest number of copies. Assuredly if there was a matter upon which it was important that the people of the United States should be correctly informed, it was the subject which the message of this morning placed before the House. I for one, he said, cannot help regretting deeply that the public confidence in the administration of the Government should have been so shaken by some cause or other, as that gentlemen of the first respectability and no common influence in this House, should be driven to the necessity of combatting on this floor the ebullitions of the editor of a newspaper. Are these publications of newspapers the topics fit for discussion in the House of Representatives of the United States? Is it come to this, sir, that a Representative of the people, to protect his Government from public odium, thinks it necessary to array the Representatives of the nation against the humble editors of a newspaper? I feel humiliated that the affairs of this country should be brought into such a condition that it should be necessary that the editor of a newspaper, for the first time, should be refuted by a member of this House in his place. I had thought that these ebullitions passed by the Government as an idle wind which it heeded not. But if the Government is brought, either by its own weakness or the machinations of a foreign nation, to such a situation that it cannot stand a paragraph in a newspaper, it is brought to a low pass indeed. But the remarks of this editor have been introduced into the House. I do not wish at this time to go over the ground and admit or deny the proposition which he conceives he has established. But I regret that this humble editor should have been made the subject of such severe remark, not only because I wish that he should have been unnoticed in this House, but because I confess that in the material matter of fact, I can see nothing of harm which this poor editor has done. He has printed the letter of Mr. Canning to Mr. Pinkney; and it appears that he has published a document which the Administration had not thought proper to communicate, but which

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was genuine and true. From these facts, now established beyond controversy, this editor has undertaken, for the amusement and instruction of his readers, to make certain comments which appear to his mind proper. If the fact be as the editor has stated it, his comments are of no importance, especially at this moment, when newspapers on both sides have given themselves up to such misrepresentations. Whether his inferences be correctly drawn or not, is matter for the people to decide. Those remarks are but reflections upon a document which on all hands is conceded to be matter of fact—and why should gentlemen be alarmed if his inferences be absurd or ridiculous? If the integrity of the Administration opposes that impenetrable shield to the shafts of its enemies which it always should do, whence this alarm? I am fearful that the gentleman from Virginia, (Mr. NICHOLAS,) whose known prudence and good sense I cannot avoid respecting, saw something more in all this than the mere usual efforts of the editor of a newspaper; and in the same proportion as he attaches importance to them will the people do the same. It is unfortunate for the Administration that this course has been pursued; it will awaken remark and mischievous curiosity among the people. Probably if mention had not been made of it, it might have passed without notice; but now I fear that suspicions will be entertained which but for this mode might never have been excited by the editor of a newspaper. After all I must confess that I do not find a great deal of fault with this editor of a newspaper for the publication of a document; and his remarks are out of the question. The people of the United States cannot know too much. However the Administration may have thought it of little importance to communicate the documents heretofore, yet it can do no harm to the good sense of the people to read all that has passed. I see no danger in it; and whether it comes from the Cabinet of Great Britain or from our own, I have that confidence in the people of the United States, that I am willing to trust them with it. If circumstances throw no blame on the Administration, they need not fear it. I am for publishing the whole because I am desirous that the people should know everything, and shall always be thankful that a necessity (for whatever reason) does exist for informing them. And if I have cause of regret on this subject, it is not from the same source as that expressed by the gentleman from Virginia. My regret is that this communication should not have been made before this time; and that the necessity of making these documents public should in this manner have been brought about. As a Representative of the American people I feel humbled by this; and whatever importance may be attached to it, am sorry that the Administration has not heretofore seen the necessity of laying before the public everything relating to their proposition to repeal the embargo; for the whole argument in favor of the continuation of the embargo has turned very much on the rejection by the British Government of our candid offer. It is of im-

portance that the people should be apprized of everything connected with that matter, because it is the pivot on which the embargo has turned; and I regret exceedingly that the President of the United States should not have seen the importance of making these documents public hitherto—that he should have seen it only when one of the letters was published. If I understand the message of to day, the reason why this communication is made, is, that Mr. Canning's letter is calculated to make an impression unfavorable to the character of the Government, and the answer is necessary to set them right. It would have been a much better reason for communicating it heretofore, that the people ought to be fully informed. I know not whether the strongest sensation of regret which I feel is; that it has not before been made public by the Administration, or that this House should be made the organ of communication, for the purpose of preserving to it the confidence of the people. Let gentlemen remember that as long as the liberty of the press exists, it will be licentious; that as long as the Republic exists, there will be parties, those in power and those out. It is to be expected that they will assail each other frequently, ungenerously, and with much calumny; and Administrations may again fall as they have fallen. It is one of the evils attending the invaluable liberty of the press. If the printers publish untruth, I have no objection to punish them, but I do not like these denunciations of a printer, who will laugh at them. He does not care; he will acquire new vigor, and those who participate in his sentiments will like him much better for the publicity given to his name.

Mr. LOVE said, as he presumed from his observations that the gentleman from New York was not in the House when the message was read, he rose to state that the answer of Mr. Pinkney was not in the possession of the Government when the formal correspondence on the subject was published. Whether or not it was correct to notice newspaper effusions on the floor, it was certainly quite as correct for one gentleman to comment upon them as for another to rise in their defence. The statement which he had seen in the newspapers was not correct, and could only be intended for deception and to mislead the people at this critical moment.

Mr. MASON said, notwithstanding the licentiousness of newspaper editors, he was against any law for curbing them. Let them run their whole length, said he, I only ask the liberty of buying such of their papers as I like. As long as the press is free, newspapers will make their own comments; and a great many will make those which I do not approve. But it is really to be regretted that I do not know a paper in the United States that takes up both sides. I wish there was such a one. On the subject of this message, to be serious, it strikes me in a different point of view from that in which it has appeared to any other gentleman. Compare the fact of the extraordinary mode of publication of Mr. Canning's letter in New York, (some say in Boston) with

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several late transactions, as the invitations of our citizens to violate our laws, the vessels on our coast forcing a trade, &c., and I can consider them in no other light than as appeals to the people of this country by the British Ministry. Instead of alienating the affections of this people from their Government, it will more strongly attach them to it. That Great Britain should address this runaway proclamation to our people, is not surprising. We are a people made up of emigrants and descendants from different nations, and there are some men amongst us who are not as virtuous as a Cato or Aristides. This circumstance will induce European Governments always to make attempts of this sort. Mr. Canning's letter has struck me in a curious point of view, compared with the documents heretofore communicated. At one time he wants conversations, and at another time written communications. The letter read to-day completely satisfies my mind on this subject. At the very time that this letter of the British Minister is published at Boston, a public armed ship appeared on the coast of Georgia, cruising after cotton. Sir, nothing can be stronger evidence to me of the efficiency of the measures which this nation has taken in relation to Europe, than a fair examination of the conduct of Great Britain towards us since. Why the proclamation encouraging evasions of our laws? Why these publications? Why the ship or ships on the coast of Georgia, sir? Facts speak stronger than words, the efficacy of our measures. Can it be possible that a proclamation inviting violations of our laws would be issued, that armed ships would be sent on smuggling expeditions on our coast by any civilized nation which did not feel our measures? The worst Government that ever existed, as well as the worst man that ever existed, is desirous of maintaining a good character with the world. This proclamation was not issued whilst we had anything left afloat. When they cannot plunder you, they will harbor your runaways. That is the plain English of it, sir. On the subject of the embargo, as it has become fashionable, I will state my impressions of circumstances as they existed at the time of its passage. As well as I recollect, there were reports in circulation, that the British Orders in Council had issued. I cared not for it. I was satisfied that they would be, if they were not, issued, and under that impression I voted for the embargo. I am glad, sir, that we had sagacity sufficient to be so quick upon their heels that they caught no plunder by their orders. I must here say, because it is my opinion, that the Administration have not acted in respect to the embargo as they should have done, because they offered that to Great Britain which they did not offer to France. Instead of partiality to France, sir, the documents prove they have displayed a partiality to Great Britain. I would have offered the same to both, although Great Britain is our greatest tormentor, because she has a navy, whilst the other has not. The gentleman from New York (Mr. GARDENIER) seems to think that it is necessary to publish these documents in

order to strengthen the Administration. I much doubt, sir, (and it is well known that on a difference of opinion with the Administration I have come out and opposed them with as much zeal as any man in this House) if you ever have another Administration in these times of confusion, which will go out as popular as this. Every new Administration will naturally carry with it some men who are willing to sing hosannas to the powers that be; to pay their devotions to the rising sun. This will always happen; but no Administration going out will be as popular as the present.

Sir, I care not with what view these documents were sent to us—I am glad they are come. But I believe that the gentleman from New York is mistaken in one statement he made—that this was the first time that a newspaper had ever been commented on in the House of Representatives! I have seen a paper called the *Aurora*, repeatedly brought into this House, and commented on to prove the necessity of passing a sedition law. Perhaps there are some gentlemen in the House who may recollect the circumstance. [Mr. GARDENIER said that this was before his time.] With the gentleman from New York, sir, I am willing to trust the people; and I believe truth wants but half fair play to prevail, for I have seen her prevail when she could not speak—when she had a padlock on her mouth. Truth will prevail, and it is the interest of every Administration that acts honestly to publish all. I should wish to see the Administration of this Government lay aside the practice of giving a little at a time, and come out at once and say, I wish to do this; and then, if we will not consent to do it, there is an end of it. With respect to our Government playing cunning against any other Government, it is idle; it can never do good whilst they have untold millions of secret service money against our single cent. I should therefore wish that foreign nations had no Ministers here, nor we any there. Instead of giving Ministers nine thousand dollars to go there, I would rather give them fifty thousand to come home. I wish the whole proceedings of our Administration to be at the door of every man in the nation; that every man should have a copy for himself, for his wife, for each of his children, and indeed for all his household. Had this been done heretofore, the present crisis would have been nothing like what it is. They would there have seen truth, and facts precisely as they exist, neither curtailed or exaggerated by this or that party paper.

Mr. BACON said, that he rose merely to correct an error of statement into which the gentleman from North Carolina (Mr. MACON) had fallen, as to the source from which the first publication of the British Minister had originated. The gentleman had attributed it to a New York paper. This Mr. B. believed was incorrect. Being desirous, if either honor or censure could be attached to any American press, from the circumstance of its being considered the official organ of a foreign Government, that it should lie at the right door, he thought it proper to state, that the first appearance

of that letter was, as he understood, in a paper called the "New England Palladium," printed in Boston. There was one other fact which he mentioned with some regret, it was this; that by some unfortunate concurrence of circumstances, assuredly without any improper intention, the printers of this paper had been by the Legislature of Massachusetts in the course of the present year, designated as the printers of their public acts, and their paper was a sort of State Gazette. On this unlucky coincidence, it would be as painful to him as it might be indecorous to indulge in any comments. From the known patriotism of that honorable Legislature, however, there could be no doubt that if they should perceive any sort of incorrectness in the conduct of their subordinate agents, if it should strike them as an incongruity that their servants should appear to be acting in a double capacity, they would so manifest their sense on the subject as should best accord with their views of propriety, and their feelings of national honor.

Mr. Fisk thanked the gentleman from New York for his compliment to the people of New England on their "mischievous curiosity." The gentleman seems to suppose, said Mr. F., that it would have been more proper for the President of the United States to have communicated these documents for the purpose of giving a correct view of our affairs, than for any other reason. I would ask the gentleman to point out what different view the present letter of Mr. Canning, published first at Boston, has given, from the documents which have heretofore been published? Certainly none, sir. The only inference to be drawn from it, is the insincerity or intrigue of the British Government; for, if the fact was, that Mr. Canning did not accept the offer of Mr. Pinkney, because it appeared to be unauthorized, how happened it that Mr. Canning forgot to state it in his official, formal letter, instead of those reasons which he has given for the rejection of the proposal? The gentleman regrets that newspapers, or their editors, should be noticed here. It is not from a disposition to give them importance beyond their merits; but we discover something from their publications, and it is for that that they are noticed—to show that there is an intrigue carrying on in this country; that the British Government is endeavoring to divide the people—to separate them from their Government through the means of the press. In the course of this session, sir, many insinuations against our own Government have been thrown out on this floor. My colleague (Mr. ELLIOT) made one the other night, in the course of a long speech, which I cannot now notice.

Mr. GARDENIER called Mr. FISK to order, for alluding to an argument which the gentleman (Mr. ELLIOT) was prevented from making, by a decision of the Speaker that it was out of order.

Mr. FISK said he alluded not to what his colleague had meant to say, but to what he did say. Mr. F. said he had merely risen to ask, if the gentleman from New York considered his insinuations to be true, that he would show to the House how or wherein they were true. He hoped the

documents would be printed, and sincerely joined with the gentleman from North Carolina in wishing a universal diffusion of information.

Mr. TAYLOR observed, that, although not opposed to printing a very considerable number of the documents sent to the House, yet in themselves he did not give them that importance which some gentlemen were pleased to give them. And he confessed, that, when a gentleman had handed him a paper containing the famous letter of Mr. Canning, he had concluded, from the paper itself, and the pitiful and pimpling manner in which it was ushered into view, that it was a forgery. What is it? said Mr. T. A relation of conversations on particular topics, in which the writer himself assisted—not with a view, it seems, of bringing them to an issue by conversation, for he required that these conversations should be considered as nothing, by demanding that his propositions should be made in writing. They were brought forward in writing by our Minister. The authority of his Government for them was vouched to the British Minister; and of that proposition, a rejection in the most insulting terms was returned by Mr. Canning to our Minister. And now, sir, the public mind here is to be misled by a relation of a conversation which took place at several meetings by this very polite gentleman, who has been convicted by a whole nation of falsehood, by observing, in June, that no remonstrance had been made by this Government against the Orders in Council. The fact is, that the Orders in Council will not bear examination. For the honor of the House I assert it, no gentleman has come forward on this floor and vindicated the Orders in Council. And yet the public mind, it is supposed, can be led from this great subject, in which the honor and independence of the nation are concerned—that the people are to be deceived by a tea-table talk of Mr. Canning! I could not have supposed that a man of his wit could have been concerned in so weak a project—he could not have been concerned in it. Since the effort has been made by some incendiary, let us pour upon this pitiful scintilla—this small spark of wickedness—the overwhelming torrent of conviction to the public mind, which is contained in Mr. Pinkney's answer to that letter. But we read eternally in the newspapers of a partiality to France in this Government. Why, sir, the very circumstance of this letter being withheld from Congress by the Administration is a proof of a disposition in the Government not to put at hazard our present relations (precarious as they are) with Great Britain. The letter of Mr. Canning ought to have been, as it was, withheld till the answer was received—and why? Because, the broad calumny which is uttered against this nation, in this cowardly manner, when the whole truth in Mr. Pinkney's letter comes out, is found to allude to newspapers, the very things we have been talking of. Taken unexplained, I ask whether it would not have set in flames the people of this nation? Read this clause:

"You gave me, on that account, the most satisfactory proof that such misrepresentation did not originate

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Foreign Relations.

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with you, by communicating to me that part of your despatch in which the conferences particularly referred to were related correctly. But this very circumstance, which establishes your personal claim to entire confidence, proves at the same time that a faithful report of a conference on your part is not a security against its misrepresentation."

As the thing stands unexplained, who are the persons supposed to be capable of making misrepresentations? The Government, sir. The Administration has had in this instance to suppress feelings in which, had the letter been published, all the honest part of the community would have participated, till the explanation came. As this explanation has come, it does show that the persons alluded to as capable of making misrepresentations are the editors of newspapers. I do not, with the gentleman from New York, regret the particular notice taken of the editor of a newspaper on this subject, because the article alluded to bears a peculiar character. It does not proceed from the fumes of the cauldron or the paws of little devils, alluded to the other day (by Mr. QUINCY.) No, sir; an arch fiend had a hand in it—whether on this or the other side of the Atlantic, I care not. It is an appeal to the people of this country, made in favor of the British Government against our own.

Mr. KEY said that he would give his hearty vote for printing the greatest number of copies proposed; for he did conceive that the American people ought to have full information, and that the antidote should accompany the poison. I consider the late publication, said he, as the most direct and insidious attempt of a foreign Government to take advantage of and influence the parties in this country, and that too by dishonorable means. The paper alluded to could only have been in possession of our own Administration or of the British Government. It came not from us; it must have proceeded from the other—and from what view? Had fair information been the object, the letter of Mr. Pinkney in reply would also have been made public, that one might have been confronted with the other. If it proceeded from that quarter, the separation of the reply from the letter, is evincive of the attempt to impose on the people. I consider it an attempt to set the people at variance with their Government, and an insolent attempt of a foreign nation to interfere in our affairs, in three points of view. First. Mr. Pinkney is expressly exonerated from the charge of misrepresentation; but no man can understand it otherwise than as having allusion to the Executive of the country—an insinuation which there is no proof to support, and in support of which none can be adduced. Whatever difference of political opinion may exist between us on some points, I respect the Administration on the whole, and every honest man of every political opinion must side with me. Secondly. There is an insinuation that the President of the United States had only permitted our Minister at London individually, not formally, to make a proposition on the subject of the embargo. This is unfounded in fact, because the documents before the House prove to the contrary. Thirdly. A

question is raised whether actual knowledge of the Orders in Council of November, was in possession of our Government at the time of the laying the embargo, which Mr. Pinkney has fully explained, that the American papers showed that it was well known before the passage of the embargo that such would probably be the measures adopted by the British Government. It is upon these three great questions, that this letter is insidiously calculated to delude the American people. I, think therefore, as ample publicity should be given to the truth as may be. However we may differ as to internal regulations, I hope we shall feel as husband and wife, who, however they jar, will not suffer the interference of a third person. In case of such interference, I trust we shall always be ready to rally around the constituted authorities, as protecting the true interests of the country.

Mr. COOK said that these documents showed, that, instead of being more favorable to France than Great Britain, (as had been said for party purposes,) our Administration had been far less favorable to France than Great Britain, and less favorable than they ought to have been. I shall never feel cordial, said he, in going to war with France, until we make to her the same liberal offer which we have made to Great Britain, and it shall be refused. The publication of this memorable letter of Mr. Canning's is but another attempt to mislead the people, and rob the Executive of their just confidence. The letter itself is of little consequence. It appears that the conduct of the President has been perfectly correct. It would have caused a false impression had Mr. C.'s letter been published before Mr. Pinkney's answer was received. Mr. Canning, however, acting with less candor than the President of the United States, has thought fit to publish one without the other; and therefore I wish the reply to be circulated fully.

Mr. LYON considered the documents of very little importance, conveying no new information; but made some observations on the mode of printing them.

Mr. STORY said he was sorry to rise, because the patience of the House must be exhausted; but it was a duty incumbent on him to take the floor. This is not a new occasion, said he. More than once in twenty years, the same attempt has been made by foreign intrigues; and when the attempt has been made, there was scarcely a man in America but considered it insidious and disgraceful. Like the gentleman from New York, it was before my time; but I gathered the feelings of the moment, and held sacred the same feelings as were avowed by the Father of his Country. Whatever may be our political differences, sir, it is incumbent on all of us to frown indignantly on any foreign Government, that should attempt to influence the people. The publication of garbled and mutilated documents, purporting to be real correspondence between one country and another, has been a means used to lead the public mind into a state of distempered jealousy, and array the citizen against his country. It has

been too long the case in Europe. Whenever the sword has been drawn, corruption has preceded it; and when I find the same means used to detach the people of this country from their Government by similar attempts, I cannot repress my contempt of them. It is not any importance which I attach to Mr. Canning's letter that excites my indignation, because the very letter compared with his formal answer to Mr. Pinkney's note, is a complete answer to itself; for, in the documents long ago published, we find an offer in the most formal manner, by Mr. Pinkney, to repeal the embargo as related to Great Britain on the suspension of the Orders in Council; and Mr. Canning in his formal reply has not even intimated the least suspicion that the offer was not the open act of the American Government. Mr. P. with his usual candor, exhibited his own instructions to satisfy Mr. Canning not only that this offer was made by the authority of the Government, but that it was made in the spirit of conciliation and sincerity. And by this letter a new feature is exhibited, for the purpose, almost avowed, of dissolving the Union. I regret to see that our miserable little differences have induced foreign nations to tamper with us; that they have dared to believe that we are not intelligent enough to know our own rights. I regret that our divisions have been such as to induce a foreign nation thus to present a picture to the world of what she believed our real state. It is proved too truly that our own conduct has lessened us in the opinion of foreign nations, has induced them to believe that we are a divided people; it is proved too truly that they have thought the American nation either corrupted with luxury or overawed by the iron hand of despotism, and that they have not strength for a moment to sustain their political structure. The letter of Mr. Canning but for this would not have been published in the Eastern part of this country, to foment those divisions produced by existing circumstances. Sir, I cannot but notice the honorable conduct of the gentleman from Maryland, (Mr. KER.) who, though opposed in political opinion to the present Administration, has shown himself to be a real friend to his country. If the same spirit which he has manifested, was exhibited throughout our country, instead of dissensions on this floor, that moment an attempt was made by a foreign nation to injure our rights, our differences on minor points would dissolve into air. It is not necessary for me to state, because the gentleman from Maryland has clearly shown, the reason of the publication of that letter. As one, sir, I do know that it was not only understood that the Orders in Council were about to issue, but that, before I heard of the embargo, I had seen letters and newspapers which informed that these orders were signed in the Cabinet, though not published to the world. In respect to Mr. Canning's saying that the offer to repeal the embargo was not authorized, the despatches laid on our table, at the commencement of the session, show to the contrary; and his own formal letter is a denial of the insinuation in the letter to-day communicated.

Why then was this letter published in this extraordinary manner? To add to the divisions and lessen the confidence of the people in their Government; to enable Great Britain to take advantage of these divisions and resume her dominion over the Northern States. With this view of the subject, I cannot but conceive that this letter is but a part of a system which has for its object the degradation of our country. I trust we shall on this occasion unite; that we shall not allow any foreign Minister to believe that he can publish *ex parte* statements of, or garbled extracts of official correspondence; that divided as we may be on other subjects, we are united in a determination to support our rights.

Mr. GARDENIER said, by this time the editor of the Columbian Centinel must be pretty well mauled. The fact is, said he, as regards myself, that I have never read with attention the documents said to be official; and therefore unfortunately am not in a situation to determine whether in this respect our Administration is to blame or not. I am one of those men who cannot comprehend all the details of such a negotiation at first glance. I do not believe that knowledge is to be attained by so rapid a progress. Therefore, I shall not at present follow other gentlemen in their verdict of acquittal. I hope to be able to do it. A gentleman from Vermont (Mr. FISK) appeared to be offended at my imputing mischievous curiosity to the people of New England. If the gentleman supposes that I mean any harm to the people of New England, he is mistaken. It is not necessary for me to take up any time of the House in expatiating on the respect which I have for the people of New England. New England was the cradle of American liberty. Sir, it was there the Revolution commenced. From that same quarter I apprehend that the same spirit will again arise. A light appears first in the East, which I hope soon to see break forth into the most perfect day. The gentleman from Vermont, after this declaration, I hope will not impute to me any disrespect to the people of New England. They will not submit either to the insolence or injustice of foreign nations, or to any other. Nature intended them for a great and happy people. The gentleman from Vermont has misunderstood me in one thing. I did not say that Mr. Canning's letter contained any view of the subject not heretofore given; and therefore have no occasion to answer his question.

The question on printing the documents was then taken, and five thousand copies ordered to be printed.

An engrossed bill for dividing the Indiana Territory into two separate governments was read the third time: Whereupon, a motion was made by Mr. BISH that the said bill do lie on the table. And, debate arising thereon, an adjournment was called for, and carried.

WEDNESDAY, January 18.

Mr. KELLY, from the committee appointed on the 21st of December last, presented a bill for the

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relief of Jacob Barnitz; which was read twice, and committed to a Committee of the Whole on Monday next.

Mr. BLOUNT, from the committee appointed on so much of the Message from the President of the United States, at the commencement of the session, as relates to the erection of fortifications for the security of our seaport towns and harbors, presented a bill making appropriations to complete the fortifications commenced for the security of the seaport towns and harbors of the United States; and to defray the expense of deepening and extending to the river Mississippi the canal of Carondelet; which was read twice, and committed to a Committee of the Whole to-morrow.

Mr. LEWIS, from the Committee for the District of Columbia, to whom was referred, on the fifteenth ultimo, a petition of sundry inhabitants of the counties of Alexandria and Washington, in the said District, presented a bill to authorize the making of a turnpike road from Mason's causeway to Alexandria; which was read twice, and committed to a Committee of the Whole on Monday next.

Mr. MARION, from the committee to whom was recommended, on the 19th of December last, the bill sent from the Senate, entitled "An act further to amend the Judicial System of the United States," reported their agreement to the same, with an amendment; which was read, and, together with the said bill, committed to a Committee of the Whole on Saturday next.

DIVISION OF INDIANA TERRITORY.

The House proceeded to take into further consideration an engrossed bill for dividing the Indiana Territory into two separate governments.

Messrs. THOMAS, SLOAN, LYON, and W. ALSTON, supported the bill; and Messrs. MACOM, EPPEE, and J. G. JACKSON, opposed it.

The arguments in favor of the bill, generally, were: That the line of demarcation which the Wabash affords between the Eastern and Western portions of said Territory, added to the wide extent of wilderness country, which separates the population in each, constitute reasons in favor of a division founded on the soundest policy, and conformable with the natural situation of the country; that the vast distance from the settlements west of the Wabash to the present Territorial government, renders the administration of justice burdensome and expensive in the highest degree, amounting almost to a denial of justice; that the scattered situation of the settlements over this extensive country enervates the power of the Executive, and renders it almost impossible to keep that part of the government in order; that the division of the Territory is a matter of right under the ordinance, and the inconveniences to be removed by an immediate separation would encourage the speedy population of the Territory; that there are about 28,000 inhabitants in the Territory of Indiana, and 2,700 souls between the ages of 16 and 21, in that part proposed to be constituted a new Territory; that

there can be no objection to the proposition but the expense, which it was expected would be fully compensated to the United States by the increased value of public lands in each district.

The arguments against the bill, generally, were: That this bill proposed to multiply officers without any advantage proposed from it, which was contrary to republican principles; that the expense to the United States for this new government would be \$6,950 yearly, when the people to be governed amounted to but 2,700, between the age of 16 to 21, the whole population of the Territory proposed to be divided containing but 28,000 souls; that the City of Washington contained at least as many as the portion proposed to be erected into a new Territory, and the District of Columbia as many as the whole Territory, and it would certainly excite some surprise, if Congress were to erect two Territorial governments in the District, one on one side the Potomac, and one on the other; that this proceeding might be very convenient to the men who should be appointed governors and judges, but for no other good purpose; that there was no other part of the United States in which the same inconvenience was not felt as that complained of by the inhabitants of Indiana Territory, whose situation was very different from that of the Michigan Territory; that there were many places in different States whence the people had to go two or three hundred miles to the courts; that a compliance with this petition would but serve to foster their factions, and produce more petitions.

On the passage of the above bill there were for it 69, against it 37, as follows:

YEAS—Willis Alston, jr., Ezekiel Bacon, Joseph Barker, Burwell Bassett, John Blake, jr., John Boyle, Robert Brown, William Butler, Joseph Calhoun, George W. Campbell, Epaphroditus Champion, John Culpeper, Josiah Deane, Joseph Deha, James Elliot, Bazant Gardenier, Francis Gardner, Edwin Gray, Isaiah L. Green, John Heister, William Hoge, James Holland, David Holmes, Benjamin Howard, Reuben Humphreys, Daniel Huley, Richard Jackson, Richard M. Johnson, Thomas Kenan, Joseph Lewis, jr., Edward Lloyd, John Love, Matthew Lyon, Josiah Masters, William McCaery, William Milnor, Daniel Montgomery, jr., John Montgomery, Nicholas R. Moore, Thomas Moore, Jeremiah Morrow, Gurdon S. Mumford, Thos. Newton, John Porter, Josiah Quincy, John Rea of Pennsylvania, Jacob Richards, Matthias Richards, Samuel Riker, John Rowan, James Sloan, Dennis Smelt, John Smilie, Jedediah K. Smith, Samuel Smith, Henry Southard, Richard Stanford, Peter Swart, Samuel Taggart, John Thompson, Abram Trigg, Jabez Upham, Nicholas Van Dyke, Archibald Van Horn, Killian K. Van Rensselaer, Jesse Wharton, Alexander Wilson, Nathan Wilson, and Richard Winn.

NAYS—Lemuel J. Alston, David Bard, Thos. Blount, Adam Boyd, William A. Burwell, Matthew Clay, John Clopton, Richard Cutts, Samuel W. Dana, John Davenport, jr., William Ely, John W. Eppee, William Findley, James Fisk, Meshack Franklin, James M. Garnett, Thomas Gholson, jr., Peterson Goodwyn, John G. Jackson, Walter Jones, Philip B. Key, John Lambert, Nathaniel Macon, Robert Marion, John Morrow, Roger Nelson, Thomas Newbold, John Pugh,

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Naval Establishment.

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John Rhea of Tennessee, Ebenezer Seaver, Clement Storer, Benjamin Tallmadge, John Taylor, Philip Van Cortlandt, Daniel C. Verplanck, Robert Whitehill, and David R. Williams.

Resolved, That the title be, "An act for dividing the Indiana Territory into two separate governments."

NAVAL ESTABLISHMENT.

The House proceeded to consider the message received yesterday from the Senate, by their Secretary, insisting on their amendments disagreed to by this House to the bill, entitled "An act authorizing the appointment and employment of an additional number of navy officers, seamen, and marines;" and desiring a conference with this House on the subject-matter of the said amendments: Whereupon, a motion was made by Mr. NEWTON that this House do insist on their disagreement to all the amendments insisted on by the Senate to the said bill. And the question being taken thereupon, it was resolved in the affirmative—yeas 67, nays 53, as follows:

YEAS—Willis Alston, jr., David Bard, Joseph Barker, William W. Bibb, William Blackledge, John Blake, jr., Thomas Blount, Adam Boyd, John Boyle, Robert Brown, William A. Burwell, William Butler, Joseph Calhoun, George W. Campbell, Epaphroditus Champion, Martin Chittenden, John Clopton, John Culpeper, Joseph Desha, John W. Eppes, James Fisk, Meshack Franklin, Barent Gardener, Thomas Gholson, jr., Peterson Goodwyn, Edwin Gray, John Heister, William Hoge, James Holland, Benjamin Howard, Richard M. Johnson, Thomas Kenan, John Lambert, Edward Lloyd, Nathaniel Macon, Robert Marion, Daniel Montgomery, jr., Nicholas R. Moore, Thomas Moore, Jeremiah Morrow, John Morrow, Thomas Newbold, Thomas Newton, John Porter, John Pugh, John Randolph, John Rea of Pennsylvania, John Rhea of Tennessee, Jacob Richards, Matthias Richards, Ebenezer Seaver, Dennis Smelt, John Smilie, Jedediah K. Smith, John Smith, Samuel Smith, Henry Southard, Richard Stanford, Samuel Taggart, John Taylor, Jabez Upham, Jesse Wharton, Robert Whitehill, Isaac Wilbour, David R. Williams, Alexander Wilson, and Richard Winn.

NAYS—Ezekiel Bacon, Burwell Bassett, Matthew Clay, Orchard Cook, Richard Cutts, Samuel W. Dana, John Davenport, jr., John Dawson, Josiah Deane, Daniel M. Durell, James Elliot, William Ely, William Findley, Francis Gardner, Isaiah L. Green, David Holmes, Reuben Humphreys, Daniel Hsley, John G. Jackson, Richard Jackson, Walter Jones, Philip B. Key, William Kirkpatrick, John Love, Matthew Lyon, Josiah Masters, William McCreery, William Milnor, John Montgomery, Jonathan O. Mosely, Gurdon S. Mumford, Roger Nelson, Wilson C. Nicholas, Timothy Pitkin, jr., Josiah Quincy, Samuel Riker, John Rowan, Samuel Shaw, James Sloan, William Stedman, Clement Storer, Joseph Story, Lewis B. Sturges, Peter Swart, Benjamin Tallmadge, George M. Troup, James I. Van Alen, Philip Van Cortlandt, Nicholas Van Dyke, Archibald Van Horn, Killian K. Van Rensselaer, Daniel C. Verplanck, and Nathan Wilson.

On motion of Mr. NEWTON,

Resolved, That this House do agree to the conference desired by the Senate on the subject-

matter of the amendments depending between the two Houses to the said bill; and that Mr. MACON, Mr. SMILIE, and Mr. UPHAM, be appointed managers on the part of this House.

And on motion, the House adjourned until tomorrow.

THURSDAY, January 19.

A message from the Senate informed the House that the Senate have passed a bill, entitled "An act for the relief of certain Alabama Indians;" to which they desire the concurrence of this House.

The SPEAKER laid before the House a letter from the Secretary of War, accompanying his report, and sundry documents in relation to invalid pensioners of the United States, transmitted in pursuance of the third and fifth sections of "An act to provide for persons who were disabled by known wounds received in the Revolutionary war;" which were read, and referred to the Committee of Claims.

Mr. JEREMIAH MORROW, from the Committee on the Public Lands, to whom were referred, during the present session, the petitions of sundry inhabitants of the State of Ohio, praying a remission of the forfeitures accruing on the instalments due on the purchase money for lands purchased of the United States, and the allowance of further time for the payment of the principal, made a report thereon; which was read, and referred to the Committee of the whole House, to whom was committed, on the twenty-third of November last, a report of the Committee on the Public Lands on a memorial of the House of Representatives of the Mississippi Territory.

Mr. JEREMIAH MORROW, from the same committee, presented a bill to alter the terms of sale of the public lands of the United States, and for other purposes; which was read twice, and committed to the Committee of the Whole last mentioned.

Mr. Lewis presented a memorial of sundry inhabitants of the county of Washington, in the Territory of Columbia, praying a repeal of the fourth section of a law of Congress, entitled "An act concerning the District of Columbia."—Referred to the Committee for the District of Columbia.

Mr. MARION, from the committee who were instructed, by a resolution of the House, of the twentieth of December last, "to inquire into the expediency of extending jurisdiction to the superior courts of the several Territories of the United States, in which a district court has not been established for the trial of treason, and other offences committed against the laws of the United States, within the limits of the said Territories; and to empower said courts to pronounce such judgment or sentence on conviction of the offender or offenders, as the law directs;" presented a bill extending jurisdiction, in certain cases, to the Territorial courts, and for other purposes; which was read twice, and committed to a Committee of the Whole on Monday next.

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Extra Session.

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EXTRA SESSION.

On motion of Mr. SMITH the House resolved itself into a Committee of the Whole on the bill to alter the time of the next meeting of Congress.

Mr. J. G. JACKSON moved to strike out the "fourth" Monday in May, and insert the "last," stating as a reason, that as the Virginia elections took place in April, the Representatives could not arrive here in time.

Mr. MACON wished a division of the question so as first to strike out, with a view to insert "September," instead of May. The motion to strike out was negatived—62 to 35. It was supposed that this question tried the principle of the bill.

The Committee rose and reported the bill.

Mr. D. R. WILLIAMS moved to strike out May for the purpose of inserting "September."

Mr. MILNOR hoped the motion would not be agreed to. If the new Congress could commence its session on the 4th day of March next, he said he should think it extremely proper that it should do so. And, if he could think that the majority would fix an earlier day than the fourth Monday of May for the meeting, he should vote for the present motion. He agreed with gentlemen that this was a momentous crisis; that the country was in a situation of extreme difficulty and danger. It appeared to him, therefore, that Congress, who were the guardians of the public welfare; to whom were confided the destinies of the nation, so far as the nation could control them, should be constantly in session, till a more favorable state of affairs took place. It was possible, but was it probable that any event would occur to alter our situation for the better? There was no hope that the belligerents would recede from their injurious restrictions on our commerce. It was not probable that anything would occur which would do away the necessity of an extra session. The present Congress having determined to persevere in the embargo and the present system of measures a while longer, the peace and welfare of the country required that a different system should be adopted. The present had been sufficiently tested, and would never produce those effects anticipated from it. It was proper that an early opportunity should be given to the next Congress to approve the present system, or give it up and adopt some other in its stead.

Mr. D. R. WILLIAMS said he was opposed to Congress coming here at the time proposed. Why should they come here then? He wished some one to answer, and let him understand why they were coming. In his opinion there was every possible objection to such a procedure. On the fourth day of March, a new President comes into power. Is it not presumable that the President would choose to have some communication with our Ministers abroad before the meeting of Congress? Could any man say that it was not proper that he should have it? Mr. W. said he hoped that the President would send special messengers, unfashionable as that policy was. If you are willing to wait for a declaration of war till the fourth Monday in May, will there be any ne-

cessity of declaring it before the first Monday in June or July? You have suffered the public mind to assuage in its resentment, and I very much doubt, that before a full experiment be made of the embargo, it will be wholly allayed. It has been said through the nation, and indeed avowed on this floor, that the Administration does not wish for peace. Having failed to take hold of the affair of the Chesapeake for a declaration of war, you have nothing now to give the people that interest which I hope they always will have in a declaration of war. Suppose you were to send special Ministers, and they were to be treated as our Ministers to France were under a former Administration, would not this treatment make every man in the nation rally around you? Would it not prove beyond doubt that the Administration was sincere in its wishes for peace? Undoubtedly it would. Why are your Ministers now loitering in foreign Courts? With a hope of accommodation, sir. I would send other Ministers there, and if they failed of immediate accommodation, would order them all home. If they are compelled to return, you will have the whole nation with you, which you must have when you go to war.

Mr. J. G. JACKSON replied to Mr. WILLIAMS. The gentleman had asked emphatically why Congress should convene here in May. Occurrences of every day, said Mr. J., are presenting themselves in such a way as to render it highly important and necessary that some other ground should be taken. Are we to adhere to the embargo forever, sir? I have said, and again say, that a total abandonment of the ocean would be submission. I think, by passing this bill, we give the nation a pledge that it shall be the *ne plus ultra*, which shall give to foreign nations time to revise their conduct towards us, and will give them time to consider whether or not they will have war with us. The gentleman wants a special mission. Sir, are we to continue in this state any longer? Shall negotiation be spun out further? No man can doubt the capacity of our Ministers abroad, and their disposition to represent their Government correctly. The doors are shut in the face of our Minister at the Court of St. James, and worse than shut at the Court of St. Cloud—for, from the latter, contemptuous silence is all the answer we have received, if indeed silence can convey an answer. Are we to renew negotiation, then, when every circumstance manifests that it would be useless? Need I refer to what took place the other day—I allude to the publication of a letter by Mr. Canning, in a highly exceptionable manner, through Federal presses, or presses more devoted to the interests of that country than any other? One universal burst of indignation accompanied the publication of that letter in this House. And are we, under such circumstances, to renew negotiation by extra missions? I conceive that the cup of negotiation and conciliation is exhausted to the dregs, and that we should but further degrade ourselves by sending further extra missions. It has been stated to me that a proposition had actually been re-

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duced to writing by a member of this House the other day for sending away foreign Ministers and calling our Ministers home; and I am sorry that the proposition was not offered to the House, for, under present circumstances, it might not have been improper to have adopted it. The gentleman asks if the Government has in its power any thing to rouse the people? There is no occasion for it, sir; they impel us towards war; we can scarcely keep them out of it; we can scarcely maintain our course a moment. Nothing but a disposition to confide in the constituted authorities prevents them from expressing their inclination more loudly. Passing over everything else, are not the orders and decrees sufficient to induce the nation to impel us to take the attitude of war, if the time was proper for it? The best answer to the gentleman's question may be found in the vote of this House, which has unanimously declared, with an exception of but two members, and those two I understand to be opposed to the declaration because it was a self-evident proposition, that we cannot submit to these edicts without a sacrifice of our rights, honor, and independence. And are these to be sacrificed without first struggling to maintain them? I trust not.

Mr. SMITH said, if there were no other reason, the present suspension of commerce, and discontents at home, were sufficient reasons for calling Congress earlier than the first Monday in December. When the new Administration should come into office, it was proper that they should have an opportunity of meeting Congress as early as possible. It was his opinion that, at the next session, a change of measures would take place. What would be the substitute for the present measure he could not say; but, at this time, he must say that he could see no way of avoiding war. With regard to extra missions, he really had no idea of a measure of that kind. If there should be any other means to secure the interest and honor of the nation but war, he hoped in God that it would be adopted, but he did not now see any such prospect.

Mr. RHEA, of Tennessee, said it was of no importance in the consideration of the present question what the next Administration should think or do. He wished that there could be an understanding with foreign nations for our good, but he much doubted such a result. He would not undertake to say whether war, or what other measure, ought to be adopted at the extra session; but, it was his opinion, that Congress ought to meet, and he should vote against every proposition going to defeat the object of the bill. Although this nation had not immediately retaliated the attack on the Chesapeake, would any man rise on this floor and say that the act of dishonor was done away because the House refused immediately to avenge it? He believed not; and, as long as it remained unatoned, it was cause for this nation to act. The only question for the House now to determine was this: Are there reasons to induce gentlemen to believe that a meeting of Congress is necessary on the fourth Monday of May next? As it appeared to him

that such reasons did exist, he said he was bound on his responsibility to vote for the bill.

Mr. DURELL asked if gentlemen meant to continue the embargo forever? He believed somewhat in the doctrine that an explosion might take place under it in a certain portion of the country. Gentlemen said an extra session was, therefore, necessary to save the nation. Mr. D. asked, if the nation was to be saved by long speeches? He had seen almost two whole sessions of Congress pass away, the one of six months, the other of three, and the nation in the same situation still, and still told, in long stories, from day to day, that it was in a critical situation. He had no idea that the nation was to be saved by much speaking. He did firmly believe, that more than forty-eight hours would not be necessary to pass all laws to meet the impending crisis. If a declaration of war was thought proper, this would be sufficient time for it; if an extraordinary mission, as suggested by the gentleman from South Carolina, forty-eight hours would be time enough for the House to decide on recommending it. The present was a state of suspense, from which the nation ought to be removed, and he was unwilling to prolong this state by the passage of the bill.

Mr. D. R. WILLIAMS said that the observations of gentlemen themselves were the landmarks by which he would steer. Gentlemen had said that they would wait under all these accumulated injuries, the weight of which Mr. W. acknowledged, till the fourth Monday in May. Now, he said, he wished to wait a little longer, that the Executive might, if he chose, take advantage of the interval. He said he had alluded to the case of the Chesapeake as an eminent illustration of the desire of the Executive for peace; though he should not trespass upon truth if he said that the affair of the Chesapeake rested not now as it had done. Admitting that we had ample cause for war, what did gentlemen propose to gain by postponing it? The gentleman from Virginia, (Mr. Jackson,) had said that the nation was pushing them to war. Mr. W. asked if there was a petition on the table to that purport from any portion of the United States? No, really; whilst a large portion of the people, the South almost unanimously, had expressed a wish that the Government should adhere to the embargo, till it produced an effect, or its capacity to produce the effect was disproved. You are like to be driven out of the embargo by war? asked Mr. W.; why, sir, look at the sensation in New England and New York, and talk about going to war, when you cannot maintain an embargo! There is a large portion of the people of New England, who, through misrepresentations and the efforts of your enemies have been taught to believe that your Administration has not sought for peace. Could any man have the hardihood to say so, after another special mission had failed? Certainly not; and it is no treason to mention it, although gentlemen should not like it. If you do not adopt war before the fourth Monday in May, will the nation be ruined if you postpone it still further? How could gentlemen

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denounce the course which he recommended, when it was now pursued? For a vessel was now advertised, he observed, to go on public business to Great Britain and France, and new despatches were going, he supposed. Even if war was determined on, would there be anything inconsistent, anything degrading, in giving to foreign nations yet another chance to do us justice? Mr. W. said he would do everything he could, in an honorable manner, to prevent war. He believed that the men who wished to prevent war were quite as patriotic as those who appeared desirous of promoting it. He felt more satisfaction in seeing the poor emigrant or exile from the troubles of Europe sitting peaceably and in comfort at his fireside or cabin door, than in hearing of the most splendid victories. When the last step to preserve peace had failed, then would he be willing to rouse the people to mount the Capitol and sound the tocsin—but not till then. He was for giving a fair opportunity to hear from Europe; for if Congress met in May, there would yet be a foreign messenger abroad; and waiting his arrival, they would do nothing.

Mr. BURWELL said he was one of those who would vote for an earlier meeting of Congress than usual. In Great Britain, in whose government there were some features approximating to ours, there was always an uneasiness, lest the Parliament should not meet often enough. Whence could be the objection to Congress meeting at an earlier day? If the public sentiment was not then prepared for war, it would not be adopted. It appeared to him that an early session, instead of producing mischief, would essentially contribute to tranquillize the minds of the people. If peace was attainable, we must have peace; but if not, we have no choice but war. The gentleman from South Carolina suggests the propriety of sending a special mission said Mr. B. Let me ask him, if Administration should not take this course, whether it would not be perfectly proper that Congress should be in session? Certainly it would. With respect to a special mission, Mr. B. said he was perfectly at a loss to conceive what could be the nature of any proposition which could be made to Great Britain. A proposition had already been made to her, in effect, to go to war with her against France, and insultingly refused; for no other interpretation could be made of the offer to suspend the embargo, if she would rescind her Orders in Council, except Mr. Canning chose to misunderstand everything that could be said. Unless gentlemen would point out some new proposition, which could be made to Great Britain or France, he could not see the propriety of the course recommended. As to the continuance of the embargo, Mr. B. said it seemed to be perfectly well understood by every man, that when the Government determined on that course, it did not determine to persevere in it eternally. If it could be made manifest to him that any particular favorable consequence would be produced by postponing the session beyond the fourth Monday in May, he might be induced to accede to it. As to the disposition of the Administration to preserve

peace, could the gentleman conceive it possible to remove the impressions of those who were determined not to be convinced? This nation had sued for peace, but in vain; they had offered to give up almost everything in contest, if Great Britain would yield a thing which neither Mr. Canning nor any other member of the British Government ever said they had a right to do, and which was only justified on the ground of necessity. There was therefore no plausibility in the assertion that peace had not been earnestly sought for.

Mr. G. W. CAMPBELL said that if nothing occurred between this time and the time proposed, by the bill for the next meeting of Congress, which would particularly render a change necessary, he was yet of opinion that it would be then necessary to change our situation; for this reason: that at that period, time sufficient would have elapsed to give us information as to what ground Great Britain would take, after she had heard of the position which Congress had maintained. After that ground was taken, Congress would know how to act. I never voted for the embargo as a permanent measure, said Mr. C., nor did I ever use an expression which would authorize such a supposition; nor do I suppose that any other gentleman entertained such an idea. As to a special mission, I should as soon think of sending a special messenger to the moon as to Great Britain or to France, for the cup of humiliation is exhausted already, and I will never put it in their power to offer us another cup.

The gentleman from South Carolina asked why our Ministers still continued at those Courts. Though I have no objection that the gentleman should animadvert on this topic, it is not a question for our determination; but I think it proper that as long as we can maintain our situation, intercourse may remain open. At the moment when we determine on war only ought we to recall our Ministers. We are told, sir, that we cannot carry the people with us into war; that we must do something to excite them. This looks something like the doctrine of European countries. I believe that the people have trodden the same course that we have in everything which has taken place, and are as capable of determining on the propriety of the course which we pursue as we are ourselves. I believe that no impulse is necessary to be given to the people. If we act correctly, there is no doubt that the people will support our conduct. With respect to the affair of the Chesapeake, which has been alluded to, it was not, in my mind a proper occasion for war. If it was so, I cannot really comprehend why we are told that it is necessary to do something to excite the people to go to war. If we were to send a Minister, what could he do but repeat the same course? There seems to be an idea entertained by some gentlemen, sir, which I wish to disavow. The change of President about to take place, appears to be considered as the commencement of a new dynasty. The change of that officer cannot affect our general relations, for it is the people and not the President

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who are to point out the proper course to be pursued.

Mr. MACON said he had not intended to have said anything, but that the gentleman from Virginia (Mr. BURWELL) had broached a doctrine which he did not approve—that this Government was like that of Great Britain.

Mr. BURWELL explained that he had said that the Governments were, in some of their features, alike.

Mr. MACON said that the reason of the fear in Great Britain that the Parliament would not meet often enough, was extremely obvious. The only voice which the people had was in the House of Commons, and they wanted them to be always in session, to keep the King and nobility off from them. In Great Britain the King dissolved Parliament at his pleasure. Here, he said, there was no power to dissolve Congress. Indeed, there was no similarity in the two Governments. He said he had no fear of any mischief being done by Congress meeting earlier; but he was opposed to their meeting earlier, because they would do more good by staying away. Could any man say what would take place between this day and the third of March? And yet the House were now called on to determine on an extra session. He was for giving such time, after the deliberations of the present session closed, as that Great Britain might see what we had done, and consider whether she would retract or go to war, for if she did not retract, war must be the consequence. Mr. M. said he would give every opportunity for peace; he would not be for hurrying the matter. He had no opinion that Congress being in session would have any effect on the people. The cry of an intention to destroy commerce was not to make him do a single thing which he would not otherwise do. No man can believe that we who raise produce should wish it to lie on our hands, as is now our situation. It is maritime rights for which we contend. For these we planters are making sacrifices, and we know it. As to the grower it is immaterial in point of interest into what ship or wagon his produce goes; but he is contending for the interests of his mercantile brethren. A great deal has been said about repealing the embargo to put an end to discontents. Let gentlemen beware of it, lest in trying to please everybody, they please nobody. Let us do what is right, that is the only ground for us to take. Whenever we begin to temporize, that principle is abandoned. I disagree with the gentleman from Tennessee as to the expediency of continuing the embargo; I do not believe that it would be inexpedient to try it beyond May. I believe we ought to try it beyond September. This is my opinion. What effect do gentlemen expect that the embargo will have had in May? Not more than at this moment. While every day from that time till September, it will be more and more effectual. I never voted for it as a permanent measure; but my opinion was, as I stated it, that it might be necessary to hold on to it for one, two, or three years. I might be wrong, but this was my opinion then, and I have not changed it. As

to an extra session, I have never thought of it; but I am willing to leave it to the Executive. It has been so suddenly suggested, however, that I would not undertake to decide positively on the subject. I should rather incline to let them send to us now; we have sent to them long enough. As to the people being tired of the embargo, whenever they want war in preference to it, they will send their petitions here to that effect. When gentlemen from the Eastern States say, that the people there are tired of it, perhaps they speak correctly. As to all the talk of insurrections and divisions, it has no effect on me. When the sedition law was passed under the former Administration, it was said that the people would not bear it. I thought then as now, that the elections would show their disapprobation, and that they would manifest it in that way alone. When the people are tired of the embargo, as a means of preserving peace, they will tell you so, and say, "Give us war!" But none have said so; and yet, sir, I know well that myself and some others are blamed for our adherence to this measure. I can only say, that it is an honest adherence. I do believe that the continuance of that measure, with the addition of a bill now on your table, (non-intercourse bill,) is the best thing you can do; and if I thought that Congress would declare war in May, I should be much more averse to meeting then than I am now; but I do not believe it will. Put the question to every man in the nation, War or embargo? The certainty of that alternative would make them more favorable to the embargo than they are now. I should not be surprised that the opposition to the embargo would themselves wish it to be continued a little while longer. I agree with gentlemen that the people will point out what should be done. Do not declare war before you adjourn, and I have no fear of your doing it when you meet again. Let each man put the question to his neighbor, whether he will have war or embargo, and there is no doubt but he will answer in favor of the latter. I agree with the gentleman from Tennessee, that the new Administration should not be considered as a new dynasty. But when new politics come into office, it is something like it; and we have seen it in our days. But, believe me, sir, in my opinion, there is no danger of insurrection in any part of this happy country.

Mr. SLOAN was against the passage of the bill, because it would keep the people in suspense—a state which he himself did not like. He had expected that when we met here, the embargo would have been repealed. He wanted to know whether the embargo was to remain until September? He would not, however gloomy the prospect, forego the hope that Congress would relieve the people from the burden which they could not bear. Any man might see what would be the effect of this law. Congress would meet in May, and would continue the measure a little, and a little longer, and eventually rise without removing it. He wished once again to restore the smiles of content to this once happy land, and to do it without an extra session.

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Mr. QUINCY.—Mr. Speaker, if the bill under consideration had no other aspect on the fates of this country than its terms indicate, I should have continued silent. If the question upon it involved no other consequences than those of personal inconvenience to us and of expense to the public, I would not now ask the indulgence of the House. But I deem this bill to be a materially component part of that system of commercial restriction under which the best hopes of this nation are oppressed. I consider this measure as intended to induce this people still longer to endure patiently the embargo, and all the evils which it brings in its train, by exciting and fostering in them delusive expectations. A great crisis is, to all human appearance, advancing upon our country. Gentlemen may attempt to conceal it from the nation, perhaps from themselves, but every step they take has an influence upon that crisis; and, small as they may deem the decision on this bill, in its effects it will be among the most important of any of the acts of this session.

It is very painful to me, Mr. Speaker, to be compelled to place my opposition to this bill on ground resulting from the conduct of the Administration of this nation. I say, sir, this is very painful to me, because I have no personal animosity to any individual of that Administration. Nor, if I know myself, am I induced to this opposition from any party motive. But, sir, acting in a public capacity, and reasoning concerning events as they occur, with reference to the high duties of my station, I shall not, when I arrive, in my conception, at a just conclusion, shrink from any proper responsibility, in spreading that conclusion before this House and nation. One thing I shall hope, and certainly shall deserve from the friends of the Administration—the acknowledgment that I shall aim no insidious blow. It shall be made openly, distinctly, in the daylight. Be it strong, or be it weak, I invite those friends to parry it. If they are successful, I shall rejoice in it not less than they.

This is the position in relation to the conduct of Administration which I take, and on which I rest my opposition to this bill: That this House when it passed the embargo law was under a deception touching the motives of Administration, in recommending that measure—that it has been, in adopting that measure, instrumental in deceiving this people as to the motives which induced that law; that if it passes this bill, it will again act under a deception touching those motives, and again be instrumental, unwarily and unwillingly, as I believe, in deceiving this people, in relation to them. I think I have stated my ground of opposition so clearly as to admit of no misconception. And I invite gentlemen to meet me candidly on it. When I speak of deception, I beg gentlemen not to misunderstand me. I will be as just to Administration as I mean to be true and fearless in the performance of my duty to this people. By this term I do not mean any moral obliquity, any direct falsehood or palpable misrepresentation. But I intend by it political deception. That species of cunning, not uncom-

mon among politicians, which Lord Bacon calls "left-handed wisdom." This is exhibited, when ostensible and popular motives are presented as inducements to a particular line of conduct, and the real and critical ones are kept behind the curtain. This is practised when those who have obtained an influence over others, troll them by the means of fair promises upon a dowsy path, and so are enabled gradually to shove them, by gentle motions, farther than at first they had any intention to go. We witness this species of political deception, when we see men meshed in the toils of a complicated policy, and then dragged whithersoever their leaders will, through sheer shame, at breaking the cords of that net in which they have suffered themselves incautiously to be entangled.

In support of my first position—that this House, when it passed the embargo law was under a deception, touching the motives of Administration, I shall ask the House to recollect as far as possible all the motives which induced it to pass the embargo law, and then I will attempt to show that the motives of Administration were different, in kind or in degree, from those which operated on this floor. I will recapitulate them as distinctly as possible, excluding no one which I have any reason to think had an influence in the House, imputing none which did not exist. One motive was the preservation of our resources—that is, the saving of our seamen and navigation. This was the ostensible and popular motive—that avowed by Administration. Another motive was, that many thought war was inevitable, and that embargo would give an opportunity to prepare for it. Again. Some thought that it would have a good effect on the negotiation then daily expected, and frighten Mr. Rose. Again. Others supposed that it would straiten Great Britain at a moment the most favorable to make her feel the importance of the United States. The system of commercial pressure was in full operation in Europe, and should this country complete the circle of compression, they thought that it would be impossible for her not to yield to our pretensions. Again. Some thought that the French Emperor was contending for maritime rights, and that it was time for us to co-operate. [Here Messrs. SMITH and EPPES required of Mr. QUINCY to know to whom he had allusion.] I am surprised, said Mr. Q. to hear that question asked by the gentleman from Pennsylvania. If, however, it be denied as a motive, I have no objection to withdraw it. What I am now doing ought to excite no passion. I am not about to question the motives of this House. I am only recapitulating all those which there is every reason to believe existed. If any gentlemen say a particular one did not exist, for the present argument I reject it. My present object only is to be complete in my enumeration, in order to make more forcible the bearing of my principal argument, that it does not include those which principally had an influence with Administration in recommending the measure. I do not recollect but two other motives besides those already mentioned.

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Some voted for this embargo, because they thought this House ought to do something, and they did not know what else to do. Others intimated that it might have an effect to injure France in the few West India possessions which remained to her. But this was urged so faintly, and with such little show of reason, that I doubt if it were an influential motive with any man. The preceding enumeration includes all the motives, as I believe, either urged on this floor or in any way, silently, operative in producing that measure. Now I do not think I state my position too strongly when I say that not a man in this House deemed the embargo intended chiefly as a measure of coercion on Great Britain; that it was to be made permanent at all hazards, until it had effected that object; and that nothing else effectual was to be done for the support of our maritime rights. If any individual was influenced by such motives, certainly they were not those of a majority of this House. Now, sir, on my conscience, I do believe that these were the motives and intentions of Administration when they recommended the embargo to the adoption of this House. Sir, I believe these continue to be still their motives and intentions. And if this were fairly understood by the people to be the fact, I do not believe that they would countenance the continuance of such an oppressive measure, for such a purpose, without better assurance than has ever yet been given to them, that, by adherence to this policy, the great and real object of it will be effected.

The proposition which I undertake to maintain consists of three particulars. First. That it was, and is, the intention of Administration to coerce Great Britain by the embargo, and that this, and not precaution, is, and was, the principal object of the policy. Second. That it was, and is intended to persevere in this measure until it effect, if possible, the proposed object. Third. That it was and is the intention of Administration to do nothing else effectual in support of our maritime rights.

Having in my mind a perfect conviction of the truth of every one of these propositions, I should be false to myself and to my country, at such a crisis as this, if I did not state that conviction to this House, and through it to my fellow-citizens. I shall not, however, take refuge in mere declaration of individual opinion, or content myself simply with assertions. I shall state the grounds and the reasonings, by which I arrive at this result. I invite gentlemen to reply to them, in the spirit in which they are offered. Not with the design of awakening any personal or party passion, but to fulfil the high duties, which, according to my apprehension of them, I owe to this people.

When we attempt to penetrate into the intentions of men, we are all sensible how thick and mysterious is that veil, which, by the law of our nature, is spread over them. At times it is scarcely permitted to an individual to be absolutely certain of his own motives. But when the question is concerning the purposes of others, experience

daily tells how hard a task it is to descend into the hidden recesses of the mind, and pluck intentions from that granite cell, in which they delight to incrust themselves.

The only mode of discovery is to consider language and conduct, in their relation to the real and avowed object, and thence to conclude, as fairly as we can, which is the one, and which the other. This course I shall adopt. If there be anything fallacious, let the friends of Administration oppose it.

When I state that precaution was not, but that coercion on Great Britain was the principal motive with Administration in advising the embargo, I do not mean to aver that precaution did not enter into the view, but only that it was a minor consideration, and did by no means bear so great a proportion in producing that policy, in the Cabinet, as it did before the world. This will appear presently. That the principal object of the embargo policy was coercion on Great Britain, I conclude from the language of the friends of Administration, in this country, and the language which the Minister of Administration was directed to hold across the Atlantic, as also from their subsequent conduct. Here all the leading calculations had relation to coercion.

The dependence of Great Britain upon her manufactures, and their dependence upon us for supply and consumption—the greatness of her debt—her solitary state, engaged with a world in arms—the fortunes and the power of the French Emperor—the certain effect of the commercial prohibitions of combined Europe upon her maritime power; such were the uniform considerations in support of this policy, adduced by the friends of Administration on this floor, or in this nation.

There, on the contrary, the considerations urged as the motive for it were altogether different. Let us recur to the language which our Minister was directed to hold to the Court of Great Britain, on this subject. The Secretary of State, in his letter of the 23d of December, 1807, to Mr. Pinkney, thus dictates to him the course he is to pursue in impressing on the British Cabinet the objects of the embargo:

“I avail myself of the opportunity, to enclose you a copy of a Message from the President to Congress, and their act in pursuance of it, laying an embargo on our vessels and exports. The policy and causes of the measure are explained in the Message itself. But it may be proper to authorize you to assure the British Government, as has been just expressed to its Minister here, that the act is a measure of precaution only, called for by the occasion; that it is to be considered as neither hostile in its character, nor as justifying, or inviting or leading to hostility, with any nation whatever, and particularly as opposing no obstacle whatever to amicable negotiations and satisfactory adjustments with Great Britain, on the subjects of difference between the two countries.”

Here our Administration expressly declare that “the policy and causes of the measure are explained in the Message itself.” And in that Message the “dangers with which our vessels, our seamen, and merchandise, are threatened,” and “the great im-

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portance of keeping in safety these essential resources," are the sole causes enumerated as explanatory of that policy.

At the Court of Great Britain, then our Minister was directed to represent this measure as merely intended to save our essential resources. But the Administration were not content with the direct assertion of this motive; they abjure any other. They expressly direct our Minister "to assure the British Government that the act is a measure of precaution only," and "that it opposes no obstacle whatever, to amicable negotiations between the two countries." Here then the friends of Administration, speaking, as is well known, its language, allege, in this country, that the embargo is a measure of coercion, and that if persisted in vigorously, it will reduce Great Britain to our terms. Whereas the Minister of the United States, speaking also the language of Administration, is directed, unequivocally, to deny all this in Great Britain and to exclude the idea of coercion, by declaring it to be a measure of precaution only. Certainly never was there a policy more perfectly characteristic. It is precisely that policy which one deeply skilled in the knowledge of the human character, described as "a language official and a language confidential." A language for the ear of the American people. An opposite for the ear of the British Cabinet. If this had been, as the Minister of the United States was directed to assure the British Cabinet, "a measure of precaution only," why were the friends of Administration permitted to advocate it as a measure of coercion? Why is it continued after all pretence of precaution has ceased? Did not Administration know that if it were supported here, on the ground of coercion, that this fact would necessarily be understood in Great Britain, and that it must form "an obstacle to negotiation," notwithstanding all their declarations? If therefore it had been truly "a measure of precaution only," would not Administration have been the first to have counteracted such an opinion, and not permitted it to have gained any ground here or elsewhere? Yet they countenance this opinion in America, at the moment they are denying it in Great Britain. And why? The reason is obvious, and is conclusive in support of the position, that it was at first, as it is now, simply a measure of coercion. The mode adopted by Administration is the only one they could adopt, with any hope of success, in case the object was coercion, and the very mode they would avoid, had it been really precaution. There is not an individual in the United States, so much of a child, as not to know that the argument of precaution was good only for ninety, or at farthest an hundred and twenty days. After our ships and seamen were in port, which within that time would have been principally the case, the reason of precaution was at an end—upon the principle that the self-interest and intelligence of the merchant and navigator, are the best guides and patrons of their own concerns; and that the stake which society has in the property of the citizen, is better secured by his own knowledge and activity than by any gen-

eral regulations whatsoever. It was necessary, therefore, in the United States, to resort early to the idea of coercion, and to press it vigorously; otherwise, the people of America could not be induced to endurance beyond the time when the reason of precaution had ceased. In America, therefore, it was coercion; but in Great Britain the state of things was altogether the reverse. Administration knew perfectly well, not only from the character of the British nation, but, also, from the most common principles of human nature, that once present this embargo to it as a measure of coercion, to compel it to adopt or retract any principle of adopted policy; and there was an end of negotiation. It would have been like laying a drawn sword upon the table, and declaring, "yield us what we demand, or we will push it to the hilt in your vitals." In such case, it was perfectly apparent that there could be received, from an independent nation, but one answer: "Take away your sword; withdraw your menace; while these continue, we listen to nothing!" Aware of this inevitable consequence, Administration not only aver that it is precaution, but, even condescend to deny it is anything else, by declaring that it is this, and this only. Thus, in Great Britain, precaution was the veil under which a sword was passed into her side. But, in the United States, coercion was the palatable liquor with which Administration softened and gargled the passage, while it thrust, at the point of the bayonet, the bitter pill of embargo down the throats of the American people. It is this variation of the avowed motive, to suit the unquestionable diversity of the state of things in this country and Great Britain, combined with the fact that the embargo is continued long after the plea of precaution has ceased to be effectual, that produces a perfect conviction in my mind that precaution was little more than the pretext, and that coercion was, in fact, the principal purpose of the policy. Indeed, how is it possible to conclude otherwise, when the very mode of argument adopted in each country was the only one that could have made coercion successful, and the very one which would have been avoided, if precaution had been the real and only motive? I cheerfully submit the correctness of this conclusion to the consideration of the people.

I come, now, to my second proposition. That it was the intention of Administration to persevere in this measure of embargo, until it should effect, if possible, the proposed object, and, as I believe, at all hazard. The evidence of this intention, I gather not only from the subsequent perseverance in this system—in spite of the cries of distress heard in one quarter of the Union, and the dangers, not to be concealed, resulting from an adherence to it—but, from the very tenor of the law; from its original form and feature. If this had been, as it was asserted by Administration, originally a measure of precaution only, there was every reason why it should be limited, and none why its duration should be unlimited. A limited embargo was conformable to precedent, in this country. It was conformable to practice,

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in others. There was less question of its Constitutionality; and, certainly, much less reason to be jealous of it as a transfer of power to the Executive. The question of precaution having reference to the interests of the merchant, and of the other classes of the community, was, naturally, one which the members of this House, emanating directly from the people, were best qualified to decide, and was the last which they ought, or would, in such case, have submitted to the entire control of another branch of the Legislature. But as, notwithstanding assertions, it was, in fact, a measure of coercion, a very different principle operated in its formation. It was to be used as a weapon against Great Britain. If drawn against her, it was necessary to be put into such a situation as most certainly to effect its purpose. If drawn it was not to be sheathed, until this had been done, or, until it had reached the marrow and vitals of the enemy. But, with such a purpose, a limited embargo would have been a nerveless weapon. At every term of its limitation, it would have been under the control of this House; a body deeply responsible to the people, liable intimately to be affected by their feelings and passions. These would have immediately operated upon this House, which never could have been brought to continue the measure one moment longer than it was for the interest, and consentaneous to the wishes of the mass of their fellow-citizens. But, if the intention was to keep, if possible, these restrictions upon the people until they effected their object, at all hazards, then no other course could be adopted but that of an unlimited embargo. The whole commercial power given to us by the Constitution was thus transferred, absolutely, to the President and twelve men in the other branch of the Legislature—men, from their situation and their tenure of office, not so likely to be affected by the interests of the people, or so able to sympathize with them as the members of this House. If it were intended, then, to keep this instrument of coercion aloof from the influence of the people, so that it might be maintained long after they had ceased to approve it, this was the only course which could be adopted. This House could not be trusted with the power of re-enacting it. The weapon would be shortened and weakened, if it remained in our control. But, in the exclusive possession of the President and twelve men, its whole force might be wielded with the greatest possible efficacy. It is from this feature of the embargo law, reconcilable to no other intention than to persevere in it, aloof from the people's sufferings, until it had effected, if possible, its object, as well as from the actual obstinacy of adherence, after the most manifest symptoms of discontent in the commercial States, that I draw the conclusion that such was the original determination of Administration. And not only so, but I am perfectly of opinion that such is still their intention, and that, if the people will bear it, this embargo will be continued, not only until next May, but until next September. Yes, sir, to next May twelve months. Having this conviction, a sense of duty

obliges me to declare it and thus to state the reasons of it.

I come now to my third position. Not only that embargo was resorted to as a means of coercion, but that, from the first, it was never intended by Administration to do anything else effectual, for the support of our maritime rights. Sir I am sick, sick to loathing, of this eternal clamor of "war, war, war," which has been kept up, almost incessantly on this floor, now for more than two years. Sir, if I can help it, the old women of this country shall not be frightened in this way any longer. I have been, a long time, a close observer of what has been done and said by the majority of this House, and for one, I am satisfied that no insult, however gross, offered to us by either France or Great Britain, could force this majority into the declaration of war. To use a strong, but common expression, it could not be kicked into such a declaration by either nation. Letters are read from the British Minister. Passions are excited by his sarcasms. Men get up and recapitulate insults. They rise and exclaim, "perfidy," "robbery," "falsehood," "murder."

"Unpacking hearts with words,
And fall a cursing, like a very drab, a scullion!"

Sir, is this the way to maintain national honor or dignity? Is it the way to respect abroad or at home? Is the perpetual recapitulation of wrongs the ready path to redress, or even the means to keep alive a just sense of them in our minds? Are those sensibilities likely to remain for a long time very keen, which are kept constantly under the lash of the tongue?

The grounds on which I conclude that it was the intention of Administration to do nothing else effectual in support of our maritime rights, are these: that, if it had ever been contemplated to fight for them, less would have been said about war, and more preparation made for it. The observation is common, and just as true of collective bodies of men as of individuals, that those fight the best who make the least noise upon the subject. The man of determined character shows his strength in his muscles, in the attitude he assumes, in the dignified position in which he places himself. Just so is it with men determined to maintain the rights and honor of the nation. They consider the nature of the exigency, the power of the nation with which they are likely to involve their country—what preparations are necessary to its ultimate success. They do not content themselves with evaporating words of passion. They look to the end, and devise and put in train such means as are suited to a safe and honorable issue. This conduct speaks more terribly than any words to the fears of foreign nations. And as to our citizens, they find in it an assurance which can be given them by no enumeration of wrongs, however accurate or eloquent. But it is not merely by what has been said, but by what has been done, that my mind is satisfied that Administration never seriously contemplated a war with any nation under heaven. That all this clamor so ostentatiously raised,

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and all this detail of the horrors of war, are nothing else than the machinery by which it is intended to keep this people quiet, through apprehension of a worse state, under their most oppressive evil, the embargo. We have been told, from Divine authority, "by their deeds, ye shall know them." The rule is just as true in relation to professors in politics, as to professors in religion. I ask, sir, what has this majority done during the two years past, in every moment of which the people have been kept under almost a daily anticipation of war, towards an effectual maintenance of their rights? Why; we have built 170 gunboats. We have in requisition one hundred thousand militia. Are either of these intended to fight Great Britain, or competent to maintain our maritime rights? But, we have an army of five thousand men. And how have you appointed officers to that army? Have you done it in a manner to create that sentiment of unanimity so necessary to be inspired, if your intention be to fight, seriously, a foreign enemy? In the last session, when the proposal to raise that army was before the House, no cry was so universal as that of union. Well, sir; and how did those gentlemen, whose sentiments usually coincide with mine, act upon that occasion? Did we make a party question of it? No. It was supported, very generally, by us. Now, upon what principle have you conducted in your appointment of officers to that army? As though you wished to unite every heart and hand in the nation in opposition to a foreign enemy? No. But as though you had no other project than to reward political adherents, or to enforce the embargo laws. I mean not, unjustly, to charge any member of the Administration; but, I am obliged to state that I have satisfactory evidence to my mind, that it has been established as a principle by the Secretary at War, not to appoint any man to a command in that army who was not an open partisan of the existing Administration. If I am in an error, appoint a committee of inquiry, and I will be the happiest, if it be proved, to acknowledge it. [Mr. LOVE asked if Mr. QUINCY was in order? Mr. SPEAKER conceived he was not.] Mr. Q. continued: I am performing what I deem a great duty, and, if the connexion between this topic and the subject before the House be denied, I am prepared to establish it. I am contending that if the purpose, for which this army was raised, were to meet a foreign enemy, this principle would never have been adopted in the appointment of officers. I do not believe the fact I state will be denied; but, if it should be, it is easily to be ascertained by comparing the applications for appointments to those offices, with the list of those appointments. Now, sir, if the intention were to unite the nation, as one man, against a foreign enemy, is not this the last policy which any Administration ought ever to have adopted? Of all engines, is not a party army the most dreadful and detestable? Is it not the most likely to awaken suspicion, and to sow discontent rather than concord? This is one reason on which I rest my opinion that it was not the

intention to go to war, or they would have adopted a principle more harmonizing in relation to the organization of that army.

Again, sir, you talk of going to war against Great Britain, with, I believe, only one frigate, and five sloops of war, in commission! And yet you have not the resolution to meet the expense of the paltry, little navy, which is rotting in the Potomac. Already we have heard it rung on this floor, that if we fit out that little navy our Treasury will be emptied. If you had ever a serious intention of going to war, would you have frittered down the resources of this nation; in the manner we witness? You go to war, with all the revenue to be derived from commerce annihilated; and possessing no other resource than loans or direct or other internal taxes? You! a party that rose into power by declaiming against direct taxes and loans? Do you hope to make the people of this country, much more foreign nations, believe that such is your intention when you have reduced your revenue to such a condition? [Mr. G. W. CAMPBELL asked the gentleman, if he could tell how much money there was now in the Treasury. Mr. QUINCY continued.] My memory has not, at present at command the precise sum, but perhaps twelve or thirteen millions of dollars charged with the expenses and appropriations for the year. But what is this? Make any material preparation for such a war, as you must wage, if you engage with either of the European Powers, and your whole Treasury is exhausted. I am not now examining the present state of our finances. But I would address myself to men of sense, and ask them to examine the adequacy of our revenues, in their future product, to the inevitable exigencies of war. Sir, you have no other resources, commerce being gone, than loans or internal taxes. Great Britain and France know this fact as well as you. Nothing can be conducted in such a country as ours, without public notoriety. The general resources of our country are as well known in Europe as they are here. But we are about to raise an army of fifty thousand volunteers. For what purpose? I have heard gentlemen say "we can invade Canada." But, sir, does not all the world, as well as you, know that Great Britain holds, as it were, a pledge for Canada? And one sufficient to induce you to refrain from such a project, when you begin seriously to weigh all the consequences of such invasion? I mean that pledge which results from the defenceless state of your seaport towns. For what purpose would you attack Canada? For territory? No. You have enough of that. Do you want citizen refugees? No. You would be willing to dispense with them. Do you want plunder? This is the only hope an invasion of Canada can offer you. And is it not very doubtful whether she could not, in one month, destroy more property on your seaboard, than you can acquire by the most successful invasion of that Province? Sir, in this state of things, I cannot bear such perpetual outcries about war, without declaring my opinion concerning them.

When I say, sir, that this Administration could

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not be induced into a war, I mean by its own self-motion. War may—I will not assert that it will not come. But such a state, Administration do not contemplate, nor are they prepared for it. On the contrary, I do believe that the very tendency of all imbecile measures is to bring on the very event their advisers deprecate. Well did the gentleman from Georgia (Mr. TROUP) warn you the other day, not to get into war. He told you it was the design of the Federalists to lead you into that state, in order that they might get your places. Now I agree with the gentleman, that if, by your measures, you get this country into a war, that you will lose your places. But I do not agree that in such case the Federalists would get them. No, sir. The course of affairs, in popular revolutions, proceeds not from bad to better, but from bad to worse. After Condorcet and Brissot, came Danton and Robespierre. Well may gentlemen dread, on account of their places, being involved in war. For let the people once begin to look on the state of the country, with that anxiety which the actual perception of present danger never fails to awaken; let them realize the exigencies, which that state involves, and compare with them your preparations for it; let them see an army, in which perhaps a full half of your citizens cannot confide; a small navy, rendered less by natural decay, and even the few ships we have, not in a state to give battle; our Treasury exhausted, as it will soon be, and all the ordinary sources of commercial supply dried away; and they will hurl you from your seats, with as little remorse, with as much indifference, as a mischievous boy would slight so many blind and trembling kittens, six to a litter, into a horse-pond. Yes, sir, be assured that war is the termination of your political power, unless you have prescience to prepare an effectual force, worthy of this nation, worthy of either adversary you may elect to engage. But, remember, you must rely upon something else than the paltry surplusses of your Treasury, which, in fact, in one year will not exist; upon something else than loans or direct taxes.

This bill, I consider as a continuation of the same deception as to the motive, as that which operated in the passage of the original embargo law. If we pass it, I fear we shall again be instrumental in deceiving this people. The effect of this bill, whatever may be its avowed design, is calculated to soothe the people, impatient under the embargo, until the spring elections are passed, and until the first session of the State Legislatures are finished. By a new session of the next Congress, in May, the people are to be led to hope that next May will bring them relief. But let the embargo be kept on until May, and as the honorable gentleman from North Carolina (Mr. MACON) told you, very ingenuously, it will then be found necessary to keep it on until September; and perhaps for another year. This is the keystone of the whole policy of this bill, as I apprehend. If it be your real intention to remove this embargo after May, why do you not adopt a provision similar to that proposed the other day, by

the gentleman from Connecticut (Mr. STURGES) and annex it to this bill? Why not limit the continuance of the embargo law, until next June? And thereby leave the new Congress free, relative to this measure, from the power of the Executive. Give the people a pledge that the embargo shall be removed at a limited time. At least, put it into the power of your successors, by refusing to re-enact the law, to control the Executive's will. This pledge the people have a right to claim, if it be your real purpose to abandon the measure after May. If, however, this be not your policy, avow your intentions. Tell the people at once, that it is a power of coercion, in which you mean to persevere, until it has effected its object. Show them the reasons on which you rely that it will be successful. Perhaps they will consent to endure it. But with the present state of things they cannot, they ought not to be satisfied. At least get back, by limiting the present law, your commercial power, which you have absolutely surrendered to the President and twelve men. Permit your successors to be as independent of the Executive, in continuing this system, as you were when you consented to adopt it.

The only consistent advocates of the embargo system are such gentlemen as those from North and South Carolina, (Messrs. MACON and D. R. WILLIAMS;) and they are opposed to this bill. They tell you that this is an effectual weapon against Great Britain, and believing this, as they do, they say truly that a session in May will evidence timidity, and defeat the effect of the weapon. You ought to take one or the other ground decidedly. Either you still confide in its efficacy, or you begin to doubt of it. If the former, show your confidence to be rational, and leave the weapon to have its full operation, not unnerved by the hope of a May session. If the latter, either repeal it instantly, or give the people an assurance that it will be done in May. The course you are pursuing has no other tendency than to excite suspicions, to agitate and embarrass.

I ask gentlemen to consider what will be their situation in May. Will you be in a better condition to go to war then, than you are now? No. You will be in a worse. You will be more embarrassed—you will have less revenue. You will have more discontent. Your efficient force will not be materially greater. Will you have more encouragement then to strike at the Canadas than exists at present; and what other point of attack have you on Great Britain? Will you be a whit more inclined in May or June to remove the embargo than you are at this moment? No. It will be stepping back then just as it is now. That dreadful thought will be, I fear, sufficient to induce then as now adherence to the measure six months longer. And, after abundance of war speeches, Congress will rise and leave that measure bending down the people until next December.

Sir, these are the general reasons which I have to urge against the adoption of this bill. In what I have said my only view has been to exhibit to

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this House and nation the real motives which, as I apprehend, caused the original imposition of the embargo, and which still operate in support of this bill. I do not believe that it is the intention of a majority of this House, at present, to continue this system after May. But I do believe that it is the intention of Administration. My design has been to recall the recollection of gentlemen to the difference between the arguments now urged for its continuance; and the official reasons at first given for its adoption. And I would warn them that if they mean to gain credit with the people for the intention of repealing the embargo in May, they will not obtain it, if they leave the next Congress at the mercy of the Executive, by rising without affixing some limitation to it.

Mr. EPPES said that he had no hope, at this late hour of the day, after the House had been so long amused with an eloquent oration, abounding with tropes, figures, and well turned periods, that he could offer anything calculated to interest or amuse them. I cannot, however, said he, suppress the sentiment I feel at hearing a gentleman, in the present situation of his country, attempt to place in a degraded point of view the resources of the nation, and level exclusively at the Administration of his own Government, that asperity which ought to be confined to the belligerent nations. To a man who knew nothing of the foreign relations of this country, it would appear, from the speech of the gentleman from Massachusetts, that peace, prosperity, and every other blessing, would attend the removal of the embargo. No person, from his speech, could suppose that the sovereignty and independence of this nation was in danger from the atrocious and unprincipled conduct of foreign nations. The embargo is the cause of all our difficulties! Nothing but a removal of the embargo is necessary to re-establish the unrivalled prosperity of the nation! This measure is represented as having originated in political deception; as having been supported on grounds not only extraordinary but unprincipled. Even the present bill is represented as a new species of political deception, intended to deceive and mislead the people. The speech of the gentleman himself is nothing more than political delusion; an old story dressed up in a new garb, and ushered into the world at the present moment, for the purpose of meeting the present state of things in Massachusetts. It is intended to produce an effect on the Legislature of that State, and on the approaching elections. The speech is certainly not made on the bill before the House. It can have no object but to increase the irritation already produced in that portion of the Union by misrepresentations. The gentleman has said, I am sick to loathing, at hearing the constant cry of war, war, war. I, said Mr. E., am sick to loathing, at hearing the constant cry of embargo, embargo, embargo. I am sick to loathing, when I find a representative of this nation callous to the wrongs of his country; when I hear him holding out to foreign nations the idea that we cannot be driven into war; that we are incapable of making it. What has the gentleman told you? you cannot carry the nation

into war; you have neither resources nor men; will this country resort to direct taxes or loans? Will the party that came into power by opposing direct taxes and loans, resort to them? They cannot; whenever they do they must go out. It was neither direct taxes or loans, which lost to the Federal party the confidence of the people. The prodigal expenditure of public money, which produced the necessity of taxes and loans, deprived them of the public confidence. The Republican party came in as the friends of a proper and a niggardly system of economy; on the ground of attachment to the rights of the nation individually and collectively; neither the people or the party will shrink from that species of expense which is necessary to maintain the independence and rights of the nation. That species of niggardly economy, which could put money in competition with the independence of the nation, I for one disclaim. It would be disclaimed by the whole of the Republican party. By a judicious management of our funds we have acquired credit, that is equal to our wants; we can command without difficulty and without taxes, whatever sum may be necessary to assert and maintain our rights; when the period of difficulty shall have passed, it can be discharged honestly, as our debts heretofore contracted have been, without new taxes or burdens on the people. We possess a credit superior to that of any other nation, and we deserve it. The gentleman, in speaking of his political opponents, has said, by their deeds shall you know them. Apply this principle to the ground taken by the gentleman. Will you, says he, with 170 gunboats fight Great Britain? Will you march into Canada and take possession of her territories? They have it in their power to punish your rashness; they will destroy your seaport towns. This is the language of an American Representative; when this nation is assailed by foreign danger; make war, and punishment awaits you; you have no army; no effective militia; no resources; you mean not to assert the rights of the nation; your object is political deception. These observations are not less extraordinary than the ground on which the gentleman attempts to convince the people, that we have no intention to maintain their rights by any course but the embargo. The army, he has told you, has been officered exclusively by persons of a particular political sentiment. This he considers as a proof that the army is not intended to fight foreign nations; he has understood from authority, which he cannot doubt, that no Federalist was to be appointed to the new army; that this was a correct principle, I have no doubt. The old army is almost exclusively officered by Federalists; the appointment of Republicans exclusively to the new one, will still leave to the Federalists more than their relative share of these appointments. Even if this was not the case, I should consider the principle correct. I have never on this subject disguised my sentiments; I ever have been, and I ever will be, opposed to the appointment of Federalists.

But, sir, the gentleman has told us you have

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not even spirit enough to fit out and send to sea your navy, reduced as it is. Does the gentleman mean to rest the rights of the nation on the frigates and public armed vessels? Does he expect that, with our naval force, our rights can be maintained on the ocean against Great Britain? I should despair, indeed, if, on this element alone, Great Britain was to be assailed, and with this force. Her commerce, in the event of war, must be assailed by employing our commercial capital in privateering. We are capable of assailing her in this way in every place where her canvass floats. It will afford an honorable and profitable occupation to our seamen; it will be a field to exercise their courage, enterprise, and patriotism. It is in our power, if war shall be resorted to, to assail with effect her possessions near us; to cut off this resource for the supply of her islands; to increase the distance between us, and destroy the pretext for her armed vessels hovering on our coasts; to prevent, in future, the disgrace of being insulted in our ports; of having her officers enjoying hospitality in our ports at night, and going out the next morning to rob and murder our citizens. We can take possession of her territories here, and, if future events shall justify that course, we can take possession of the Floridas also, and prevent the danger of future collision with foreign nations. The gentleman from Massachusetts has brought into this discussion what he calls the reasons for laying the embargo, and has attempted to show that the real grounds of the measure have not been avowed by the Administration. He draws this conclusion from the arguments used on this floor in support of the measure. 1. That it would preserve our commercial capital. 2. That it would prevent immediate war. 3. That it would coerce Great Britain. 4. That it would have a good effect on Mr. Rose's negotiation. 5. That Bonaparte was asserting the maritime rights of the world, and that it would go in aid of that assertion. That the embargo did preserve from ruin our commercial capital, and that it did prevent war, are facts admitted by all unprejudiced men; that it produced great sensibility and alarm on the part of the British Ministry, we know. The inducement held out to our citizens to violate the laws of their country proves it. When did the British Ministry lose this sensibility? When it was discovered that, by means of their agents and subjects here, the law could be evaded. As to the operation of the embargo on the negotiation of Mr. Rose, this is entirely new to me. It is the first time I have ever heard this assigned as one of the grounds on which it was supported. As to the mission of Mr. Rose, it was a mere political juggle on the part of the British Ministry. It was intended to palsy the feeling of the nation as to the outrage on the Chesapeake; it produced that effect. The fifth ground, as to Bonaparte, I understand the gentleman from Massachusetts to have withdrawn. If the gentleman has withdrawn it, I will forbear to remark on it.

Mr. QUINCY explained, and said he withdrew it.

Mr. EPPES continued.—I am really glad the

gentleman has done so. I should, indeed, have been sorry that any gentleman, who has a reputation to support, should have urged in a new form a charge so often refuted.

Mr. QUINCY did not know that it had been refuted.

Mr. EPPES called him to order, and proceeded. From the grounds taken, as the gentleman from Massachusetts informs us, in debate on the embargo, he infers that the Administration, in recommending the embargo as a precautionary measure, practised political deception. That it was intended by the Administration, first as a measure of coercion exclusively on Great Britain, secondly to keep it on at all hazards, and thirdly, to do nothing else. The gentleman tells us this measure was represented to the British Government as a precautionary measure only; that if it had been presented as a measure of coercion, negotiation would have been at an end. How does it happen that negotiation has totally failed notwithstanding the measure was presented to the view of the British Government as a precautionary measure only? Did the British Ministry possess information in which they had more confidence, tending to prove that this representation of the measure was only political deception? As to the second and third points, that the Administration was to adhere to the embargo at all hazards, and to do nothing else, it is a mere naked assertion, totally unsupported by the course which has been adopted. For what purpose did we, during the last session, raise troops? Why have we doubled our seamen and marines? Why have we made large appropriations for fortifications? For what purpose are we about to raise more troops? The gentleman says, to enforce the embargo at the point of the bayonet. All this preparation is designed only for enforcing the embargo. Really, I have too much respect for the understanding of the gentleman to believe that this is seriously his opinion. The gentleman has told us that those who talk most about fighting are least disposed for war. What are we to think of those who, in the present situation of their country, can find no theme on which to exercise their eloquence but the embargo? I cannot believe such men very zealous to maintain the rights of their country. Why does not the gentleman come forward and give us an exposition of the decrees and orders? Let him do this and give the people an opportunity of deciding whether the decrees and orders, or political deception and the embargo, produced our present distress and difficulties. What is the practical operation of these decrees and orders? A planter in Virginia wishes to send tobacco to the continent of Europe; what must he do? Send it first to a British port, pay a tax, and obtain a permission from His Majesty to ship his own produce. Suppose an inhabitant of the State of Massachusetts wishes to send fish to Spain, or to any other part of the continent of Europe? Why he must first go to a British port ask permission of His Majesty and pay for the permission. Will any gentleman venture to deny that this is the practical operation of the Orders

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in Council? Will the gentleman from Massachusetts tell the people of this country they cannot, must not fight for this; that they have no resources? The gentleman from Massachusetts could not maintain this ground before the people in any portion of this country. The rankest Tory in our country would blush to take such ground. He would be scouted by honest men.

Mr. E. concluded with saying, that the general scope of the argument of the gentleman went to show that the embargo was to be a permanent measure. Conscious that such a view was entirely erroneous, calculated to deceive and mislead the people, he had obeyed the impulse of his feelings, and confined his observations to the speech of the gentleman instead of discussing the bill before the House.

Mr. J. G. JACKSON, after a few words in explanation to Mr. D. R. WILLIAMS on the subject of an extraordinary mission, said the gentleman had urged that such a measure (an extraordinary mission) would give a refutation to the calumny now circulating that the Administration was not ardently desirous of peace. Has it not been denied, said Mr. J., notwithstanding the official documents to the contrary, that no proposition to suspend the embargo has been officially made to Great Britain? When men have the hardihood to say these things, is it not in vain to attempt to induce them to believe anything? If one arose from the dead, they would not believe. A stronger illustration of this appears in the conduct of the member from Massachusetts (Mr. QUINCY) and in passing from the gentleman from South Carolina, to whose patriotism and honorable sense of what is due to his country, I cannot but testify my respect, it is with extreme regret that I turn to another quarter, which, in every point of view, presents the direct reverse of his character. The gentleman from Massachusetts (Mr. QUINCY) sat out by declaring that the object of Congress was to continue the embargo, and to induce the people to bear with it, under a belief that measures would be adopted which the House had not in contemplation. Are we to infer from the gentleman's speech, sir, that he feels great hostility to the adoption of any measure which shall diminish the public sensibility? If any inference can be drawn from his language, it is irresistible that he would be mortified if any measure should be adopted which would allay the fermentation which such speeches and such men have produced. The gentleman says a great crisis is about to take place, and by deceiving the people, by passing this bill, it is intended to prevent it. What does this crisis mean, sir? Hostility to the laws. Have we not heard from gentlemen (Mr. LLOYD it is supposed) living in the quarter from which the member comes, that the fermentations will be manifested there first by the public meetings, next by resolutions of the State Legislature, and lastly by taking some undefined course to resist the laws? And is averting such a crisis as this the effect which the gentleman so much deprecates? Is it because it has a tendency to avert such calamities, that he is against it?

Would he be delighted with all the horrors which disunion and civil war can produce? If we are to infer anything from the observations of the gentleman, it is that such a state of things would be most pleasing to him. He says this House has acted under a deception as to the motives with which the embargo was laid. This is, to say the least of it, not very courtly language; and if I animadvert on it in a style which may not be pleasing to the gentleman, he must charge it to himself. Does he mean to convey an idea that the members of this House are the dupes of Executive or any other influence? That they are to be gulled by misinterpretations of the Executive views? The imputation is unworthy of the gentleman. He may be the victim of the prejudices and views of his own party, though I should least suspect him of being duped by them, who appears to be one of their leaders. I trust that this House will always act according to its own sense of propriety; and I know it is without reason that the insinuation is made that we wish to deceive the people. It is the gentleman and his friends that deceive them. Has anything been concealed from the people? Have we not always explicitly declared what our views and intentions were? The whole tenor of the conduct of this Administration pronounces emphatically the character of falsehood on the assertion. This political deception, which the gentleman imagines we have acted under, only exists in the heated imagination of an infuriated partisan, disposed to sacrifice everything to attain his object.

The ostensible motives for laying the embargo were the real ones; there was never any inconsistency between the real and alleged motives. And I will here observe, that I make a wide distinction between the motives which lead to the adoption of a measure, and those which require its continuance. They were purely precautionary in the first instance. The reasons avowed by its friends for the passage of the embargo, originally, he asserts, were to preserve our seamen and vessels—to frighten Mr. Rose—to compel Great Britain to yield to the coal-leaked Powers—to join the coalition against England—to do something, not knowing what—whilst it seems that others, though but few, might have calculated upon its effect on France. And, upon this ground, the gentleman charges the Administration with duplicity. Look at the facts assumed by him, and see whether they exist in reality, or, if they do, whether they warrant the inferences drawn from them. One ground, he says, was to preserve our seamen and vessels. This is undoubtedly correct. Another ground, he asserts, was to frighten Mr. Rose. Was that a moving consideration? Certainly not, sir. I will not credit it, unless I hear it from a source more entitled to credit. Every man must know, that ever heard anything of British diplomacy, that their Ministers, when they leave home, come handcuffed, manacled, and tongue-tied with instructions, which they cannot shape conformably to posterior circumstances. In illustration of this, I recollect an anecdote of a British Minister at Paris, who, being asked to go to the theatre,

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declined the invitation, alleging the necessity of waiting until he could dispatch a courier to London to obtain leave from his Government. No one entertained so futile an idea, as that Mr. Rose would be frightened with the embargo. That ground, therefore, is incorrect.

Another motive assigned, the gentleman says, was, that it would compel Great Britain to yield. Some gentlemen have taken the ground, sir, (and I believe it to be correct,) that Great Britain will be materially operated on by withdrawing from her the supplies necessary for her subsistence, and the raw materials indispensable to her manufactories. But, because this calculation has entered into the arguments for the continuance of the embargo, is it to be asserted that it was a principal motive for the original imposition of that measure? The members who voted for the embargo saw that our property and resources were involved in irretrievable ruin, unless they were snatched from the danger. It is the course of wisdom to observe precaution; and, in doing so, it is not necessary to inquire into the latent consequences, but merely into the immediate effects, of the measure. And they were not to be deterred from it by an idea that it might affect the nations which had compelled us to adopt it.

Another object of this measure, he alleges, was to coalesce with France in resisting the British Orders in Council. How does this comport with the assertion that we did not know of the orders when the embargo was laid? The two assertions are at variance; they will not hold together; they are not consistent with each other, and neither of them is consistent with truth; because the existence of the orders was so well known that the substance of them was given in a paper in this city (the National Intelligencer) on the 18th of December, expounding the intention of them more effectually than any man could do from their context; for, as Mr. Baring said, on the floor of the House of Commons, "For a guinea, any English lawyer would give opposite opinions on its clauses, so capable were they of misconstruction." The imputation, as a motive for the embargo, of an intention to join the coalition against France, is a most dastardly attack on the majority, and on the Administration. They do not hold a language official, and a language confidential. This nation would not have so long been blind to it, had such a time-serving policy guided its actions. We have too much reliance on the good sense of the people to support ourselves on imposture—on a flagitious dereliction of principle. If we were to unite with France or any other nation, it would, I hope, be done in the face of the world. Were it to be attempted clandestinely, I should be the last to follow in the wake.

How have subsequent events justified this charge? Why, sir, a proposition was made to England to take sides with her against France, to repeal the embargo in relation to her, if she would repeal her Orders in Council, so far as they affected us. And what would be the direct result of such a measure if France persisted in her decrees? Hostilities against France and alliance

with Great Britain—allowing the latter all the benefit of our trade, and cutting off all communication with her enemy. The idea does not comport with the fact; and no man who will give his judgment time to operate on his passions will dare to hazard such an assertion.

But there were others, the gentleman says, who wished to do something and did not know what, and therefore voted for the embargo. Is this amongst the charges brought forward to prove that a language official and a language confidential has been held by the Administration? This class of men cannot be aiding in the deception the gentleman speaks of; for men too ignorant to understand, must be too weak to be trusted with the designs of those who wish to use them. Is the Executive responsible for the motives of every man on this floor, who chanced to vote in conformity with his recommendation? The supposition is derogatory to the character of the people, and the expression of it is an intolerable insult. We act from our own impulse alone, sir; and there cannot be a stronger illustration of this fact than the vote the other day on the subject of the Navy, when the House is so equally divided; and the gentleman's political friends divided too on the question in the first instance; however, after they had permitted their passions to cool, in a day or two, they wheeled about and advocated the bill. I voted throughout on the same side, although I almost distrusted my judgment from finding myself in such bad company. The votes on this bill, I say, prove the futility of the idea that the Executive is responsible for the acts of the majority or their arguments.

I have now very cursorily noticed the gentleman's proofs in support of his charges. If fully examined, they would prove to be *vox et preterea nihil*.

He also says that it was determined by the Administration to keep on the embargo, and to do nothing else effectual. Sir, the acts of the Government prove that it was resolved to take grounds which would enable it to resist the attacks which might be made on us. A million of dollars was appropriated for fortifications at the last session, a much larger sum than was ever appropriated at any one time before; in addition to this, appropriations for gunboats, men, &c., were made. How is the assertion that the embargo was intended to be permanent, justified? If that had been the design of the Administration, would not the instructions given to our Ministers immediately after the adjournment of Congress have been of a very different nature? Four days only had elapsed after the adjournment, before the President manifested a prompt attention to the subject, and a determination to avail himself of the authority vested in him by law. Are we to be told after this, sir, that the embargo was intended to be a permanent measure? That it was to be continued as a means of coercion, and of coercion only? No, sir; for this proposition, the rejection of which stamps on the British Government the crime of insincerity, was made immediately after Congress rose. Need I read the

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instructions and the formal offer made in consequence of them? Every one has seen both. And I will again tell the gentleman from South Carolina (Mr. D. R. WILLIAMS) that he cannot expect to convince the misguided people of this country, who are worked upon by partisans, after an attempt has been made in the face of the documents to prove that it was an unofficial proposition made by our Minister in London, and which the British Government did not accept of, because it might implicate the Minister with his Government, for doing an act which he was not authorized to do.

Mr. J. G. JACKSON here giving way for the purpose, a motion was made to adjourn, and carried.

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The House resumed the consideration of the bill to alter the time for the next meeting of Congress: Whereupon, the motion made yesterday by Mr. DAVID R. WILLIAMS, to amend the bill by striking out the words "fourth Monday of May," which was depending at the time of adjournment, was renewed.

Mr. J. G. JACKSON resumed his observations. After discussing the circumstances urged by the gentleman as tending to prove that the Administration has been guilty of inconsistency, which I noticed yesterday, and which I trust it was unnecessary for me to have noticed, because the acts of the Executive stamp on the assertion its proper character, the gentleman from Massachusetts says that he collected his idea that the ostensible were not the real causes of the embargo, from the difference of the language held here and in Great Britain, where it was required that it should not be considered as a measure of hostility; that such a threat as we now utter would be laying a naked sword upon the table when making our proposition, and would have been rejected with disdain, had not duplicity characterized the conduct of the Government towards that nation. It never has been supported on this floor as a hostile measure, but as a precautionary and coercive one; and cannot the gentleman distinguish between hostility and coercion? Was the non-importation law considered as a hostile act? No, sir; yet it was enacted as a coercive or restrictive measure. But no man, except one whose imagination has misled his judgment, can conceive that the embargo was a hostile act. It was never supported as one, and on that ground, if on no other, the gentleman's premises are uprooted, and his whole superstructure overturned. Now the gentleman says the language is different. I have shown that the language is not different. But if it were, it would prove that there was no preconceived in the thing, and would falsify one of the gentleman's charges, viz: that there was a design to foist this measure upon the public, under auspices different from those avowed. The embargo may be continued for one cause, though it was not laid for that cause; and because some gentlemen say that it will have a coercive effect,

does it follow that it was laid for that purpose alone? Certainly not; its adoption may be for one motive, and its continuance for another, and yet gentlemen advocating both be perfectly consistent. I think it would be monstrous to make the gentleman's party responsible for everything he says, and not more so to make him responsible for all that is said on his side of the question. It cannot be that the Executive is responsible for what I say to-day, or what I said yesterday, or for what any gentleman on the same side with myself may have said at any time whatever. Why, then, urge the language used on this floor as certain proofs? All the positive good which the embargo had in contemplation it is said has been attained, viz: the preserving our ships and seamen from capture. If removed without substituting any other measure, what would be the necessary consequence? All would be let loose to destruction. And is this the policy which ought to characterize the measures of this nation? If this act, against which all the arguments and artillery of gentlemen are pointed, was to be removed without a substitute, the inevitable effect would be, that we must either submit to trade as the edicts of the belligerents direct, or have our property captured.

But the gentleman says, that a "language official and a language confidential" have been held. This is not a new charge, sir. The gentleman has not even the credit of inventing it. It has been often made without a shadow of truth. The gentleman has not attempted to substantiate it. Let him show wherein it is true; he is defied to do so.

But it seems that it is intended to keep on this embargo system, until it is effectual, at all hazards. How does he support his assertion, sir? Not by the language of any gentleman here; for no gentleman, however enthusiastic in its favor, has ventured so to support it. If the language used on this floor be good for one purpose, it is good for another. If it be good to prove that the secret motives of the Executive in recommending the embargo were different from the avowed one, it must be good to prove the contrary of the gentleman's assertions. Does he mean to charge the members of the House with duplicity? I presume not. Well, sir, have not gentlemen of the majority on this floor admitted that the embargo cannot, and ought not to be persisted in, for any great length of time? It would heretofore have had its effect, but for the villany of the dishonest part of the community, as was properly observed by the gentleman from North Carolina, (Mr. MAOON,) who is one of its most strenuous advocates, and he limits its duration to September as the longest practicable time. The majority, however, generally say, that the embargo will have had its effect by May or June next. The gentleman says, if it were intended as a precautionary measure only—if it was not to be perpetual—it ought to have been limited in its operation to a given day; and that the House by negating a proposition to that effect, had declared that they would keep it on. If it were

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limited, it would afford a premium to our enemies to persevere until that time, and an opportunity to men like the gentleman from Massachusetts to defeat all our measures. The gentleman from Massachusetts has made half a dozen speeches at this session of the same tenor with that of yesterday, and the omission to notice them has been more from a desire to get on with the public business, than a wish to avoid the weight of his arguments, which he says we wince from. Yes, sir, its limitation would have been a premium to our enemy to hold on, and men like him, to prevent a substitute; and our commerce, when let loose, would have been swept from the ocean by the great "bulwark," which protects us from the gigantic power of France. But, says the gentleman, "By their deeds shall ye know them;" and in the same breath tells us, that the majority of the House could not be *kicked* into a war. Apply this maxim to the gentleman from Massachusetts. I feel reluctant to express my sentiments on this subject. If I did, I would say that the conduct of the gentleman induces a belief that he would be delighted to see the Constitution burned at the point of the bayonet, and the Union torn asunder by civil dissension. By their deeds shall ye know them; is it fair, then, to judge of gentlemen by their defamatory speeches and disorganizing sentiments? The House cannot be *kicked* into a war! Is this language fit for the Representative Chamber of this nation? He demands what was the motive for raising the Army of last session. If the gentleman will recur to the speeches on this subject, he will find an able elucidation of the causes for it, made by a gentleman from Kentucky, (Mr. HOWARD,) who is not often in the habit of delivering his sentiments on this floor. The causes for it were found in the situation of the Western country; in the great extent of our frontier, covered with savages, amongst whom British agents had been stirring up dissatisfaction, with the hope of inducing them to take up the tomahawk and sacrifice our brethren; they were found in the necessity of garrisoning our posts on the frontier, and a thousand other considerations. The motive then was good, and ample cause existed for raising this force. But we are told that if war abroad had been contemplated, the Army would not have been officered as it has been. Does the gentleman mean to reflect on the bravery of the men appointed to command, or to presume that they will not maintain the rights of this country, as bravely as his political friends? I cannot conceive for what other purpose the insinuation was made. I can answer the gentleman why I conceive that it ought to have been officered as it was. If, in this time of great peril, gentlemen will maintain an hostility against the Administration and laws of their country in the manner in which the gentleman from Massachusetts does, they deserve not the confidence of the Government. I would as soon desire his Britannic Majesty to send over some of his liege subjects to command our army.

But the gentleman says that this House has

not even spirit enough to fit out our little navy. The answer to this I leave to some one in the majority; for I was unfortunate enough to be in the minority. As to *spirit*, sir, there are many individuals in that majority who would make him shrink from the contest until pale fear divested him of the lion's skin with which he adorns himself. He says we have sacrificed our revenue. Let loose our ships to-morrow, and our vessels and seamen sail to certain ruin, to conflagration on the one hand, and confiscation on the other. It will be impossible then to avoid capture. And will this state of things fill the coffers of the country? We are told, however, that Great Britain holds a pledge in the defenceless state of our seaport towns for any damage we can do to her, if we go to war. Is it not a fair inference from the arguments of the gentleman that he would therefore recommend a base and dishonorable submission? Certainly it is, because it tends to this: that we cannot raise a force competent to cope with the gigantic power of Great Britain.

But, sir, we are told that we have a partisan army. And what kind of an army should we have? Would you have our lukewarm, indifferent, or deadly foes hoisted into office, looking for the downfall of those who appoint them? Are these the men to be employed? Surely not, sir. What kind of an army had we in the Revolution? Was not that a party army—a band of patriots? When we have war, sir, it ought to be carried on by such partisan soldiers. I have no idea of confiding the defence of this nation to men who merely hire themselves to be shot at. With such men I would not risk the destinies of the nation. But we are told by the gentleman that we have no effective militia. Is this true, or is it a libel? My life on it, if the times demand it, the gentleman will find the militia strong enough to put down that gentleman and his Essex Junto faction. If they dare to rebel, as they have worse than insinuated, the militia of his own State would be more than adequate to all the purposes of putting down so puny a faction.

But, says the gentleman, the only object of this bill is to quiet the Legislatures of the several States, and to influence the Spring elections, to prevent resistance. This is not the first time that I have heard language on this floor, which in former times would be deemed treasonable. It is treason, sir. There is no such motive. If this people think proper to pursue any course, they will do so, and will not be turned aside from it, because factious demagogues cannot be quieted with office; and I have shown the impropriety of giving it to them. I should have no kind of objection, if things were driven to that excess, to let them excite rebellion, and have them punished as traitors.

If there was no deception in this thing, the gentleman says that the embargo would have been limited. If a limitation were now to be affixed to the duration of the embargo, and the member from Massachusetts alone was not de-

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prived of the gift of speech, no measure would be substituted for the maintenance of our rights. He would day and night eke out the time until it was too late to substitute any measure. The gentleman wants a pledge from this corrupted House and Executive, who avow one thing and mean another, who sell their country to the usurper of Europe! What pledges can be valuable from such a source? Sir, the pledges of the sincerity and pacific disposition of the Administration may be found in the public documents. If they are not sufficient to satisfy the gentleman, the voice of an angel from Heaven would be of no avail. The amount of the gentleman's whole attempt was to prove that we were so base and corrupted as to be unworthy of credit. And if the embargo were limited now, he would tell the people that we are still false to them; that we are affrighted by "the light rising in the East," which is so soon "to break forth into the most perfect day." The gentleman would ride down that hobby-horse as he has rode down the other.

A day or two ago the gentleman remarked that we were reduced to a situation similar to that of the turbaned Turk or cross-kneed Frenchman; that we have confided the power of regulating commerce to the Executive, and ten or twelve Senators. Why did not the gentleman urge this wondrous argument against the resolution that we could not submit to the orders and decrees? For if we have no power to resist, it would have been a good argument against declaring that we would not submit. But I feel convinced that when the great interests of the country require it, whilst we have such men in our councils they will act in concert, whether to resist foreign aggressors or domestic insurgents. What would a stranger say at hearing the debate which has taken place on this question, if he had not previously been apprized of the subject before you? He could not have supposed that the House were discussing a proposition to meet at an earlier day than that fixed by the Constitution, but a resolution to impeach the Executive or a majority of the House. He could not have supposed otherwise from the gentleman's speech or from my answer to it, for I have followed him step by step. He rises, he tells you, in behalf of this people. If he is the champion of the people; if he is to be the sentinel to sound the tocsin of alarm from the Constitutional watch-tower, God help this people. He was silent as to the letter published the other day by the British Government; this he might have said; in the spirit of this proposition, is evidence of the propriety of changing our measures. An appeal has been made by the British Government to the people of this country. Need I say, sir, that no persons had copies of this paper but our Government, the British Government, our Minister there, and their Minister here? Our Government has not caused the publication; theirs must have done it. And the gentleman might have said, inasmuch as it was an attempt to react the scenes of Genet, it was necessary that the Legislature

should be in session to counteract it. Sir, what would have been his language if M. Champagny had published such a letter in such a way? Would he have been silent in that case? No, sir; my life on it, he would be among the first to maintain the rights and honor of the nation, which are thus insidiously assailed by the British Government. We ought to know how this letter became public; and if some gentleman whose age and experience would justify a proposition of that kind, were to rise in his place and ask that the Executive should be requested to ascertain in what manner it came into the public prints; and, if through the British Ministry, request that their Minister should be sent off, I should vote for it. The gentleman finds nothing to blame in the conduct of foreign nations, but, like a viper, turns and wounds the vitals of his own country, satisfied if he can only let loose the torrent of defamation, daily uttered in this House, contrary to every parliamentary rule, against an Executive, whose acts ought to have induced all his former enemies to say "he has disappointed our expectations, and proved himself the supporter of that Declaration of Independence which was given to the world from his pen." I pronounce it a cowardly abuse of the privileges of this House, of which I should never avail myself under any circumstances whatever, to cover with its shield attacks on the honor of the President in every way unjustifiable. If the President has been guilty of crimes let him be impeached, not accused, tried, and condemned by the same individual in the same breath. What would be said, and I beg the attention of the House to the similarity of the cases, if the Senate should be charged with such baseness by any member of the House. The Speaker would put him down. And what would be said if the President were to avail himself of the opportunity afforded by the press or his official messages to promulgate an attack on this House, accusing it of duplicity and subserviency to the views of a foreign Government? One universal display of indignation would manifest the feelings of the House; every member of it would rise at once to address you on the subject. And is the Executive on all occasions to be accused of the crime—a crime which would eternally disgrace any man—of being false to the people who have confided in him? This course is not less disgraceful or unparliamentary, than if we were to accuse the other House of similar conduct; and it is high time that a stop should be put to it.

But the gentleman said, sir, that he did not mean to charge the Executive with moral turpitude, but with political imposture. Is this the morality of the gentleman? Treason against the people is no crime! Such a doctrine, sir, is base and detestable. Does the gentleman act on this logic? Has he made it the basis on which the superstructure of his arguments is erected? Pardon me, sir, when I say that I fear he has. The highest crime in this nation is treason. The Constitution says it shall consist only in levying war, and adhering to our enemies. And even

this is but a *political* crime. What was the crime of Aaron Burr? He did not put any one to death; he only attempted to turn the arms of his deluded followers against the Government of his country; his objects were political merely. And this we are told is not an immoral act. Are these the steady habits of New England? I hope not. But the gentleman says he should be false to the people if he did not hold up his voice. In what does falsehood to the people consist? Is it not in uttering false accusations and false charges? In the days of Rome, Catiline stood forth avowedly the champion of the people. He sometimes aped the virtues and morality of Cato, and then played Catiline; for in all ages an affected passion for the rights of the people has been the pretext for committing the most abominable crimes.

The President has been accused on this floor of falsehood, also. I do not recollect whether it was in the gentleman's catalogue of "*political deception*" of yesterday. In the message at the close of the late session the President says: "The papers which I lay before you embrace all the communications written and verbal from the French Government, respecting the general relations between the two countries, which have been transmitted through our Minister there, or through any other accredited channel since the last session of Congress." Notwithstanding this solemn asseveration that the papers then communicated contained all the information he had received, gentlemen say that the President has asserted a falsehood; that a letter of December the first had been received, and justify the charge on a supposition arising from dates merely. Why, sir, it is no secret that this letter was delivered by the Minister to Mr. Patterson, and by him to Mr. Rittenhouse, at Amsterdam, and that gentleman did not reach this country until May, so that its receipt was subsequent to the adjournment of Congress. But if Mr. Armstrong were to swear to this, and Mr. Rittenhouse, the Secretary of State, and his chief clerk to affirm it, gentlemen would say it was all falsehood still; after daring to dispute the solemn assertion of the President, they would say it was merely a tale conjured up to meet circumstances. This letter, notwithstanding all the noise, gives no new light, adds no new information.

But, sir, we have been told that the President and Government have acted with duplicity; that they have connived at the idea of joining France in opposition to England; and a paragraph in the letter of Mr. Armstrong to Mr. Champagny, urging the rescinding of her edicts, is seized as proof, strong as holy writ, that the President has arranged a plan for uniting us with France. If the optics of the gentleman who made this assertion were as keen on one side as the other, if he were not as blind as the kittens alluded to by his friend from Massachusetts, he would find precisely the same language used in the communications to England. The same arguments were addressed to the understandings or interests of both.

Upon the whole, sir, I must conclude that the observations of the gentleman from Massachusetts (Mr. QUINCY) were made for the purpose of alarming, distracting, and dividing this nation, of uprooting everything like social happiness. I will not suffer the mantle of charity longer to cover such men, the veil of deception should be pierced and torn off, that they may stand naked before this people covered only with disgrace—not shame. No, sir, I have no such hope. The African visage was never suffused with a blush. There can be no blushes on the cheeks of those who commit the unworthy act of uttering dishonorable, false charges, and protecting themselves under the privileges of this House. Neither is there hope of reformation. Nero never repented. The melody of music produced by the bow which he drew across the strings of his fine toned instrument, was not half so harmonious to his ears as the crackling fires of Rome, the crash of its falling towers, the cries of its women and children, and the universal ruin of his country. There have been more Neros than one. The example of Rome is not single. And while all good men are striving to heal the wounds of party, and unite this country at a time when the whole world is in hostility against it, in comparison with whom our population and resources are nothing, except as they depend on the virtue and spirit of the men yet surviving, and the sons of those who have departed, who aided in the achievement of the independence of this nation, while all their efforts are directed day and night to relieve their suffering country, the midnight lamp sheds its pale light on the black compositions of a few restless spirits, who strive to distract the Eastern people. Is this the patriotism which the gentleman professes? I presume, that, after the rage of party has subsided, the people will discover the imposture and chastise the impostors. This is the time to forget party feelings; and yet gentlemen resort to every petty circumstance, and because it authorized an inference in opposition to direct facts, endeavor to excite them—they would tumble the Executive from the height which he properly occupies into the dust, down to a level with themselves. It is time not only to forget party feelings, but to cease treasonable opposition. And as to those who pursue the course which I have described, whether out of this House or in it, I would say to the American people, in a voice which could be heard in every corner of the congregated assembly: Risk not your peace or safety for them—they are enemies of your peace—they have conspired against your safety—cast them from you—*hostes humani generis*—let the mark of infamy be stamped upon their foreheads, so that all who see them may execrate them.

The question was now taken on the motion of Mr. D. R. WILLIAMS to strike out the words "fourth Monday in May," and lost.

Mr. BACON said, that on a former day he had felt himself called upon to make some remarks in reply to his colleague, who addressed the House yesterday. The task was not then a pleasant one.

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In his subsequent remarks a few days since, the gentleman took occasion to tell me, very courteously, that I had been barking at his heels, and that he would not pursue my course. Though these sort of personal collisions are extremely disagreeable, yet his observations will not deter me from following that course, which my duty may dictate. As Representatives from the same State, I have since endeavored to avoid all needless collisions, with a gentleman standing in such a relation with myself, and should not again have placed myself in opposition to him, but for the extraordinary remarks which fell from him yesterday, to which, sir, I consider it my duty, however painful, to address some observations to you in reply. It was the temper of his remarks, their tendency if not their design, the peculiar time, and the temper of the people in one section of the Union, that impressed my mind with peculiar regret at the ground which he thought proper to assume. As to the temper of his remarks, I need not exhibit it any further to the House, it has been sufficiently noticed; as to their tendency it cannot be mistaken; there is something, however, more particularly striking as to the time. What are the circumstances under which they were offered? What are the circumstances in which this House has found itself for some time past?

Sir, for some days we have had a general aspect of union in the House—a considerable harmony of parties. A number of questions have been taken that savored very little of party feelings, and the political atmosphere had subsided into a state of much apparent tranquillity, until agitated by the thunder of the gentleman. Was not this a desirable prospect? I confess, for one, sir, that I have seldom found an occasion on which I more congratulated myself; but, it would seem as though my colleague feared that this state of things might conduct us and the nation to some happy result. Did he, therefore, think it necessary that a firebrand should be thrown on this floor, to excite agitation in the House, and alarm, division, and discord, among the people? I hope the gentleman had no such intention; but that such was the tendency of his remarks, no one can differ with me in believing. As to the time and occasion which he chose, it is well known, as the gentleman observed, that the Legislatures of many of the States are about to assemble. Yes, sir, they are; and amongst others, that of the State which the gentleman and myself have the honor to represent, about the time that the speech of my honorable colleague will arrive there. The temper of that portion of the Union is already sufficiently excited. That they have already manifested strong symptoms of disaffection—that they have heretofore given intimations of violent measures—cannot be concealed. Did the gentleman fear that they would not be sufficiently agitated—that they would not at once be ripe for the most desperate measures? Did he fear, that, unless he added a little fuel to the flame, it would not burst out with sufficient fury to produce his favorite crisis? Did he fear that this portentous crisis, of which he spoke in an oracular tone, would not arrive with

sufficient celerity? I call it *his* favorite crisis, because one of his arguments in opposition to the bill, was, that he feared it was calculated to allay the passions of the people, and defeat the arrival of this crisis. Am I, therefore, incorrect in supposing that he hails the prospect of it as a desirable event? Certainly I think that the conclusion cannot be mistaken. What was to be the precise nature of this crisis, my colleague did not exactly explain to us. I know not, distinctly, by what means it is to be produced, or what are its ultimate objects. For one, sir, I deprecate it: it will probably be a crisis of disunion. I dread it, and will use all means in my power to prevent it. I will do everything to satisfy those mistaken men who may be seduced to engage in it, that they are embarking in a cause of peril. Did I not do all in my power to avert it, I should not hold myself blameless; but, after doing this, I will do no more. Let it come when it will, or let consequences be what they may, I will not betray the trust reposed in me, as the Representative of a brave and independent people, by sacrificing the rights and interests of a great nation to the clamors of faction, or the fury of a misguided few. The gentleman told us, some days ago, that he was born a free man, and would die so, or perish in the attempt. Sir, I was born as free, though perhaps not so high, as that gentleman. I represent a people as free as the constituents of that gentleman, and who, though not perhaps “fed as well,” can endure not only “the Winter’s cold,” but can meet tempests, storms, and commotions, as undauntedly as they. This is a state of things which they will be the last to provoke; but, let it come when it may, they will not turn their backs to it. Let not the gentleman talk or think too lightly of it: whenever it comes, it will be no common crisis. Who will first be buried in the ruins of such a day, no man can predict. I again warn the gentleman, by the deep pledges which he holds in the integrity and peace of this Union, not wantonly to provoke its dissolution. He ought to consider that those who promote it may, in all probability, be the first to suffer in the general wreck of the times. He spoke to you of the men who, upon the ruins of a political convulsion, would not assume the reins of power; that it would not be the Federalists of the present day, nor would it be the present political majority, the transition in such cases being always from bad to worse; that the Condorcets and Brissots were always followed by the Dantons and Robespierres. No, sir, I agree with my colleague, that, upon the consummation of such a crisis, Federalism cannot expect to guide the destinies of this country. There is another illustrious example, in the bloody annals of the Revolution to which he alluded, from which he would do well to derive a lesson of warning and instruction. The celebrated, the notorious Philp d’Egalité, *ci-devant* Duke of Orleans, had, like the gentleman, a deep stake in the common interests of his country, and in its tranquillity. He was a man of noble extraction and commanding rank, but, envying the higher fortunes of the monarch, and wishing to be greater than the Throne, he became an ac-

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complice with those who overturned the Throne itself, and was, with his fortunes, buried in its ruins! No, sir, upon the ruins of a disjointed Confederacy, a far different set of men than the common Federalists of this day will preside over the destinies of this nation. Whatever share Federalism may have had in producing this state of things, or however she may have contributed her aid to it, she will be remembered by her masters only to be disgraced and despised. The most that she can aspire to will be a hope that from her higher ranks may be selected the Viceroy to govern his country—in the name of a Viceroy over him on the other side of the Atlantic. She can, at best, aspire to nothing higher than becoming the tool and minion of a foreign despot. It is impossible it should be otherwise. It will be utterly out of the power of any domestic usurper, without foreign aid, to wield the sceptre which grows out of a state of civil discord and commotion, brought about through the agency of a foreign Power. It would be struck from his hands by the indignant arm of an incensed people faster than he could recover it. The gentleman's address had, to me, a meaning most solemn and portentous, taken in connexion with the times and circumstances under which it was delivered. But, what are the mighty means by which this crisis is to be produced, and what is the powerful lever by which these commotions are to be raised? The old, stale topic of a perpetual embargo! Like the gentleman from Virginia, I nauseate the subject. The idea of a permanent embargo is worn out, and I thought had by this time been discarded from the mind of every man, both in this House and in the nation. I am not about to enter upon a wire-drawn argument to show, either from the particular terms of the law or the general construction of language, whether it is so or not. These views have been long since exhausted. What, then, are the new arguments, never before produced, which are now offered by the gentleman, to prove that such must have been the original policy of the law? It is, that it was recommended by the Executive as a precautionary measure, while it was supported by some members on this floor as a coercive one.

On this point let me bring to the notice of the gentleman the temporary embargo of 1794, recommended, as I have always understood, by General Washington, and held out to foreign nations as a mere measure of precaution, to secure our vessels and our merchandise from belligerent aggressions and plunder. But how was it supported in this House? It was supported as the present law has also sometimes been, as a measure of coercive policy. We have but few of the debates which took place on the former occasion, to revert to, but I have in my hand the speech of a gentleman of distinguished talents, and a predecessor of mine, who then had a seat in this House, giving his views of that measure. [Mr. Bacon here read the following paragraph from the speech of Mr. Sedgwick, on his introducing a resolution empowering the President to lay an embargo on the 12th day of March, 1794:

"The reasons on which this idea of an embargo were founded, are that Great Britain cannot supply her West Indies, except from the United States. If this is in any degree true in peaceable times, how much more forcibly must it operate now! They have a considerable military force there to feed; in truth, without supplies from this country, they must inevitably abandon a project, with them a favorite one, the conquest of the French West Indies. In this situation of affairs he believed it would be found proper to put into the hands of the President a power to lay this embargo, and in a moment to prevent all supplies going to the West Indies."

The sentiments, continued Mr. B., here advanced, prove that the idea of an embargo in this country being considered as a measure of coercive policy in respect to foreign nations, to Great Britain in particular, is not a novel one—that it is no fanciful notion of the present day, but owes its origin to the politicians of the old school. I have introduced them, however, more particularly to show that the auspices under which this measure of embargo was introduced and recommended to the nation, and the views with which it was supported, were the same now as in 1794—that they were both precautionary and coercive; and will the gentleman say that President Washington or the Congress of 1794, were, as he asserts we are, instrumental in deceiving the nation? and yet his argument will equally apply to both cases.

But the gentleman affects to consider our neglect in providing general efficient means of hostility, as a certain indication that we have no idea of interposing any other measures of resistance to the violations of our rights than the embargo, and says that we have not even sufficient spirit to fit out our little navy. On this head I can answer only for one, and can say with truth, that I have been ready, at least to an equal extent with my colleague, to lend my support to every measure either of defence or offence which has been proposed to us. As to the navy, every one knows that it has not been anything like a party question, and that the two principal parties which usually appear in this House have been nearly equally divided upon it. The fact is, that the apparent tardiness of our proceeding on this point has been occasioned more by a difference of opinion as to what were the most appropriate means of national defence, than by any doubt whether the essential rights of the nation should be decided in that mode which should ultimately be thought to be upon the whole the most expedient and efficient. Another consideration has undoubtedly had its influence in deterring the Government from launching into those extensive measures of hostile preparation which have perhaps been too long delayed. There can be no question that the most ardent desire of the Government has been for the preservation of peace, if it could in any consistency with the national rights and honor be preserved; and in proportion as this desire has been ardent, no doubt we have flattered ourselves with the expectation that it might yet

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be preserved. Perhaps this reliance has already been cherished too long—and as the storm thickens around us, and the political horizon assumes a more threatening aspect, we are now progressing more rapidly in the preparations for a system different from that which has until this time been pursued, and in this work we may very properly call upon gentlemen of all political parties to unite their efforts, and contribute whatever they can to the defence of their country. It is said that the army which was provided for at our last session has been organized upon party principles, and officered generally from one political sect, and that such an army cannot be intended for defence against foreign aggressions, but must be solely for domestic purposes. As to the fact which the gentleman mentions, I know nothing about it. For myself, I can truly say, that on the subject of appointment to office generally in a Government like ours, my general opinions have heretofore been more liberal than would probably be esteemed orthodox by almost any political party in this country, certainly much more so than was practised upon by the political friends of my colleague when they presided in our public councils. As there are certainly a great number of men who differ from the present majority in their political sentiments, upon whom I could place the utmost reliance if called to defend their country, I would never consent that the single sin of Federalism should be deemed sufficient to exclude them from all participation in either civil or military offices. But if the gentleman in one part of his speech yesterday intended to give us a sample of those men in whose behalf he complained, on account of their exclusion from military commands, it is certainly no subject of my regret that such exclusion has been thought proper by the head of that department. Sir, was it a patriotic effort on the part of the gentleman to endeavor in that public manner to chill the spirit of the nation, and to discourage them from the assertion of their just rights, by disparaging our resources, undervaluing our means of annoyance to our enemies, and proclaiming, in the face of the world, our vulnerable points and most defenceless positions; and at the same time magnifying the power of a foreign nation, and declaring that she held against us those pledges for our good behaviour which we could not put at risk without the most imminent hazard and destruction to ourselves? Sir, when I heard the gentleman avowing to the world sentiments of this sort, my heart sunk within me, especially when I saw full in his eye a protégé of the Minister of his Britannic Majesty, rioting no doubt upon the charms of his eloquence, and receiving it with those kind of sensations so natural to the human heart, when the pride of the country to whose fortunes we are attached is the subject of eulogy. I trust that these are not the national feelings or sentiments of the great body of those with whom the gentleman is generally associated in his political conduct. If they are, they could indeed hardly be relied upon to lead our armies to the field of battle—and those would be but poor defenders of

their country who declared at the outset that it was utterly incapable of defence.

We are pressed by the gentleman to answer, why, if we have any intention of defending our rights by any other means than the embargo, we do not now give a pledge to the nation of our intention to abandon it at some limited period, and resort to some other system if justice is not previously done us. This is perhaps a reasonable question, and I feel for my part no hesitation in answering it. It is probably recollected that I had some time since declared to the House an opinion that in the present circumstances of the country it was the duty of the Government to fix upon a definite period, beyond which an adherence to our present position should not be maintained, and with that view I moved at that time that the resolution for repealing the embargo laws, which had been moved in the early part of the session by a gentleman from Vermont, should be referred to the Committee of the Whole, who had under consideration the subject of a non-intercourse with Great Britain and France, with a view that it might be considered in connexion with that or some other measure as a substitute upon its removal. In that motion, however, I met with but little encouragement on any side of the House. It would perhaps be desirable that the proposition for limiting the continuance of our present system should come from some other quarter—but if it should not, I shall feel no hesitation in offering it at an early day, and placing the time of it at no very distant period. If there were no other considerations in favor of such a measure, it is perhaps due to the feelings of that portion of our citizens who by such addresses to their passions and their prejudices as we yesterday heard from my colleague have been induced to believe that this was a system of perpetual exclusion from the ocean, and a permanent abandonment of commercial enterprise; and who, acting under that palpable delusion, may, by the artifices of desperate partisans and designing leaders, be led into acts of insubordination, involved in crimes, which, under the influence of correct information, they would deprecate and shudder at. Though it is more especially the province of my colleague to consider seriously upon whose head the blood of such of our fellow-citizens may in a good measure rest, yet I feel it a duty to do what lies in my power to undeceive them. In the furtherance of this desirable object, I have reason to believe that a large majority of the House will unite, and having done this I will consent to do no more. Let the crisis talked of by the gentleman come when it will, it is our duty to meet it; let its consequences rest upon those by whose misrepresentations and instigations it has been promoted and encouraged.

MR. QUINCY.—Mr. Speaker, I feel myself necessitated to make a very few remarks, in consequence of the observations which have fallen from various gentlemen. Certainly, sir, I did expect that the course of my former argument would expose me to some animadversion. In great and critical periods of society, such as is the present,

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nothing else can be anticipated. In performing the duty which my station, in my apprehension, made incumbent, my first concern was to satisfy myself that the ground I was about to occupy was solid. Whether it would provoke asperity in reply was a secondary consideration in comparison with the inquiry, whether it would bear the scrutinizing eye of the mass of my fellow-citizens, particularly of men of reflection, judgment, and information; of that class of men which always, in a country like this, will sooner or later take the guidance of public opinion. Having satisfied myself that the principal ground of my argument was solid, my next care was to mark it out so distinctly that it could not be mistaken. Yet those who have undertaken to reply to me, my colleague (Mr. BACON) perhaps excepted, have scarcely noticed the general bearing of my argument, and have contented themselves with inveighing against what, as they suggest, are my motives, or in refuting remarks merely incidental, and illustrative of my leading propositions. Thus the gentleman from Virginia (Mr. EPPES) has undertaken to deny that all the motives which I recapitulated were operative in passing the embargo, and, as an evidence of this, to assert that some of them were never urged at the time of passing that law, as reasons for its adoption. Sir, I took occasion, in the course of my first argument, expressly to declare, that in the enumeration of motives I was making, it was not my purpose to call those motives in question, nor yet to confine myself to those which were expressly urged in debate, but to group all, which there was any reason to believe did exist, together, so as to make the conclusion more striking and satisfactory, that they did not include those which, I undertook to show, were the causes of the recommendation of that measure by Administration. The bearing of my argument, to which this recapitulation of motives was only subsidiary, was to show that embargo, with intention to coerce Great Britain, to adhere to it until it attained its purpose, and to do nothing else effectual, were not the motives of this House. This was the first branch of my argument. My second, and principal, was to show that those were the motives of Administration. In executing this last part of my task, I stated that it was my perfect conviction, that such motives did prevail with the Administration. But I did not rest satisfied with mere assertion. I stated the grounds of my conviction. I drew my conclusions concerning the motives of public men from the undeniable course of their public acts. Whether the arguments then urged were sufficient to justify such a conviction, is a question referred to the decision of my fellow-citizens. From that tribunal I shall not shrink, and before it I am not afraid to meet any or all my political opponents. To these arguments, certainly neither personal, nor in any respect unparliamentary, what has been the reply? Why, sir, "false"—"malicious"—"defamatory"—"cowardly, base detraction"—"dastardly act"—"old tory"—"friend to Great Britain"—"Nero"—"Essex Junto," and such like. Really,

Mr. Speaker, I have no means of reply to such arguments as these. Absolutely, through defect of my education, I can make no answer to them. I never studied in the school of the scavenger; I never took out degrees at the oyster bench; I never sat down at the feet of fish-women, as though they were so many she-Gamaliels, for the purpose of teaching my gill to flow through the channels of their boisterous Billingsgate. The gentlemen who resort to such weapons have all the advantage of me. If they think that their cause or their argument gain anything by the use of such opprobrious expressions, they have perfect liberty to adopt them. I have one consolation, that, so far as respects this House, what I urged, and what they replied, have both been in its presence, and I fear not to stand a comparison with them, as it respects either matter or manner, in the judgment even of their friends. I have another consolation, that my argument and their answers will each be presented, I trust fairly, to the scrutiny of our fellow-citizens. Before them we shall all be appreciated, sooner or later, for what intellectually and morally we are worth. For myself, I wish never to be appreciated above my true estimate, and I fear not, that I shall, for any great length of time, stand below it. With respect to the Administration, sir, I intimated no motive without stating the facts out of which my conclusions grew. Beyond the limit of these facts, and the extent of those conclusions, I pressed none of my observations. As far as this, I had not only a right, but it was my duty to advance. If gentlemen expect to prevent investigations of public men and public measures, conducted on such principles, by personal invectives, the nature and tendency of which are too obvious to be misunderstood, so far as respects myself individually, they have mistaken their weapons and their antagonist. It is a choice satisfaction of my mind, that it is not in the power of any individual, however malignant, (should such a character ever appear on this floor,) long to injure the reputation of any one whose private or public life does not co-operate with their malevolent intentions: and I assure the gentleman from Virginia, (Mr. JACKSON,) and every gentleman who has spoken, that I shall never be a half-worker with them, probably in anything, but certainly not in the attempt to injure my own character. The sting of satire is in the truth of remark. The keenness of asperity is in the justness of the application. Where these fail, the sped arrow cuts the air harmless.

It is not my intention long to detain the House in the remarks I have to offer. Towards those who have attempted to treat me with personal severity, I feel no passion. If their cause need such auxiliaries, I can only pity them, and rejoice that such a cause is not mine. My honorable colleague, (Mr. BACON,) in commenting upon my remarks concerning the disposition of this House to go to war, was pleased to represent me as disparaging the resources of my country, and as speaking as if we could not maintain a contest with France or Great Britain; or, if occasion called, with both of them together. Certainly,

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such was neither my intention nor the tendency of my remarks. I was speaking of the disposition of the majority of this House, as evidenced by their language and preparations, and not at all concerning the resources of this country when efficiently called into action. It appeared to me, from all the observations I could make, and so appearing, I thought it was my duty to state it to the people, that all the clamor about war, so ostentatiously made upon this floor, was nothing else than a mean used to induce the mass of our fellow-citizens, through dread of the horrors of war, to endure still longer the embargo; that a continuance of this measure was the unalterable determination of Administration, and that all the application of our resources, and all the apparent preparation was directed either to cover that determination, or to fortify that measure. This was the leading position which I took, and attempted to maintain. When I hear men talk about going to war with three millions of dollars in the Treasury—[Mr. G. W. CAMPBELL said there were sixteen millions in the Treasury.] Yes, sir, there are sixteen millions in the Treasury, and the Secretary of the Treasury tells you, that thirteen millions out of these sixteen, are already pledged, for the expenses of the year, for the appropriations already made, and for the usual annual estimates. Now, if a man, at the beginning of a year, has sixteen millions in his pocket, and has already undertaken to pay, in the course of it, thirteen millions, I do humbly conceive that he has but three millions upon which he can rely to meet any extraordinary expenditure. Indeed this is the express declaration of the Secretary of the Treasury, who tells us in so many words, that there is "a surplus only of three millions of dollars for defraying all the expenses incident to a state of actual war, or of preparations for war." Now, when I see only these three millions effective, in your Treasury, all your revenue from commerce gone, no preparations for loans, no plan devised, or pretended to be in train, to obtain new sources of revenue, how is it possible that I can believe that it is in the contemplation of this House to plunge into war? I cannot believe it, nor refrain from stating this impression to the people, that all this clamor about war is a pretence, under which, and under the fears which war naturally excites, to rivet this destructive embargo upon the country. How is it possible to read the annual report of the Secretary of the Treasury and not inevitably reach that conclusion? In his annual report that officer tells us expressly, that "if, however, the embargo and non-intercourse are to have equal continuance with the belligerent edicts, indefinite as that is; if it be determined to rely exclusively on that measure, and, at all events, not to risk a war on account of those aggressions, preparations for war will become useless, and the extraordinary expenses need not be incurred. In that case, the expenditure for the year 1809 ought not to exceed the sum of thirteen millions of dollars, which, as has been stated, is requisite for the support of the present establishment." And

again: "It is certainly only with a view to war, either immediate or contemplated, that it will become necessary to resort, at least to any considerable extent, to extraordinary sources of supply." Now, sir, when a most influential officer of this Government, no less than the head of the Treasury, expressly tells us as he does, that "in case of war, new resources, to an amount yet unascertained, must be resorted to;" when he also tells us, that "if non-intercourse and embargo are to have an indefinite continuance, it will not become necessary to resort, at least to any considerable extent, to extraordinary sources of supply; such resort being only necessary in case of war, immediate, or contemplated;" and when this House do not provide any new resources, either of loans or revenues; when it leaves the Treasury in that state in which the Secretary tells us it may be left, in case indefinite non-intercourse and embargo are resolved upon, and precisely in that state in which the same Secretary tells us it must not be left, in case war be the determination; how is it possible that any other conclusion can be imagined than this, that war is not, but that an indefinite embargo is, contemplated? Sir, these are conclusions concerning intentions from public documents compared with public conduct. If gentlemen choose to fly into a passion on every such exposition, all I can say is, that I shall not follow their example, nor be deterred by their exhibition of wounded feelings, from performing an official duty. An attempt has been made to pervert an observation of mine so as to imply a doubt of the courage of the officers appointed to the new Army. Nothing could be more unfounded than such an attempt. Concerning few of those appointments do I know anything; and of those few officers with whom I have personal acquaintance, there are some in the propriety of whose appointment I certainly concur. The only tendency of my argument was to show that a party army, whose officers were exclusively taken from a prevailing sect, was not likely to produce that union to which gentlemen so anxiously invited. If a foreign war was seriously contemplated, the necessity of an union among all parties, would induce naturally, as I thought, a different course of conduct. Such a course as, by practically removing party distinctions, would unite all in that common confidence which is the only assurance of strength and vigor in hostile operations. When I found the principle of party exclusion adopted as the rule of appointments, the conclusion I drew from the fact was, that the Army was destined only to effect party purposes, and not at all to meet a common enemy—for, with all the prejudices which exist against Federal men, as they are called, there is no need of argument to convince even the majority of this House that they are, in general, men, who, when their country is in danger, will be found and will be trusted, in the front ranks of our armies.

The gentleman from Virginia (Mr. JACKSON) asked if I intended to represent this House as the dupe of the Executive. Certainly I drew no con-

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clusion of that kind. But, sir, with respect to this House, I confess I know not how to express my opinion. To my mind, it is a political nondescript. It acts, and reasons, and votes, and performs all the operations of an animated being, and yet, judging from my own perceptions, I cannot refrain from concluding that all great political questions are settled somewhere else other than on this floor. [The SPEAKER remarked, that it was wholly improper to make reflections on the House.] If the Speaker means that I have not a right to state facts, and leave the people to make reflections upon them, I must appeal from his decision. [The SPEAKER said that it was not within the rules of Parliamentary proceeding to permit a gentleman on the floor to accuse the House of improper motives.] I am saying nothing about motives. In reply to a gentleman, who asks how I intended to represent the House, I am only about to describe what I know concerning it, and to show how I arrived at the conclusion, that great political questions were settled somewhere else, other than on this floor. The fact to which I allude happened on the day when the enforcing embargo law passed. On that day, before the House was called into a Committee of the Whole upon the bill, I was informed that it had been resolved somewhere, I know not where, nor by whom, that the House should be called into Committee of the Whole immediately upon that bill—that it was to be passed in one day through all the remaining stages—that the bill was then actually engrossed, or engrossing, and that after it was so passed, a bill was to be proposed and passed for calling an extraordinary session of Congress in May next. This was stated to me, previous to the going into Committee of the Whole on the enforcing embargo bill, as the course settled. Well—what happened? Why, agreeably to the information I had received, we were immediately called into a Committee of the Whole, on the bill. We did pass it, through all the remaining stages at one session, notwithstanding the multitude of its provisions, the greatness of the principle and consequences it involved. So far my previous information proved correct. It will also be recollected, that in the course of the nocturnal session on that bill, the gentleman from Pennsylvania (Mr. SMITH) did state it as his intention to bring forward a bill for a meeting of Congress in May, and accordingly, the next day he introduced the motion, which was the foundation of the present bill. Thus again my previous information was proved by the event accurate. The minuteness of this prophecy, and the precision of its fulfillment, satisfies my mind of the correctness of the opinion before stated, that although we debate great questions on this floor, that they are sometimes, at least, settled somewhere else. A circumstance strongly corroborative of this opinion is a fact, which happened in the debate on motion for the committee of inquiry, which preceded this bill. The idea of a session in May, was strongly opposed by the gentleman from South Carolina (Mr. D. R. WILLIAMS). In reply to whom, my

colleague (Mr. BACON) expressed his surprise at his opposition, and said expressly, "that he had given some votes, in the understanding that there was to be an extra session in May; that, if there was not, all he could say, for one, was, 'that he was taken in.'" [Mr. BACON said, that he meant only to be understood as having given such votes, from his own impression that there would be an extra session, and not intending to express any previous agreement.] If such were the intention of my colleague, I do not wish to avail myself of the peculiarity of the expression. At the time of his uttering it, I did consider it as a strong corroborative circumstance of the fact, that all the proceedings concerning the enforcing embargo law and the new session had been arranged somewhere else, previous to their being brought into debate on this floor. Indeed, how is it possible for any man to believe otherwise, when he considers, and not only the previous information received, which could hardly have been so minutely fulfilled, unless such previous agreement subsisted, and also, when he considers the rapid and unexampled manner, in which it was pressed through all its stages, notwithstanding all the violence of the opposition, and the solid arguments urged against its principles?

While on this topic, I cannot refrain from observing on a remark made by the gentleman from South Carolina, (Mr. D. R. WILLIAMS.) He said the minority had no right to complain of the manner in which the enforcing embargo law was passed, inasmuch as that they had suffered it to go through the Committee of the Whole without a single observation. In reply, I must declare that I do complain that our privileges were violated. I maintain that it is a right which belongs to every member of this House to have a fair and suitable opportunity of debating every question of great national importance; that, unless he has previous notice, that it is the intention of the majority to deviate from the usual course of business, he has a right to choose that stage of the bill in which he conceives his objections to it can be most forcibly urged. Upon the question of engrossment, or upon that of the final passage, he has a right to have a fair opportunity to be heard; for, at these stages, the great principles of the bill can be the most advantageously discussed. Now, we had not such an opportunity upon either the engrossment or final passage of the enforcing embargo law. In this instance I do not hesitate to say, that the rights of the members of this House, and, through them, the rights of this people, were grossly violated. Who could have possibly imagined that a bill of the length and importance of the enforcing embargo law, considering also the state of feeling manifested in some parts of the country in relation to that subject, could have been permitted to go from a Committee of the Whole, through its final passage, at one sitting? Upon that law I was extremely anxious to have expressed my sentiments. I had taken occasion, when the resolution for the raising of fifty thousand volunteers was under debate, to state a Constitutional objection to the previous supplement-

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any embargo laws, to which I could find, in my mind, no answer. I had hoped some gentleman would have condescended to reply to that objection, but no notice had been taken, except by the gentleman from Virginia, (Mr. EPPES,) who only asserted that similar powers to those to which I had objected, had been exercised under preceding Administrations.

Mr. EPPES inquired whether Mr. QUINCY was in order to discuss a bill which was already passed, under a question like that now before the House.

The SPEAKER decided that he was.

Mr. EPPES appealed from his decision.

Mr. D. R. WILLIAMS wished that the gentleman from Massachusetts might be permitted to go on; and said he, if there be not talent enough in the House to refute his arguments, in the name of God, let us stand convicted.

Mr. EPPES withdrew his appeal.

Mr. GARDENIER asked whether it was consistent with the rules of the House that, when the Speaker had decided a question of order, and an appeal had been made from his decision on the application of any gentleman, the member appealing had a right to withdraw his appeal?

The SPEAKER said that, according to usual parliamentary proceedings, it was correct.

Mr. QUINCY continued.—I did not intend to argue the unconstitutionality of the enforcing embargo law. I was only illustrating my sense of the violation of the rights of the members on that occasion, by showing that I had been precluded from urging the objections I was prepared to offer against it through the lateness of the hour and the utter incompetency of all, after the fatigue of eighteen hours uninterrupted session, either to hear or to speak upon any subject. The Constitutional objections to that bill were great, and, as I believe, unanswerable. The haste with which it was passed, and the little opportunity given for discussion of its principles, were little adapted to satisfy the public that the bill would bear a thorough examination. The connexion of these observations with the bill under debate, is intimate and palpable. The reasons I urge against this bill are, that by providing for a meeting of Congress in May, without providing a limitation of the embargo law, you, in fact, leave the next Congress in the same bonds to the Executive power, in which this House at present stands; that, if it be your real intention to raise the embargo after May, as this extra session seems intended to intimate to the people, you ought at once to limit it, otherwise the people ought not to be satisfied; but to examine into the Constitutional objections to those laws: if these appear to the people and to the State Legislatures as they do to my mind, it is their duty—to do what? To rise in insurrection? No, sir. To break the bonds of union? No, sir; but to take the Constitution, that great charter of their liberties, into their consideration, and to strengthen and support its principles by vindicating them from violation. Do gentlemen really think it "treason" to invite intelligent men, the natural guardians of their own and of the people's rights, to take your laws and

bring them to the touchstone of the Constitution? We have gained little by our independence, if this liberty belong not to us. Sir, we perform a high and imperious duty, when those who believe that the Constitution is violated, say to the people that such is their opinion, and call them to an examination of your laws with that reference. All we say to them is, put not off this inquiry until June, under the apprehension the embargo will then be removed. Look to your rights; if they are violated, remonstrate. Maintain the only bond of your union, the Constitution; let it not be broken for the purpose of making of its commercial power an instrument of hostility; for such a purpose the commercial power was never granted. Gentlemen strive to represent those who use this language as hostile to the Union: nothing can be less founded in truth. Hostility it may be to the principles of an Administration which, for the sake of maintaining a favorite system, seem to value as nothing all those Constitutional principles which the wisdom of our fathers erected as barriers round our liberties. Suppose the present or any future Congress to pass any law, not only manifestly unconstitutional, but so oppressive upon the mass of the people that it is impossible to wait upon the slow processes of the Judiciary. The case may certainly be supposed. I ask, what is the remedy? Can there be any other than Constitutional remonstrance? And how can this be effected but by calling the people to examine their rights, and the alleged invasion of them? With respect to the feelings and sentiments relative to these laws in the part of the country which I represent, I do not believe that this House realizes the nature and extent of them. The doubt concerning their constitutionality is not confined to men of one particular party. I have reason to believe that a very great number of the intelligent men who are supposed to differ from me in political sentiments, do agree in questioning their validity. I feel, as strongly as my colleague, (Mr. BACON,) the hazardous nature of the present crisis. A course of events is advancing upon us, which, I fear no human power can control; and in what it will terminate certainly no human foresight can tell. But this crisis is not to be evaded by tampering with it, nor by obstinate adherence to the system which is the origin of this excitement. Let this scheme of coercion be abdicated—if it be necessary, go to war—let Government designate the nation with whom we are to fight, show the justice and policy of hostilities, and bring the resources of the nation into operation.

But I conjure gentlemen not to sport with the present state of things. I know there does exist in the majority of this House, an honest mistake concerning the sentiments of the people in the Eastern States. It is thought that discontent with the embargo arises solely from party opposition. Let me assure gentlemen the case is far otherwise. On this account have I spoken; gentlemen think that the hope of a session in May will give content to that people. Be assured it will not; they have too deep and universal an interest in this

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subject to be deluded into a postponement of the consideration of their Constitutional rights. If Congress rise without limiting the embargo, they will not have reason to expect its repeal in May, nor will they act on that expectation. When the session in May arrives, there will be nothing to choose between but the old alternatives, embargo or war; and an attempt will be made to continue the present system six months longer. Now, I do not believe it is within the physical power of New England to endure it for that period.

Mr. D. R. WILLIAMS said he rose to make a few observations in relation to his individual conduct on the subject of the supplementary embargo law, as the gentleman had said that his rights, and through him the rights of the people, had been violated. The gentlemen seemed to charge the majority of the House, (said Mr. W.,) and me as one of that majority, as having had an understanding out of doors that we would pass the bill through at one session. [Mr. QUINCY said that he had not considered the gentleman as one of the majority.] I am very glad that the gentleman exempts me; but in justice to the majority with whom I acted, I feel myself compelled to make a few remarks. That gentleman ought to be the last man in this House to make the accusation which he has made. The gentleman himself has commenced the custom of introducing private conversations before you, Mr. Speaker, and therefore I may be permitted to refer to them. The gentleman did a few days ago, at the fire-side, advocate the English parliamentary mode of proceeding; and declared that we must adopt the plan of fixing a day for taking the question, and sitting it out. Now, sir, when the gentleman advocates that practice, how can he say that his rights are injured? So far as I know anything about that question, I do believe that there was no understanding. If you will cast your mind back to the day previous to the day's session referred to, a celebrated motion of a gentleman from Vermont (Mr. CHITTENDEN) to repeal the embargo laws was moved for, and it was agreed to take it up. When we got into a Committee of the Whole, sir, we could not do anything; we were compelled to dissolve the Committee; we could not keep a quorum to do the thing which we had taken the yeas and nays seven different times to get at. What next, sir? Did not gentlemen on the opposite side come here the next day with a perfect willingness to sit out the question. I never heard a whisper of sitting out the question till that kind of conduct was adopted which was calculated to teach the majority how to act. Gentlemen in the minority all went to dinner, leaving one gentleman behind them to call for the yeas and nays and make motions till they came back. They really forced us to it, sir. They made their preparations; and accordingly they had everything here necessary to support them through this fiery trial. They had all the good things of this life brought here for their suppers. When that course of proceeding was adopted, there was a kind of instantaneous determination of the majority of the House to take

the question. The first man who suggested the idea to me was a gentleman who was disposed not to sit it out. And what is this mighty charge which the gentleman has made? That the bill was passed through the House at one session. I deny it, sir. The bill had been before you many days. It was discussed one entire day in Committee of the Whole, and recommitted. The amendments reported by the select committee lay on the table at least three days; and the question would not then have been taken but for the determination of the opponents of the bill that the question should not be taken. I speak what every gentleman must be sensible is true. And yet, sir, the nation is to be told that its dearest rights were violated by passing through a bill at one session. You know, Mr. Speaker, that such is not the fact; that the bill had been under discussion several days, and the subject of it for many weeks. It is still more strange that these sort of objections should come from a quarter of the House which believes that the interest of the nation would be promoted by the adoption of the parliamentary practice. No gentleman opened his lips to discuss the provisions of the bill where they ought to have been discussed, in Committee of the Whole. The passage of it in one session is made such a monstrous bugbear, when not one syllable was said against it in Committee of the Whole! There was a propriety—I may say an imperious necessity that the bill should be passed as expeditiously as possible, resulting from the circumstance that in none of the preceding supplementary acts was there a provision requiring certain vessels sailing coastwise to give bond. The omission, though glaring, was not perceived when the last supplementary bill passed. If you will call upon the Secretary of the Treasury, he will inform you that we were losing from twenty to thirty vessels a week in consequence of this single loophole. This was an imperious reason why the House should act on the subject immediately; and when the House met that morning there was no disposition to force a question on it had not gentlemen in the opposition prepared themselves for a long session. Why, sir, the night before, when the Committee of the Whole on the celebrated resolution of a gentleman from Vermont was broken up for want of a quorum, as I was going home, I met some of the gentlemen in the minority coming back—"What, (said one), have you adjourned? we have been home, and bracing up; we have had plenty of good wine, and were going back to sit you out." And now, forsooth, the gentlemen accuse us of precipitation!

Mr. J. G. JACKSON said he rose to notice some of the observations made by the gentleman from Massachusetts to-day, which were calculated to do away the highly reprehensible remarks he made on yesterday. Yet notwithstanding the avowed object, he had indulged himself in further animadversions, and added to that feeling which had been so unjustifiably excited. The gentleman commenced by asking whether the ground which he occupied was solid; whether it

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would bear the scrutinizing eye of reflection. And what was his ground, sir? It was this: that the House had acted under a deception, touching the motives of the Administration in recommending the embargo. Sir, I answer, that the ground is not solid; it is a quagmire, in which every plunge he makes sinks him still deeper, until he is swallowed up with ignominy, exciting no compassion for his fate; and yet he complains of the severity of the style with which his remarks were treated. Sir, it was proper that so infamous a charge, coming from a quarter like that, where submission to everything, and resistance to nothing is characteristic, should be repelled in the way it was; it was too gross a censure, too flagitious a libel to pass with impunity, notwithstanding it was uttered in this sanctuary, whose security the gentleman has carefully availed himself of, and which he interposes as a shield to his dastardly attacks. We were imposed upon, he alleges, touching the motives of Administration, and were instrumental in deceiving the people; and yet, tools and sycophants that we are, he will not rest until he drags us before the nation, and exposes us to its vengeance. When to all this abuse it is added, that we are caught in the toils of a narrow policy which we persist in from mere shame—that we wanted to frighten Mr. Rose—cast ourselves into the arms of Bonaparte—join the coalition against England. When such accusations are made here, and gentlemen feel wounded at the unjust imputations, I ask, sir, ought they not to inflict a little wholesome chastisement on the author by casting the foul charges back in the teeth of him who made them? If any gentleman thinks it no insult to be accused of political imposture, avowing ostensible motives inconsistent with the real ones, I am proud to differ from him. I have this morning endeavored to show that the charges were false, and whether I have succeeded or not I am willing to leave to others; I heartily join in the appeal to their decision. But the gentleman says, the “bearing” of his argument was not noticed by any one except his colleague. The answer of his honorable colleague was confined exclusively to the tendency of such revolutionizing, heart-burning appeals to the people, having for their object hostile opposition to the laws enacted by this Government. Thus, sir, by this confession his motives are exposed to the world, for that was the “bearing” which the gentleman from Massachusetts (Mr. BACON) so eloquently noticed. The gentleman talked of “Billingsgate,” and pray, sir, if it does not consist in abusing the President of the United States under the privileges of this House, accusing him of duplicity, political perfidy, and falsehood, in what does it consist? The gentleman himself indulged in an “ale-house slang,” derogatory to the dignity of this House; for the Executive of this nation, as such, is entitled to respect, and it is scandalous here, covered by the canopy of the Constitution, to assail his reputation, accuse, try, condemn, and execute it in one breath. But the gentleman says he shrinks not from comparison with any one. Sir, most cer-

tainly he can lose nothing on comparison with any man; notwithstanding he would gain much by comparing him with a gentleman. He has made attacks on the Executive and this House which I have endeavored to prove were unfounded. A formal deliberate preconcerted speech of two hours length was made by the member, predicated solely on the basis that this House had been deceived themselves, and had deceived the people, and were attempting still further to practise deception. Can the reputation of a man who does these things in times like this, in times of great and accumulating peril, be injured by anything that can be added to what himself has said? I think not. The member says the sting of his remark is truth. It is that that wounds, and, because of it, he feels pity for us. Sir, I do not even feel pity for him. I feel contempt, sheer contempt, and nothing more. His remarks have no sting, sir; they cannot wound. The shafts of his malice are blunt; they will not penetrate; they fall harmless at the feet of those against whom they are pointed; they are steeped in falsehood; they have no sting; there is no truth in them. We have been accused of raising a cry of war—talking about going to war—and, that all is imposture; and the liberty of replying to such charges is denied us. Sir, we are bound to support the Constitution; and are told that, regardless of our oaths, we violate it by raising an army to provide places for our partisans, or to put down our opponents by intimidation; and, in the next breath, we are entreated to avoid passion. And is this no cause of anger? A great complaint is made by him at the passing of the last embargo law at one sitting. And for this, the people are to be excited. We are now in the third month of the session, and on every question except motions to adjourn, that admit not of debate, the embargo system has been thrust into discussion. “Embargo” has been bandied from one side of the House to the other, to and fro, until every gentleman was tired of the game; and because we did not eke out a few weeks more in talking, another cry is raised. Sir, I heard the member from Massachusetts, a few days before the law passed, observe in private conversation—for it seems to be in order now to refer to it—that we could not get on with business unless we adopted the rule in the British Parliament, of discussing subjects on the day fixed for them, and deciding them that night; and, from other remarks then made by him, I did, indeed, believe he was an American in heart and sentiment. But I was much mistaken, sir. When I see Members sounding false alarms of danger, for the purpose of promoting seditious oppositions, inflammatory resolutions, legislative excitements, and open rebellion, and while driving in this wicked career, covering themselves with the mantle of the fair fame of our beloved WASHINGTON—prostituting all his patriotism, and his virtues to the vile purposes of their aggrandizement, I am struck with wonder and astonishment. When I mark their course, and remember the salutary advice of his excellent valedictory—from

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which I will read some extracts—the enormity of their crime, and their barefaced effrontery, become more conspicuous. I wish I dared trespass upon the patience of the House by reading the whole, for it is peculiarly applicable to the times:

“The unity of government which constitutes you one people, is, also, now dear to you. It is justly so, for it is a main pillar in the edifice of your real independence; the support of your tranquillity at home, your peace abroad; of your safety, of your prosperity, of that very liberty which you so highly prize. But, as it is easy to foresee that from different causes, and from different quarters, much pains will be taken, many artifices employed, to weaken in your minds the conviction of this truth; as this is the point in your political fortress against which the batteries of internal and external enemies will be most constantly and actively, though often covertly and insidiously directed, it is of infinite moment that you should properly estimate the immense value of your national union to your collective and individual happiness; that you should cherish a cordial, habitual, and immovable attachment to it; accustoming yourselves to think and speak of it as the Palladium of your political safety and prosperity; watching for its preservation with jealous anxiety; discountenancing whoever may suggest even a suspicion that it can, in any event, be abandoned; and indignantly frowning upon the first dawning of every attempt to alienate any portion of our country from the rest, or to enfeeble the sacred ties which now link together the various parts.”

I can almost imagine that I see the shade of this hero, indignantly frowning on that attempt which is so much deprecated by him.

“The name of American, which belongs to you, in your national capacity, must always exalt the just pride of patriotism, more than any appellation derived from local discriminations. With slight shades of difference, you have the same religion, manners, habits, and political principles. You have in a common cause fought and triumphed together; the independence and liberty you possess are the work of joint councils, and joint efforts, of common dangers, sufferings, and successes.

“But these considerations, however powerfully they address themselves to your sensibility, are greatly outweighed by those which apply more immediately to your interest. Here every portion of country finds the most commanding motives for carefully guarding and preserving the union of the whole.

“The North, in an unrestrained intercourse with the South, protected by the equal laws of a common Government, finds, in the productions of the latter, great additional resources of maritime and commercial enterprise and precious materials of manufacturing industry. The South, in the same intercourse, benefitting by the agency of the North, sees its agriculture grow and its commerce expand. Turning partly into its own channels the seamen of the North, it finds its particular navigation invigorated; and while it contributes, in different ways, to nourish and increase the general mass of the national navigation, it looks forward to the protection of a maritime strength, to which itself is unequally adapted. The East, in a like intercourse with the West, already finds, and in the progressive improvement of interior communications, by land and water, will more and more find a valuable vent for the commodities which it brings from abroad, or manufactures at home. The West derives from the East sup-

plies requisite to its growth and comfort: And what is perhaps of still greater consequence, it must of necessity owe the secure enjoyment of indispensable outlets for its own productions to the weight, influence, and the future maritime strength of the Atlantic side of the Union, directed by an indissoluble community of interest as one nation. Any other tenure by which the West can hold this essential advantage, whether derived from its own separate strength, or from an apostate and unnatural connexion with any foreign Power, must be intrinsically precarious.

“In this sense it is, that your Union ought to be considered as a main prop of your liberty, and that the love of the one ought to endear to you the preservation of the other.”

The Union is threatened with a separation. The handbills struck off and circulated throughout New England are calculated for that purpose. Indeed so daring have the faction become, that in New York, or Philadelphia, a handbill was posted up advising—“The Potomac the boundary—the Negro States by themselves!”

“These considerations speak a persuasive language to every reflecting and virtuous mind, and exhibit the continuance of the Union as a primary object of patriotic desire. Is there a doubt whether a common Government can embrace so large a sphere? Let experience solve it. To listen to mere speculation in such a case, were criminal. We are authorized to hope that a proper organisation of the whole, with the auxiliary agency of governments for the respective subdivisions, will afford a happy issue of the experiment. It is well worth a fair and full experiment. With such powerful and obvious motives to union, affecting all parts of our country, while experience shall not have demonstrated its impracticability, there will always be reason to distrust the patriotism of those who in any quarter may endeavor to weaken its bands.

“In contemplating the causes which may disturb our Union, it occurs as matter of serious concern, that any ground should have been furnished for characterizing parties by geographical discriminations—Northern and Southern—Atlantic and Western; whence designing men may endeavor to excite a belief that there is a real difference of local interests and views. One of the expedients of party to acquire influence, within particular districts, is to misrepresent the opinions and aims of other districts. You cannot shield yourselves too much against the jealousies and heart-burnings which spring from these misrepresentations—they tend to render alien to each other those who ought to be bound together by fraternal affection.”

Have you not seen an attempt made by a Senator of the United States, (Mr. PICKENS,) in a public letter addressed to the Legislature of his State, to impress the idea that the Southern people are inimical to commerce?

“To the efficacy and permanency of your Union, a Government for the whole is indispensable. No alliances, however strict, between the parts, can be an adequate substitute; they must inevitably experience the infractions and interruptions which all alliances in all times have experienced. Sensible of this momentous truth, you have improved upon your first essay, by the adoption of a Constitution and Government better calculated than your former for an intimate union, and for the efficacious management of your common concerns. This Government—the offspring of our own choice;

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uninfluenced and unawed; adopted upon full investigation and mature deliberation; completely free, in its principles; in the distribution of its powers, uniting security with energy; and containing, within itself, a provision for its own amendment—has a just claim to your confidence and your support. Respect for its authority, compliance with its laws, acquiescence in its measures, are duties enjoined by the fundamental maxims of true liberty. The basis of our political system is, the right of the people to make and to alter their constitutions of government. But, the Constitution which at any time exists, till changed by an explicit and authentic act of the whole people, is sacredly obligatory upon all. The very idea of the power and the right of the people to establish government, presupposes the duty of every individual to obey the established government."

The majority must govern, sir, or there is an end of Republican Government in this country; and despotism, under the garb of monarchy, or whatever other name it may assume, will occupy its stead.

"All obstructions to the execution of the laws"—let the member and his Massachusetts Legislature take this to themselves—"all obstructions to the execution of the laws; all combinations and associations, under whatever plausible character, with the real design to direct, control, counteract, or awe the regular deliberation and action of the constituted authorities, are destructive of this fundamental principle, and of fatal tendency. They serve to organize faction; to give it an artificial and extraordinary force; to put in the place of the delegated will of the nation the will of a party—often a small, but artful and enterprising minority of the community—and, according to the alternate triumphs of different parties, to make the public Administration the mirror of the ill-concerted and incongruous projects of faction, rather than the organ of consistent and wholesome plans, digested by common councils, and modified by mutual interests.

"However combinations or associations of the above description may now and then answer popular ends, they are likely in the course of time and things to become potent engines, by which cunning, ambitious, and unprincipled men will be enabled to subvert the power of the people, and to usurp for themselves the reins of government—destroying, afterwards, the very engines which have lifted them to unjust dominion.

"Towards the preservation of your Government, and the permanency of your present happy state, it is requisite, not only that you steadily discountenance irregular oppositions to its acknowledged authority, but also that you resist with care the spirit of innovation upon its principles, however specious the pretext.

"I have already intimated to you the danger of parties in the State, with particular reference to the founding of them on geographical discriminations. Let me now take a more comprehensive view, and warn you, in the most solemn manner, against the baneful effects of the spirit of party, generally. It serves always to distract the public councils, and enfeeble the public Administration. It agitates the community with ill-founded jealousies and false alarms; kindles the animosity of one part against another; foment, occasionally, riot and insurrection. *It opens the door to foreign influence and corruption, which find a facilitated access to the Government itself, through the channels of party passions.* Thus, the policy and the will of one country are subjected to the policy and will of another."

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The door is opened in Boston, sir, otherwise the appeal of a foreign Power would not have found its way there. Why was it sent there? Because it is the focus of faction, and from thence the firebrands of discord will be scattered into every quarter of the country. The speeches of the member will hold the match to the combustible materials which have been heaped up there, and the heart-felt satisfaction will be his, that he put the torch to the pile which is to consume the Constitution of this Union.

The whole of this excellent letter of the venerated WASHINGTON comes directly in contact with the course now pursued. Unfounded jealousies are excited, false insinuations are made against the Government, and yet, the men pursuing this holy vocation profess to be treading in the footsteps of WASHINGTON! Repeat the embargo, they cry, and trade. As to national honor, it is but a name—an empty sound. The love of country does not warm their bosoms. Liberty—and at the sound of liberty the blood beats high in the veins of every virtuous American—has no charms for them. Gold is the god they worship, and they would wallow in the mire of debasement to extract one grain from its filthy sands. The remarks of such men as the member from Massachusetts deserve that all the thunders of this nation's wrath should burst upon their heads. They should be riven by the lightnings of public indignation, and be blasted forever.

Mr. G. W. CAMPBELL said that it was with some embarrassment he rose to address the House on this occasion; as the duty he owed to himself and to his country would impel him to notice some remarks made by the gentleman from Massachusetts (Mr. QUINCY) calculated to excite sensations which ought not to be indulged in this House, and to extort replies that may encroach on that decorum which ought to be observed on this floor, ought not to be violated even in the presence of this respectable audience;—remarks, said he, which are not founded on facts, or supported by any sound argument, which must be the effusion of a disordered brain, or malignant heart, which admit of no serious investigation, and do not merit and cannot receive any other reply than a direct and positive denial, accompanied with that contempt which such misrepresentations justly deserve. The gentleman told you, when he had found some explanation of what he had said necessary, that he had not alluded to particular facts, but meant to bring together a group of motives, by which he conceived the Administration and the majority of this House, as I understood him, to be governed. This group of motives must be the gentleman's own impressions, and not being derived from facts, as he admits, must be considered as the offspring either of ignorance, or what is more probable, of a deliberate and malicious preconceived plan to usher forth those misrepresentations, knowing them to be without foundation, at this critical moment, for the express purpose of deluding the public mind. Take the gentleman on his own ground and this must be the conclusion. He did not allude to facts, and

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yet he pretends to give the motives by which Government and the majority are actuated. He says the majority have acted under a deception—the Administration had other motives than those avowed. He advances no proof to support these assertions. The result must, therefore, be such as has been stated—a deliberate scheme to mislead the public opinion on those subjects—to make an impression abroad that the majority of this House have been guided in their proceedings like automaton—that they are not governed by their own judgments, and do not act from the convictions of their own minds, but are directed by some invisible hand, some unseen influence, which, though alluded to, he dare not name. These are in substance the infamous and unfounded insinuations made by that gentleman. I care not how he may attempt to envelop them in dubious language, or attempt to fritter them away by explanations. The turpitude of heart that produced them, remains the same. If the gentleman had come forward openly, and told this House that the members composing the majority had no sentiments of their own; that possibly they do not mean to destroy their country (as he has been pleased to admit) but are made to do so by the direction of some other controlling power, I should then think he might have some claim to candor, that possibly he believed what he said, and was ready to hazard not only his reputation, but also his feelings (if indeed he has any, of which I now entertain some doubt) and even his person in what he had asserted. [Mr. QUINCY wished to explain.] I wish no explanation from the gentleman, said Mr. C., after what he has already said, and the frequent samples of explanations he has heretofore given. There is no other member in the House, sir, to whom I would not concede the floor for the purpose of explanation; but there is a point beyond which, so long as I have a seat in this House, I will not suffer my feelings to be injured, nor my motives to be impeached with impunity.

I did, sir, not hear all the remarks made by the gentleman on yesterday, and I shall only notice such of those as I did hear, as he seemed to consider of most importance, in order to add my evidence to what has already been said by others on this subject, to show that they are destitute of the slightest foundation in fact. It would not be difficult to prove, from circumstances, that they are a fabrication of misrepresentations, prepared at this moment for the express purpose of influencing certain elections which are to take place during the ensuing spring, in the quarter from which that gentleman comes. Hence he thinks, in order to cover his own views, he will be the first to cry out “the object of the majority is to influence these elections.” But the gentleman’s veil is too thin, it cannot conceal his designs; they are distinctly seen through it. The object is, at the hazard of everything, to deceive and mislead the honest part of society in that quarter, to promote the views of a certain faction or party there, who are evidently sworn enemies to the Government of this country—who are connected directly or

indirectly with a foreign Power, that of Great Britain, and who use every means in their power to support her interest and increase her influence in this country, at the hazard and expense of the dearest rights and best interests of this nation. That such a party exists cannot now be doubted (and the gentleman from Massachusetts resides in the midst of it) who consider their fate intimately connected with that of Great Britain—who seem to have congenial sympathies with her—feel her success as their glory, and would consider her fall as their destruction—who use all the means in their power to excite her to a perseverance in her destructive measures against this country, and prevent her, if possible, from yielding or accommodating existing differences with your Government—who become desperate in proportion as the prospect of accommodation seems to approach, and represent to her in the strongest colors, their dangers in such an event—that if she settles her differences with you at at this time, without making you first yield to her terms, they, as her party in this country, sink into obscurity and contempt forever. Hence their desperate exertions to convince Great Britain that this country cannot long persevere in her present measures. Proofs could be adduced to support this statement, that must produce conviction in every discerning mind. I shall instance one fact, which of itself is conclusive on this point. The late publication of the famous letter from Mr. Canning to Mr. Pinkney. This insidious production, which has been substantially contradicted by Mr. Pinkney’s answer, was ushered into the public prints by that faction, for the purpose of making false impressions on the minds of the American people, favorable to the views of Great Britain. And yet, sir, we are told by the gentleman, that the members of this House were blustering and scolding about the letter of a British Minister. [Mr. QUINCY said he did not refer to that letter.] I am certainly willing, said Mr. C., that the gentleman should deny what he said, though I wish for no explanation from him. I certainly understood him as referring to this letter. [Mr. QUINCY said he alluded to another letter.] I will, said Mr. C., state the gentleman’s words, and the House will judge whether this was not the very letter he alluded to, however he may choose now to change the reference. He said “that this House was scolding and blustering about a letter of the British Minister.” The letter now in question had a few days ago been laid before this House, and some spirited animadversions were made upon it by several members; no other letter of a British Minister had been noticed in the House, to my knowledge, for some time; to my mind, therefore, the inference was inevitable, that this was the letter alluded to. And how the gentleman could introduce or mean any other is to me incomprehensible. However, the fact of the letter having been published is the same, whether he alluded to it or not, and will equally answer my purpose. It was an official letter, and must have been obtained either from the British Minister or from your own Government. It is known

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to every one it was not obtained from the latter; it must, therefore, have been furnished by the former. It was first published in Boston, accompanied by comments calculated to inflame the minds of the American people against their own Government, at a time when our public affairs were in the most critical situation. This single fact is sufficient to prove the existence of this party, and their connexion with, and anxious desire to support the views of the British Cabinet. It may be proper, sir, that I should state here, that in speaking of this faction or party, who are a disgrace to the American character, I do not mean to include all those called Federalists. No, sir, there are many of them for whom I have the highest respect, believing them real friends to their country. There are many members in this House for whose character I entertain the highest esteem, from a conviction that they act from pure motives; but there are some who do not come within this description.

But, sir, to return for a moment to the gentleman's remarks. He told you this House passed the embargo law under a deception, as to the motives that induced the measure to be recommended to the Executive. This old and hackneyed charge, already refuted and contradicted time after time, I did not expect would again be brought before the House. But it is now renewed, though destitute of the slightest foundation, for the express purpose of giving a new impulse to misrepresentations, in the quarter from which that gentleman comes. There is no man can with truth deny, that when the embargo law was passed, this House had all the information on the subject the Government possessed, and could not, therefore, act under a deception. The motives alleged for its passage were the real motives, and there is not a single fact can be adduced to show that there was any other object in view than those avowed. It was adopted first as a measure of precaution to save our property and seamen. It was relied on also as a coercive measure, in regard to the belligerents, so far as depriving them of our supplies would operate in that way, and was so stated by many members on this floor during the passage of the law, but was not considered as a hostile measure: and the belligerents had no right to view it in that light, as we have an undoubted right to regulate our own commerce or abandon it altogether, without giving just cause of war to any nation. How the gentleman, therefore, without the shadow of proof, could bring forward such serious charges, is more than extraordinary; and indeed it does appear to argue a degree of arrogance little becoming the character of an honorable member of the National Legislature, to assert, as has been done, that a large majority of Congress have acted under a deception, have been led as it were blindfold, to give their assent to the measures that have been adopted for more than a year; as if no one had penetration enough to perceive the real motives that guided our councils but this gentleman alone. This opinion he will probably be permitted to enjoy, without a single rival on earth.

You are next told by the same gentleman, that the object of the majority in laying the embargo by a law unlimited in its duration, was to vest the whole power of regulating commerce in the hands of the President; and he says, if it was intended to coerce, to reach the vitals of Great Britain, it was proper to do so. On this latter point indeed, the gentleman seems to feel very sensibly; to be tremblingly alive to the slightest pressure that may be made on his innocent and unoffending friend, Great Britain; as if, when you coerced her, you pressed on his interest in the tenderest point; and when you "reached her vitals" you touched his heart's blood. It was, therefore, wrong, in his opinion, to adopt any measure that would bear hard on her interest. This doctrine may suit the people that gentleman represents, those called the Essex Junto, but it will not be relished by the great body of the American people. No, sir, they will hear it with that indignation it so justly merits. A very slight attention to facts will show the majority had no such object in view in laying the embargo, as that so untruly ascribed to them by the gentleman, of placing the whole power in the hands of the Executive. The first proposition made by the majority was to lay the embargo, by a joint resolution, as had formerly been done, which would, it is presumed, have left the power in the two Houses to rescind it at pleasure. This mode was opposed by the gentlemen on the other side of the House, by that gentleman and his political friends; and to accommodate those opposed to this mode, a law was substituted in its place. This proves that the majority had no disposition whatever to vest the power in the hands of the President, and that this charge, like many others, is without the slightest foundation in truth.

But the gentleman says that he formerly urged an argument against the constitutionality of the embargo laws, viz: "that you cannot repeal them without the consent of the President, if there be twelve members of the Senate against such repeal—that is, that the President and twelve members of the Senate may prevent their repeal"—which argument, he says, has not been answered. I believe, sir, it has not been even noticed, much less answered, and it would still remain unnoticed by me, if the gentleman did not seem to attach so much importance to it, that possibly some might conclude that there was some weight in the objection. I did not, sir, indeed suppose that any gentleman, however conceited he might feel, could seriously think that the members of this House were obliged to answer, and enter into a logical discussion of every quibble, however silly, he might choose to start. The argument deemed so important by the gentleman has not been urged, or even mentioned, so far as I recollect, by any other of his own party. It has not been thought worthy of notice by the newspapers of the same party. It has, therefore, justly been considered by the majority as not meriting an answer, and passed in silence, as many other unmeaning quibbles from the same quarter, dubbed with the name of arguments, have been.

Every man of ordinary understanding, and possessed of any information, must know, that the embargo law is on the same footing in regard to its repeal, with every other law. You cannot repeal or pass any law without the assent of the President, unless two-thirds of both Houses concur. The same objection, therefore, made to the embargo law being unlimited in its duration, would equally apply to every other law that it might be thought any event would ever render expedient to repeal. According to the gentleman's doctrine, all your laws ought to be limited in their duration, lest the President, or two-thirds of the Senate, would not agree to repeal them. This absurdity, to which the gentleman's argument would lead, was seen by every one who examined the subject, and an answer was therefore considered totally superfluous. But, sir, what foundation is there for all this jealousy with regard to the President's giving his assent to an act repealing the embargo laws? Is there any part of his conduct hitherto calculated to induce a belief that he would refuse his approbation to an act passed by both Houses of Congress? Is it candid or liberal at this time to argue, because he has the power to refuse his assent, that he would, on such occasion, exercise that power, when he never has, during the whole course of his Administration, now near a close, in any one instance, done so? Does it not prove the weakness of the cause which gentlemen advocate; the wretched shifts to which they are put for what they call arguments; and the futility, and even absurdity, of the objections they make? It certainly does; and further, tends strongly to prove, that there is some object at the bottom of all this different from those avowed; it seems to cry aloud, "there is something rotten in the state of Denmark."

Another charge is brought forward, sir, which would be a very serious one if true, that when the army of six thousand men was authorized to be raised, your Administration did not design them to fight foreign nations, but your own citizens, that they were intended only to enforce the embargo, though the contrary was avowed. There is something in this charge so insidious, and I might add, so base and malignant, that it must be considered as springing from the same disorganizing and malicious disposition which actuates that party, or rather faction, to which I have already alluded; and stimulates them to issue forth one false statement after another in continued succession, in order to keep up the public delusion in that quarter, and effect, at the expense of truth and every principle of justice, their electioneering purposes. These attempts hitherto, there is reason to believe, were likely to fail. The publication of official documents and State papers, from time to time, refuted their misrepresentations, and were likely to confound all their exertions to mislead the people, who began to see clearly that their Government was not affected by any foreign influence; that they acted solely with a single view to the interests of their own country. Opposed by truths too powerful to resist, the party resort to this as the forlorn hope, as the

last desperate effort, to support their nefarious schemes. When the national councils were making preparations to resist foreign aggressions of every kind, from whatever nation they might proceed, there were no means left them to carry on their system of delusion, but to tell the people, (in the very face of the clearest proofs to the contrary,) those preparations are not made against your enemies, but against yourselves. This charge must be too absurd to gain credit with any man whose mind has not been already poisoned against the truth. There is scarcely a child in the nation, who can read, possessed of so little sense and information as to believe it. There is no doubt the Government would use all the proper means in their power to preserve peace with foreign nations, if it could be done consistent with the interest and honor of this country. They can have no wish for war. But, at the present crisis, it is certainly necessary to be prepared for it, in case it should become inevitable. For this purpose, those troops were authorized to be raised to resist foreign aggression, not to enforce the embargo. The idea of using them to enforce the embargo laws—though it would have been a proper object—could not, at the time, have been entertained by any one. It was not then supposed there was any portion of the American people so corrupt, so totally lost to all sense of the duty they owe the nation, as to evade, much less openly oppose, the execution of the laws of the Union. It could not, therefore, have been thought necessary to provide for such a case. The assertion is indeed so destitute of the slightest foundation, that it would be surprising, if anything from that quarter could now surprise us, that it should be uttered on this floor.

But what reason does the gentleman assign for entertaining this opinion—one as extraordinary as it is futile. He says no Federalists are appointed to offices in this new army, and therefore he concludes, that their only object is to enforce the embargo. Though the statement as to appointments is not true in fact to the extent asserted, yet, if it were, how could it prove the gentleman's position? Did he mean to insinuate that all the Federalists would oppose the execution of the embargo laws during the time they remained in force, and on that account are not to be trusted as officers? I trust he did not; and I presume such is not the fact. I have reason to believe that there are many Federalists, who, though opposed to these laws, would aid in carrying them into complete execution so long as they continue to be the laws of the Union. Or, did the gentleman wish to be understood as saying that there were none but Federalists who could be intrusted to fight foreign nations? Hardy as that gentleman appears to be, and vain of his own importance, he could scarcely, I presume, utter such a sentiment without blushing. But, sir, could he suppose the Government would appoint the apologists of British outrage and aggression to defend their country against her armies? Certainly he could not, and the nation would not sanction such conduct. But the gentleman intimates that this House

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might have acted under honest motives, but the Administration did not mean to make war with foreign nations. Need he be told that the Executive cannot make war; that Congress alone is competent to declare it? Surely, I presume, he need not. And with what pretext, therefore, can he bring this charge against the President? The only object must be to cover himself from the imputation of charging the several members of this House, directly, with acting from improper motives, which charge, in fact, he does make indirectly. Many on this floor have declared, if the belligerents would not do us justice, they were determined to meet war with all its calamities, and that, in a very short time, rather than submit to their unjust edicts. The gentleman asserts that the majority are determined not to go to war. This is charging them with duplicity, with being actuated by motives different from those they avow. Such charge is unfounded and illiberal, and so far as it was intended to apply to me, is totally untrue, and one which, out of the sanctuary of these walls, neither that gentleman nor any other should make with impunity.

But it is further said, you have not spirit enough to fit out your small navy. Here we have a proof of what that gentleman means by spirit. He estimates it in proportion to the amount of money you appropriate. This it seems with him is the only test of true spirit. With regard to what most other men would call spirit, I presume, the gentleman may satisfy himself on a proper occasion, that almost any one of the minority possesses a sufficient degree of it to meet any demand he may make—though they will not contend with him on the score of that kind of spirit, which consists alone in appropriating money for unnecessary and useless purposes. [Mr. LYON wished to interrupt Mr. CAMPBELL, apparently for the purpose of calling him to order.] Sir, said Mr. CAMPBELL, there are certain persons who are entirely too low to be noticed, and are therefore secure. The remark in regard to not fitting out the whole Navy, when properly understood, has no weight or tendency whatever to prove the charge, that the majority have no intention to go to war, should the interest of their country require it. Those of the majority who opposed fitting out the whole Navy, did so because they were of opinion it would not constitute any substantial or efficient means of defending the country or annoying an enemy. They did not think a navy ought to be relied on for protection or offence. They therefore considered the large appropriation of money necessary for fitting out the whole Navy as a useless waste of our resources, which would add little or nothing to our security, or means of actual resistance, and which resources ought to be applied to other objects better calculated to prepare the nation, for both defensive and offensive measures, should the occasion require them. It was not therefore in any point of view an evidence of their indisposition to meet war, or make it if necessary, but related solely to the means by which they conceived it could most effectually be carried on.

Another ground is equally futile and destitute of foundation. He asks, when you have reduced your resources, and destroyed your revenue, will you go to war? He must have forgotten, that in the very breath before he had complained, because you did not expend millions on the Navy; now he says you have exhausted your resources. This is proof of the gentleman's consistency. But I might call on him to show a single instance in which, during the present Administration, the resources of the nation have been unnecessarily laid out—he could point out none—on the contrary, they have been husbanded by them most carefully, and, in consequence of their economical management, there is at this time more money in your Treasury, than ever there has been at any preceding period. On the first of this month there was in the Treasury sixteen million of dollars, which is amply sufficient to meet all expenditures authorized for the present year, and still leave a considerable balance in the Treasury to meet those of the ensuing year, together with the amount of revenue that shall during that period be received. Hence it is manifest, this allegation of your having exhausted your resources, is destitute of the slightest foundation in fact.

There was another remark made by that gentleman, which is only noticed because it shows a degree of assumed self-importance, and even insolence, which would hardly be expected from any gentleman, even though he affected to be the hero of the *Essex Junto*: With a kind of pantomimical exhibition, which is often performed on this floor, (I presume for our amusement,) he observed, "I cannot suffer any longer, the cry of war to go abroad." How, sir, did he suppose he could prevent it? Could he imagine even for a moment, in the midst of all his apparent mental delirium, that he had any control over the members composing the majority of this House? Such remarks can only expose the extreme weakness, or arrogance of those who make them, and will be treated by all who hear them with that indignant contempt which they so justly merit. Pursuing the same course of misrepresentation, it is further said, that this bill is a continuation of the system of deception of the Administration, intended to operate on the elections in the Spring. I must conclude, (which I regret very much to be under the necessity of doing,) there is more corruption and turpitude in the part of the country from which that gentleman comes, than in any with which I have ever been acquainted. He must in this instance judge of others by himself; for, as he adduces no facts to support his assertion, he must speak from a knowledge of what would, in similar circumstances, be his own views, and those of his political friends. There is no other ground upon which to account for this assertion—unless indeed you ascribe it to motives still more base, if possible. He produces no proofs to support his allegation; he must therefore, draw his inferences from analogy. He determines what objects he and his friends would have in view, and what course they would pursue in a similar case; and very sagaciously concludes, the majority of

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this House are actuated by like motives, and would act accordingly. In this conclusion he has been egregiously mistaken. There is not, I trust, among the majority, a single individual actuated by such unworthy motives; they have no other objects in view but those they avow—the charge is a base and unfounded slander, for which its author, if rules of decorum were duly regarded, would justly merit and receive the decided and public censure of this House. This course must and soon will be resorted to, and can alone prevent the necessity of replying to remarks, which are disgusting in the highest degree to every one who hears them—it alone will prevent introducing on this floor the language of Billingsgate, or the courtly style of the oyster bench, as has been done by the same gentleman. He observed the language used by some gentlemen who answered him, resembled that of Billingsgate, and that he never sat down with fishermen, or took degrees at an oyster bench. If he has not yet, sir, taken his degrees, I have no doubt, he soon will receive that honor, with universal consent—for he certainly has been a very apt scholar, and must have made great proficiency in the acquisition of their sentiments, as well as their language. He has given proofs of it on this floor, exceeding anything of the kind ever before produced in a respectable deliberative body. He said you could not kick the majority of this House into war! This language is too disgraceful to merit notice—in the manner it was applied, it is below the style of a common alehouse, and will fix a stain on the character of its author, which all the evasions and hypocritical explanations to which he may resort cannot remove for years to come.

But, sir, we cannot help inquiring what has at this time produced all these unfounded charges? And we are impelled to conclude, they are the result of a preconcerted plan, as has been already noticed, to continue the delusion in the public opinion to the Eastward, so as to influence the ensuing elections in that quarter. On their success in this effort rest all the hopes of the party. In the late elections, with the aid of intrigue and misrepresentations, they succeeded beyond the general expectations, and far beyond their own. Since that time a number of the false statements which supported their cause have been completely refuted by the publication of official documents—they seem to consider their cause as likely to be desperate—they can no longer persuade the people, that the embargo was intended as a war measure—that your councils are guided by French influence—that you are willing to submit to all foreign aggressions, and that the embargo was to be permanent. All these absurd tales have had their round, and are now no longer believed by any man of sense. The last struggle, the forlorn hope now, is to persuade the people you are not serious, you are not in earnest in your preparations to defend their rights and avenge their wrongs. They hope by impressing on their minds this barefaced falsehood, to be able still to lead them in the paths of error—they tremble for the fate of their party—they perceive clearly that

Great Britain is pressed severely by the embargo, and is likely to discover her error in giving credit to the false statements she received from them respecting the people of this country, and in all probability is on the very point of accommodating her differences with your Government. In this they see a death blow to the existence of the party in this country, and they use every means in their power to prevent such event. Hence their unremitting exertions to excite domestic disturbances, insurrections, and rebellion in the Eastern States, with the hope thereby to commit the people decisively on their side of the question, and particularly to persuade Great Britain she has a strong party here on her side, and thereby induce her to persevere in her aggressions, and prevent her from doing justice to this country. With her they are willing to rise or fall, and they know should our differences with foreign nations be adjusted without disgracing our country, they vanish forever as a party. Such means pursued to effect such objects, will draw down on their authors the just indignation of the American people; charges so serious, and at the same time so groundless, made against the Representatives of the nation at this important crisis, ought to be exposed and repelled by every member of the majority on this floor—and as one, I deem it my duty to pronounce them, in the face of this nation and of the world, so far as they were intended to apply to me, to be slanderous and malicious falsehoods.

Mr. GARDENIER said he would not have again spoken in support of the bill; but, he said, the freedom of debate had been violated in the House. A gentleman from Massachusetts (Mr. QUINCY) had exercised a Constitutional privilege in expressing his sentiments; and he had been answered in a manner calculated to wound his feelings as much as language could do it. He considered the purport of such language to be either, that a man must submit to disgrace, or an appeal to cold iron. [He was twice called to order by Mr. FISK; the SPEAKER decided each time that it was improper to refer to personal combat.] Mr. G. expressed his horror of the use of abusive language. He said that, although the gentleman from Massachusetts (Mr. QUINCY) came from a country where the term cowardice was not known, yet it was equally disgraceful to resort to a certain mode of resenting injuries practised in other States. He hoped irritating language would, in future, be dropped.

Mr. QUINCY said he should not have again risen in this debate, did not the observations of the gentleman from New York (Mr. GARDENIER) in a manner compel some explanation. The interest he has been pleased to express on account of the language which has been addressed to me, said Mr. Q., is very natural to a gentleman in his situation, and entitles him to my gratitude. But the course of my education has inculcated other sentiments, and instilled different feelings. I have been taught that the just pride of life is only attained by acquiring real honor among honorable men; and that this can only be effected by an undeviating course of public and private conduct,

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directed by sound principle, and terminating, when its marks and limits are fully understood, in a fulfillment of duty. Such a course I have attempted to pursue in this debate, though it has been my lot to be mistaken or misrepresented by almost every gentleman who has undertaken to reply to me. Towards neither of those who have seen fit to resort to such opprobrious language can I feel any resentment; they are welcome to all the advantages they can derive from it.

It is my fortune—perhaps in the opinion of some it is my misfortune, to represent, not only a great, a wise, a powerful, an intelligent, but what, in that country, is valued more than all, a religious people. Gentlemen very well understand, when they use terms in debate to which the customs of this part of the country admit of but one species of reply, that such a resort is altogether prohibited by the sentiment of that part to which I belong. They know that, so far from being honor, it is a disgrace, in my country, to avenge wrongs of words in the way which is here, in a manner necessary; and that a successful issue, in such a mode of vengeance, would there terminate the hopes, as well of political as of private honor of any man who, at my period of life, should adopt it. And I shall not, in order to gain the temporary applause of men whom I cannot respect, forfeit the esteem of those whose good opinion is, in this life, the most precious reward. This is my situation; I am sent here by such constituents to support their interests and maintain their rights, according to my apprehension of them. My duty in these respects I shall fulfil; nor shall I be deterred from performing it, by the asperities or the violence of any friends of the present, or any future Executive, of any, or all the royal cousins.

My argument, such as it was, will be laid, I trust, fairly before the people; whether I have passed the boundary of parliamentary duty or decorum I cheerfully refer to their judgment. The observations made in reply have been one tissue of mistakes. I ought to have interrupted each gentleman at least twenty times; but if gentlemen cannot, or will not, understand the bearing of an argument, it does not become me to be perpetually correcting them. If they insist upon dressing up, in their own way, their rag-babies, and will shake and beat them about for their own amusement, it is not for me to interfere. Certainly, I do believe with the gentleman from New York, (Mr. GARDENIER,) that the privileges of this House have been violated. The ground which I took was perfectly parliamentary—I openly disclaimed, in the outset, all personalities; I canvassed only public men, and attempted to reason concerning their intentions from their public conduct alone. With respect to the motives of this House in passing the embargo, what I said upon that point was expressly stated as being, not intended to criminate, or even directly to attribute, but only as a mere recapitulation of all the motives which had ever been suggested as existing; and this was done solely to support my main argument, that none of these did include those motives which, as I undertook to show, did operate

with the Executive. Whenever what I then urged shall be before the public, the correctness of this statement will be apparent. This is not “explaining away,” sir. Gentlemen will not take the trouble to understand the bearing of an argument; they sit and note down some independent sentence which strikes their ear; they seize upon scraps which are, perhaps, only subsidiary or illustrative to the general scope of the reasoning; on these they fix, and these they read, as though they had in their grasp the substance of what was urged.

However, it was not my intention to enter even thus far into additional elucidations of this kind. Knowing the solid ground on which I stand, I have little solicitude concerning the effect of the observations of these gentlemen; the force of their weapon, if it have any, will only be felt in its recoil on themselves; for I have this great consolation, in the certainty, that, where I am known, nothing *those* gentlemen can say will injure me; and also in the further belief, that the effect will not be greater where *they* are known.

No other amendment being offered to the bill, it was ordered to be engrossed for a third reading. The bill being brought in engrossed, a motion was made that the same be read the third time to-morrow: and the question being put thereupon, it passed in the negative.

A motion was then made by Mr. SMITH, that the bill be now read the third time: and the question being taken thereupon, it was resolved in the affirmative.

The said bill was, accordingly, read the third time: Whereupon, Mr. SPEAKER stated the question from the Chair, that the same do pass? And, the question being taken, it was resolved in the affirmative—yeas 80, nays 26, as follows:

YEAS—Lemuel J. Alston, Willis Alston, jr., Ezekiel Bacon, William W. Bibb, John Blake, jr., Adam Boyd, John Boyle, Robert Brown, William Butler, Joseph Calhoun, Epaphroditus Champion, John Clopton, Orchard Cook, Richard Cutts, John Dawson, Josiah Deane, Joseph Desha, William Ely, John W. Eppe, William Findley, James Fisk, Barent Gardenier, Francis Gardner, Thomas Gholson, jr., Charles Goldborough, Peterson Goodwyn, Isaiah L. Green, John Harris, William Helms, David Holmes, Benjamin Howard, Daniel Hsley, John G. Jackson, Robert Jenkins, Richard M. Johnson, Walter Jones, Thomas Kenan, Philip B. Key, William Kirkpatrick, John Lambert, Joseph Lewis, jr., John Love, Robert Marion, Josiah Masters, William McCreery, William Milnor, Daniel Montgomery, jr., John Montgomery, Nicholas R. Moore, Thomas Moore, Jeremiah Morrow, John Morrow, Jonathan O. Mosely, Gurdon S. Mumford, Roger Nelson, Thomas Newbold, Thomas Newton, Wilson C. Nicholas, Timothy Pitkin, jr., John Porter, John Pugh, John Rea of Pennsylvania, John Rhea of Tennessee, Jacob Richards, Matthias Richards, Ebenezer Seaver, Dennis Smelt, John Smilie, Jedediah K. Smith, Henry Southard, Clement Storer, Samuel Tiggart, John Taylor, James I. Van Allen, Archibald Van Horn, Robert Whitehill, Isaac Wilbour, Alexander Wilson, Nathan Wilson, and Richard Winn.

NAYS—Burwell Bassett, William Blackledge, Thos. Blount, Martin Chittenden, Matthew Clay, John Dav-

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enport, jr., Meshack Franklin, Edwin Gray, Richard Jackson, James Kelly, Matthew Lyon, Nathaniel Macon, Josiah Quincy, John Randolph, John Rowan, James Sloan, Richard Stanford, William Stedman, Lewis B. Sturges, Benjamin Tallmadge, Abram Trigg, Jabez Upham, Philip Van Cortlandt, Nicholas Van Dyke, Jesse Wharton, and David R. Williams.

Adjourned to Monday.

MONDAY, January 23.

Mr. MACON, from the managers appointed on the part of this House to attend a conference with the Senate on the subject-matter of the amendments depending between the two Houses to the bill, entitled "An act authorizing the appointment and employment of an additional number of navy officers, seamen, and marines," reported that they had met the managers on the part of the Senate, and conferred freely on the disagreeing votes of the two Houses; but come to no agreement thereupon.

Mr. LEWIS, from the Committee for the District of Columbia, presented a bill respecting executions for small debts in the county of Washington, in the District of Columbia; which was read twice and committed to a Committee of the Whole on Wednesday next.

Mr. HOLMES, from the Committee of Claims, presented a bill for the relief of Isaac Briggs; which was read twice and committed to a Committee of the Whole to-morrow.

Mr. FISK, from the committee appointed the fifteenth of November last, presented a bill for altering the times and places for holding the Circuit Court of the United States within the District of Vermont; which was read twice and committed to a Committee of the Whole on Wednesday next.

The SPEAKER presented to the House a petition, in the French language, from sundry inhabitants of Soussignes, in the Territory of Michigan, praying that such measures may be adopted, as Congress in their wisdom may deem proper, for causing a number of copies of the laws of the United States, particularly such of the said laws as relate to the Michigan Territory, to be printed in the French language, for the convenience and benefit of the petitioners, and other inhabitants of that Territory.—Referred to Mr. WHARTON, Mr. MUMFORD, and Mr. KEY; to examine and report their opinion thereupon to the House.

Mr. JEREMIAH MORROW, from the Committee on the Public Lands, presented a bill concerning claims to lands in the Mississippi Territory, granted by the British Government of West Florida; which was read twice and committed to a Committee of the Whole on Thursday next.

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The House went into Committee of the Whole on the bill providing for the increase of the Military Establishment. The bill contemplates the raising of 50,000 volunteers.

On the motion of Mr. NELSON, the first blank was so filled as to limit the term of service to two years.

The Committee rose and reported the bill with the amendments.

The House immediately took up the report, and after some observations in opposition to the bill, from Mr. MILNOR, the question on engrossing the bill for a third reading, was taken by yeas and nays and carried—yeas 72, nays 45, as follows:

YEAS—Lemuel J. Alston, Willis Alston, jun., Ezekiel Bacon, David Bard, Burwell Bassett, William W. Bibb, John Blake, jun., Thomas Blount, Adam Boyd, John Boyle, Robert Brown, William A. Burwell, William Butler, Joseph Calhoun, John Clopton, Orchard Cook, Richard Cutts, John Dawson, Josiah Deane, Joseph Desha, Daniel M. Durell, John W. Eppe, William Findley, James Fisk, Meshack Franklin, Thomas Gholson, jun., Peterson Goodwyn, Isaiah L. Green, William Helms, James Holland, David Holmes, Benjamin Howard, Reuben Humphreys, John G. Jackson, Richard M. Johnson, Walter Jones, Thomas Kenan, John Lambert, John Love, Robert Marion, William McCreery, John Montgomery, Nicholas R. Moore, Thos. Moore, John Morrow, Gurdon S. Mumford, Roger Nelson, Thos. Newbold, Thomas Newton, Wilson C. Nicholas, John Porter, John Pugh, John Rhea of Tennessee, Jacob Richards, Lemuel Sawyer, Benjamin Say, Ebenezer Seaver, Samuel Shaw, Dennis Smelt, John Smilie, Jedediah K. Smith, John Smith, Henry Southard, Peter Swart, John Taylor, Abram Trigg, George M. Troup, James I. Van Allen, Isaac Wilbour, Alexander Wilson, Nathan Wilson, and Richard Winn.

NAYS—Joseph Barker, William Blackledge, Epaphroditus Champion, Martin Chittenden, Matthew Clay, John Culpeper, Samuel W. Dana, John Davenport, jun., Jas. Elliot, William Ely, James M. Garnett, Charles Goldsborough, Edwin Gray, John Harris, John Heister, William Hoge, Daniel Hiseley, Richard Jackson, Robert Jenkins, Joseph Lewis, jun., Matthew Lyon, Nathaniel Macon, William Milnor, Daniel Montgomery, jun., Jonathan O. Mosely, Timothy Pitkin, jun., Josiah Quincy, John Randolph, Samuel Riker, John Rowan, John Russell, James Sloan, Samuel Smith, Richard Stanford, William Stedman, Lewis B. Sturges, Samuel Taggart, Benjamin Tallmadge, John Thompson, Jabez Upham, Nicholas Van Dyke, Kilian K. Van Rensselaer, Jesse Wharton, Robert Whitehill, and David R. Williams.

On the motion that the bill be ordered for a third reading to-morrow.

Mr. D. R. WILLIAMS wished that it might be postponed until the course which was to be pursued should be determined. He alluded to a declaration that was made some days since by Mr. BACON, that he would bring forward a motion for the repeal of the embargo, at a certain period. Mr. W. wished to have the question settled before this additional force should be voted.

Mr. NELSON could not consent to a postponement. He thought the country ought to be put into an immediate state of defence, and it would be unwise to repeal the embargo until that was done. He apprehended no danger to the liberties of the people from the increased force of the United States. From what he had seen of the militia, he did not believe them sufficiently disciplined to be so immediately effective.

Mr. TALLMADGE thought the bill of more importance in respect to the interest of the people

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than the gentleman from Maryland (Mr. NELSON) seemed to imagine. He therefore moved that it should be ordered to a third reading on this day week, that gentlemen might have time to consider the bill in all its bearings.

Mr. BACON wished for an intermediate period. He said he should not shrink from the duty which he had assigned himself, in bringing forward a resolution for the repeal of the embargo at no distant period.

Mr. DESHA moved that the bill be read a third time on Thursday next.

Mr. D. R. WILLIAMS thought if war measures were resolved upon, the nation should know it. If war was the object of the present bill it was deceiving the people.

Mr. NELSON made some remarks in support of the bill, and of a third reading to-morrow.

Mr. LYON wished the longest period named might prevail. He wanted even to look over a book of speeches, in which he found certain principles in direct hostility to the present bill maintained by the gentleman who now fills the Chair and the celebrated personage who is at present at the head of the Treasury.—He wanted to show the Republicans what they themselves had said upon the subject. He called these men time servers, whose principles altered to suit the times.

Mr. NICHOLAS supported the bill, not on the ground of its contemplating the raising of more militia or volunteers, but as an army of defence.

Mr. GARDENIER moved that the third reading of the bill should be postponed until the 22d of February next. Mr. G. took a wide view, in a speech of about an hour, of the affairs of the country, and of the present system of measures, and hoped that gentlemen, if they would not consent to go back, would at least consent to make a short pause, and allow time to have a complete knowledge of the state of the nation before they should pass the present bill.

Mr. MACON replied at length to Mr. GARDENIER, defending the embargo and the other measures of the Government.

Mr. J. G. JACKSON also spoke at length in reply to Mr. GARDENIER.

The question was then taken by yeas and nays, on the motion of Mr. GARDENIER, and lost—yeas 16, nays 65, as follows:

YEAS—Epaphroditus Champion, Martin Chittenden, Barent Gardenier, William Hoge, Richard Jackson, Robert Jenkins, Matthew Lyon, William Minor, Jonathan O. Mosely, John Russell, James Sloan, William Stedman, Lewis B. Sturges, Benjamin Tallmadge, Jabez Upham, and Archibald Van Horn.

NAYS—Willis Alston, jun., Ezekiel Bacon, David Bard, Burwell Bassett, William Blackledge, Thomas Blount, John Boyle, William A. Burwell, William Butler, Joseph Calhoun, John CLOPTON, Richard Cutts, John Dawson, Josiah Deane, Joseph Desha, John W. Eppes, William Findley, Jas. Fisk, Meshack Franklin, Francis Gardner, Thomas Gholson, jun., Peterson Goodwyn, Isaiah L. Green, William Helms, James Holland, David Holmes, Benjamin Howard, John G. Jackson, Richard M. Johnson, Walter Jones, Thomas Kenan, John Lambert, Nathaniel Macon, Robert Ma-

mon, Josiah Masters, William McCreery, John Montgomery, Nicholas R. Moore, Thomas Moore, Jeremiah Morrow, John Morrow, Gurdon S. Mumford, Roger Nelson, Thos. Newbold, Thomas Newton, Wilson C. Nicholas, John Porter, John Rea of Pennsylvania, John Rhea of Tennessee, Matthias Richards, Samuel Riker, Benjamin Say, Ebenezer Seaver, Samuel Shaw, John Smilie, Jedediah K. Smith, John Smith, Samuel Smith, Henry Southard, Clement Storer, John Taylor, James I. Van Alen, Isaac Wilbour, David R. Williams, and Alexander Wilson.

A motion was made by Mr. TALLMADGE, that the said bill be read the time on Monday next: and the question being put thereupon, it passed in the negative.

A motion was then made by Mr. NELSON, that the said bill be read the third time on Wednesday next: and the question being taken thereupon, it was resolved in the affirmative.

And on motion, the House adjourned until to-morrow.

TUESDAY, January 24.

The SPEAKER laid before the House a letter from the Secretary of the Navy, accompanied with a report of the Commissioners of the Navy Pension Fund, and sundry statements marked A, B, C, D, and E, prepared in pursuance of the "Act for the better government of the Navy of the United States; which were read, and ordered to lie on the table.

Mr. SAY presented a petition of the President and Managers of the Susquehanna and Tioga Turnpike Road Company, praying that the Secretary of the Treasury, for and on behalf of the United States, may be authorized to subscribe for such a number of shares of the stock of the said company, as to the wisdom of Congress shall seem meet.—Referred to the committee appointed, the eleventh of November last, on so much of the Message of the President of the United States at the commencement of the present session, as relates to the disposition of the surpluses of our revenue in the improvement of roads, canals, rivers, and education; to examine and report their opinion thereupon to the House.

A message from the Senate informed the House that the Senate have passed a bill, entitled "An act supplementary to the act, entitled 'An act to amend the act, entitled 'An act establishing Circuit Courts and abridging the jurisdiction of the District Courts of the districts of Kentucky, Tennessee, and Ohio:'" also, a bill, entitled "An act making appropriations to complete the fortification, commenced for the security of the seaport towns and harbors of the United States, and to defray the expense of deepening and extending to the river Mississippi the canal of Carondelet;" to which bills, respectively, they desire the concurrence of this House. The Senate adhere to their amendments to the bill, entitled "An act authorizing the appointment and employment of an additional number of navy officers, seamen, and marines," to their disagreement to which this House hath insisted.

FORTIFICATIONS.

The House resolved itself into a Committee of the Whole on the bill making appropriations to complete the fortifications commenced for the security of the seaport towns and harbors of the United States, and to defray the expense of deepening and extending to the river Mississippi the canal of Carondelet.

Mr. BLOUNT moved to fill the blank for the sum with \$450,000, and read the following estimate of the sums necessary for completing the fortifications in each State for the ensuing year:

For the several works at and near N. Orleans	\$36,000
For do. in the State of Georgia	60,000
For do. in the State of South Carolina	30,000
For do. in the State of North Carolina	16,000
For do. in the State of Virginia	28,000
For do. in the State of Maryland	15,000
For do. in the State of Delaware	18,000
For do. in the State of Pennsylvania	5,000
For do. in the State of New Jersey	14,000
For do. in the State of New York	165,000
For do. in the State of Connecticut	24,000
For do. in the State of Rhode Island	8,000
For do. in the State of Massach'ts and Maine	25,000
For do. in the State of New Hampshire	4,000

Total - - - - - \$448,000

The motion was agreed to, without a division.

Mr. VAN DYKE moved to insert, at the end of the section which provides for completing the works already commenced, the words, "and for erecting such other fortifications as may be deemed necessary."—Agreed to, without a division.

Mr. GOLDSBOROUGH moved to strike out of the bill the words, "exclusive of the contemplated line of blocks and chains across the harbor of New York," and insert a proviso that no part of the money appropriated by this bill should be employed in that mode of defence, and that the materials provided for it should be sold, and the proceeds of the sale be appropriated to other fortifications. This motion was opposed by Messrs. BURWELL and BLOUNT, and afterwards withdrawn.

A motion was made by Mr. MACON, to strike out the second section of the bill, (respecting the canal of Carondelet.) This motion was superseded by a motion of Mr. DANA for the Committee to rise, in order to recommit the bill; on which motion, a debate took place of two or three hours in length, turning principally on the question of the propriety of that mode of defending New Orleans. Motion to rise lost—47 to 40. Motion to strike out the second section lost—55 to 40.

The blank in the second section was filled with \$25,000.

Mr. NEWTON moved a new section, to authorize the President of the United States to cause a survey of the land lying between the head of the Eastern branch of Elizabeth and Lynnhaven rivers, to ascertain the practicability of cutting a canal across.—Negatived, ayes 10.

The Committee rose, and reported the bill as amended, which was ordered to be engrossed for a third reading.

PREPARATION FOR WAR.

Mr. NICHOLAS said, that there never was a period in any country which more required the union and exertion of all its citizens to extricate it from its difficulties, than the situation of this country required at the present time. The two most powerful nations of the world, said he, are in a state of war against this country. Their aggressions against us have been continued for twelve months, whilst we have used every honorable means in our power to avoid war. I have repeatedly declared my determination never to submit to the wrongs received; that when the embargo failed, we must resort to the valor and patriotism of our citizens. Sir, we have too much reason to believe that the moment is at hand when nothing else can extricate us from our difficulties. My attention has been particularly called to the necessity of measures of the sort I am about to propose, from the opposition made to the preparation for war by gentlemen who rely mostly upon the embargo as a coercive measure, and declare, that as long as it continues, no preparation should be made with a view to a state of war. If the country remains in a situation unprepared to meet war, until the period when every man would be satisfied that the embargo ought to be raised, we shall be compelled to continue it six, eight, or ten months longer, till we can prepare for actual war. But, sir, in our preparations, mere defence should not be the sole object. We are the injured party in the contest. This state of things imposes upon us the necessity of being prepared to prosecute the war; because, if we seek redress for injury, the mere defence of the country will not answer the purpose; and therefore there is the greater necessity for extensive preparation. After these observations, Mr. N. offered the following resolution, which he moved to refer to a Committee of the Whole:

Resolved, As the opinion of this House, that the United States ought not to delay beyond the — day of — to repeal the embargo laws, and to resume, maintain, and defend the navigation of the high seas against any nation or nations having in force edicts, orders, or decrees, violating the lawful commerce and neutral rights of the United States.

After a few observations from Mr. DANA, expressive of a wish to see a whole system, and the object of the preparation for war precisely defined, expressing at the same time a desire to give the subject an early consideration, the resolution was made the order of the day for Monday next, in preference to to-day—53 to 45.

WEDNESDAY, January 25.

The SPEAKER laid before the House a letter from the Secretary of the Treasury, accompanying certain papers exhibiting the instructions which have been transmitted by him to the Collectors of the Revenue and other officers of the United States, in relation to the act laying an embargo upon all ships and vessels in the ports and harbors of the United States, and the several acts supplementary thereto; also, the names and

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places of residence of certain persons who have been detected in violating the embargo laws, prepared in pursuance of a resolution of this House of the fourteenth of November last.

The said letter was read, and, together with the papers transmitted therewith, ordered to lie on the table.

Mr. BURWELL presented a memorial of the President, Managers, and Company, of the Philadelphia, Brandywine, and New London Turnpike Road, praying the aid and patronage of Congress, to enable the said company to open and complete a road from the city of Philadelphia, by Chadd's Ford, on Brandywine, and New London Cross-Roads, to the line of the State of Pennsylvania, in a direction towards the city of Baltimore.—Referred to the committee appointed the eleventh of November last, on so much of the Message from the President of the United States, at the commencement of the present session, as relates to the disposition of the surplusses of our revenue in the improvement of roads, canals, rivers, and education.

On motion of Mr. CLORRON, that a petition of sundry British merchants, and others, subjects of His Britannic Majesty, presented on the twenty-first of December, one thousand eight hundred and four, and praying "that the power and authority granted by law to the Federal Circuit Courts, may be extended to the trial and determination of 'all causes arising under treaties,' or to causes where an alien is a party, in which the matter in dispute, exclusive of costs, is under the sum of five hundred dollars; or that such other tribunal may be established for the trial and determination of the said causes as to the wisdom of Congress shall seem meet," be referred to the consideration of a select committee.

Mr. C. stated that, in making this motion, he was far from having any desire that the prayer of the petition should be granted; on the contrary, he was very much opposed to it, but that he made the motion solely to comply with the solicitation of an agent of the petitioners, residing in the district he represented, who had earnestly requested him to call the subject into view, and endeavor to obtain a final decision by the House. Motion for reference lost—ayes 33. The petition was laid on the table.

COLLECTORSHIP OF BOSTON.

Mr. QUINCY.—Mr. Speaker, I rise to perform a great duty; but one impudently demanded, as I apprehend, by my station, and by the knowledge of facts which I have in possession. By the second section of the first article of the Constitution, this House have "the sole power of impeachment."

This duty, always painful, it must perform, if occasion calls for it. And every member who has reason to believe that a high crime or misdemeanor has been committed, is bound to state that opinion to the House, and to move such an inquiry as the nature of the supposed offence demands.

Of all the duties of the Executive Magistrate

of this nation, that in relation to the filling of important public offices is the most critical, the most likely to be abused, and the one which this House ought most scrupulously to watch; because these appointments are the avenues of corrupt influence; and, of all species, perhaps, that is the most dangerous which keeps men, then acting in high official stations, subject to such an influence by not only the actual perception of the profit of the places which they hold, but by the assurance of further lucrative advancement, in case of continued fidelity to him who holds the distribution of offices. Under this aspect, sir, I do not hesitate to declare my opinion, that a high misdemeanor has been committed against this nation, concerning which it is the bounden duty of this House to inquire, and either to remove the ground of suspicion, or establish the fact before the world. This is the charge which I expect to substantiate: That the collectorship of the port of Boston and Charlestown, being a place of great trust and importance, and also of ample emolument, has been now for more than two years, kept, in a manner, vacant, and ever since left in the condition of a sinecure, in the hands of the then incumbent, after the Executive had full information of the fact, for the purpose of keeping the said office in reserve for Henry Dearborn, long a member of the present Administration, then and now Secretary of War.

The facts I expect and am prepared to prove are:

First. That, in November, 1806, Benjamin Lincoln, Esq., collector of that port, did write to the President of the United States, stating his infirmities and advanced years, and asking leave to resign at the end of that year.

Second. That he did receive an answer from the President, in December following, expressing a high sense of his Revolutionary services, and requesting him to give him a little longer time to look out for a suitable character to fill the said office, and limiting the time to the last of March then following, viz: March, 1807, "beyond which he assured him he should not be detained." That General Lincoln, in reply, consented to continue until the last of the said March.

Third. That no appointment in March was made, and that General Lincoln did, on the 30th of September, 1807, write to the President stating his infirmities, and total inability to perform the duties of his office, and again requested to be relieved from his office, at farthest, by the end of that year; that to this he never received any answer.

Fourth. That he has been continued through another year, without any reason assigned for such continuance, in a situation totally unable to perform any of its duties; so much so, that he has not been in the town of Boston since June last.

So far the facts are to be proved, as I have reason to believe, in a court of law. The next fact, I have no doubt, will be made out perfectly to the satisfaction of the House and nation.

Fifth. That this office has been thus kept, in

effect vacant, for more than two years, for the purpose of gratifying a favorite of the Executive, Henry Dearborn, Secretary of War, by that appointment, and that for him it has been, in this manner, reserved.

I need not use any arguments to show that these facts, if they be proved, constitute, to say the least, a high misdemeanor, into which this House ought to inquire, and to take such course thereupon as to its wisdom shall seem expedient, under the high duties imposed upon it by the Constitution.

I am instantly impelled to this duty by a paragraph in a paper, the National Intelligencer, of this day, which I now hold in my hand. In this paper, Major General Benjamin Lincoln, one of the chief glories of our Revolution—a hero, the halting victim of war—his body all seamed and scarred with wounds gotten in the cause of his country, now on the brink of the grave, his laurels never yet tarnished; and though the aged root is descending into the tomb, yet their leaves upturn to the eye of a youthful green, and shed all around a celestial fragrance—This hero, the companion, the beloved friend of WASHINGTON, is stigmatized as “a Federalist, whom the forbearance of the Administration has long retained in office, in opposition to the wishes of a respectable class of the community.” I have not language to express my indignation. And I am quickened to a duty which I had before made some preparation to perform. I therefore move the following resolutions:

Resolved, That the President of the United States be requested to lay before this House all correspondences touching the offers to resign and the resignation of his office, by Benjamin Lincoln, Esq., late collector of the port of Boston and Charlestown.

Resolved, That a committee be appointed to inquire into the causes which prevented the acceptance of the resignation of Benjamin Lincoln, late collector of the port of Boston and Charlestown, in the years 1806 and 1807, and into the reasons which have occasioned a postponement of the appointment of a successor, and that they report the result of such inquiry to the House.

The House agreed to consider the resolutions—yeas 93, nays 24, as follows:

YEAS—Willis Alston, junior, Ezekiel Bacon, William W. Bibb, William Blackledge, John Blake, jun., Thomas Blount, John Boyle, Robert Brown, William A. Burwell, Joseph Calhoun, John Campbell, Epaphroditus Champion, Martin Chittenden, Matthew Chay, John Clopton, John Culpeper, Richard Cutts, John Davenport, jun., John Dawson, Josiah Deane, Joseph Deha, Daniel M. Durell, James Elliot, William Ely, John W. Eppes, William Findley, James Fisk, Francis Gardner, James M. Garnett, Thomas Gholson, jr., Charles Goldeborough, Peterson Goodwyn, Isaiah L. Green, John Harris, John Heister, William Hoge, David Holmes, Benjamin Howard, Reuben Humphreys, Robert Jenkins, James Kelly, Joseph Lewis, junior, John Love, Matthew Lyon, Nathaniel Macon, Robert Marion, Josiah Masters, William McCreery, William Milnor, Daniel Montgomery, jun., John Montgomery, Thomas Moore, Jeremiah Morrow, John Morrow, Gordon S. Mumford, Thomas Newton, Wilson C. Nicho-

las, Timothy Pitkin, junior, John Porter, Josiah Quincy, John Randolph, John Rea of Pennsylvania, Jacob Richards, Matthias Richards, Samuel Riker, John Rowan, John Russell, Benjamin Say, Ebenezer Seaver, James Sloan, John Smilie, John Smith, Samuel Smith, Henry Southard, Richard Stanford, William Stedman, Clement Storer, Lewis B. Sturges, Peter Swart, Samuel Taggart, Benjamin Tallmadge, John Taylor, John Thompson, Abram Trigg, Jabez Upham, James I. Van Alen, Philip Van Cortlandt, Nicholas Van Dyke, Killian K. Van Rensselaer, Daniel C. Verplanck, Jesse Wharton, David R. Williams, and Nathan Wilson.

NAYS—Lemuel J. Alston, David Bard, Joseph Barker, Burwell Bassett, Adam Boyd, William Butler, Meshack Franklin, William Helms, John G. Jackson, Daniel Isley, Richard M. Johnson, Thomas Kanan, William Kirkpatrick, John Lambert, Nicholas R. Moore, Roger Nelson, John Pugh, John Rhea of Tennessee, Lemuel Sawyer, Samuel Shaw, Dennis Smelt, Jedediah K. Smith, Alexander Wilson, and Richard Winn.

Mr. QUINCY moved that they should lie on the table until to-morrow, and be printed.

Mr. GHOLSON said, he hoped that they would neither lie on the table nor be printed. He acknowledged that the present attempt had excited his astonishment more than anything which had occurred during the session. He could scarcely credit his hearing, when a member rose and moved to institute an inquiry with a view to impeachment on a subject like this. What was the charge? Was it a charge of mal-administration? Was it any charge which would authorize the course pursued? Was it alleged that the duties of collector had not been faithfully performed? Nothing of this had been urged. But the President had not appointed a person to fill the office of collector. Mr. G. said that the late collector had only resigned within a day or two, and there had been, therefore, no vacancy to be filled. The former collector had an undoubted right to resign whenever he thought fit, and had not resigned. Why, then, this ridiculous proposition? If the collector had resigned, the President would have been compelled to fill the office, but this was not the fact. He hoped, therefore, the resolutions would receive an immediate rejection.

Mr. BURWELL said he partook of the surprise of his colleague at the resolutions just submitted. He knew of but one parallel to it, in the history of impeachments, and that would be found in Gulliver's Travels. The recollection of gentlemen would save him the trouble of specifying the particulars of that case. The gentleman wanted an inquiry into the reason why the President did not wish to accept the resignation of Mr. Lincoln. How would a committee of this House proceed in this inquiry? They must either go to the President and ask him the motives of his conduct, or they must have some other mode of penetrating his motives. After the handsome panegyric of the gentleman on the late collector, Mr. B. asked how he could come forward and impeach the President for keeping in office a man whose merits transcended all description? It appeared to him, from the speech of the gentleman, that he had been long in possession

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of these facts. The paper of this morning certainly could not have gone to Boston and returned since its publication. The gentleman must, therefore, have been previously possessed of this information; and why, if it was so very important, had it not been previously brought forward? As to the subject of this appointment being destined for any particular person, Mr. B. observed, that the President, if he had any such intention, certainly had not communicated it to the gentleman from Massachusetts. The gentleman's statement, in this respect, must therefore be mere inference and conjecture; and however the gentleman's passions had been influenced by a paragraph in a newspaper, his ideas thus excited could not have an influence on the judgment of those who were not under the same irritation. If the gentleman from Massachusetts wished to conduct an inquiry to any result, he ought to show that the misconduct of the officer in question had produced effects which ought to have compelled the President to remove him. If the gentleman would show that the revenue had been defrauded, or the laws evaded through negligence, or by his connivance, and that the President, having knowledge of such facts, had refused to remove him, there might be some ground for the resolution.

Mr. Love asked of the gentleman from Massachusetts when the late collector actually resigned, and whether the gentleman knew of any misconduct of the officer alluded to? If so, whether this had been within the knowledge of the President of the United States?

Mr. QUINCY said, whether it was or was not an offence to keep in an office, the salary of which is five thousand dollars a year, a man who had declared his inability to execute it, was for the House to determine. The charge which he made was simply this: that an officer had been compensated for doing no services, and kept in a situation the duties of which he was unable to perform. It was an offence that so great an office as the collector of Boston should be kept in this position; the United States paying to an individual 5,000 dollars a year for inadequate services, contrary to the express wish of the gentleman himself, who, ever since June, had not been in the town of Boston; and, of consequence, the execution of the duties of the office had been totally dependent on one individual, the deputy collector. You send a law on, said Mr. Q., to be executed, and by one individual. The deputy says he will not act; the collector is unable to act, and the consequence is, that the law is not executed. In answer to the question whether the country has suffered, I will state a fact; the deputy collector of that port had a right to resign his office to the collector; and, if the collector had been an efficient man, there would have been no difficulty; but, because he was not efficient, the law is not in a state of execution. I take this position, because the facts which I have stated can be proved. Whether the House will or will not agree to these resolutions, is no concern of mine; nor, if gentlemen choose to utter any abuse, do I regard

it; I stand before this nation, and fear not to do my duty.

Messrs. JOHNSON, W. ALSTON, D. R. WILLIAMS, JOHN G. JACKSON, DANA, MCCREERY, RHEA, MACON, BIBB, SOUTHARD, MASTERS, FISK, SLOAN, ROWAN, and KEY, followed Mr. QUINCY in debate, all of whom differed with Mr. QUINCY as to the propriety of adopting the resolutions. The reasons assigned by gentlemen were various, but generally to this effect: that it would be indecorous, if not beyond the power of this House, to call upon the President of the United States for his private correspondence with any individual, without doing which it would appear that none of the facts could be established; that were the facts established, and the charges maintained, they constituted no crime or misdemeanor, and it was said by some gentlemen, no ground for reprehension; that, in constituting no crime or misdemeanor, it was not a matter coming within the cognizance of the House, or on which an impeachment could be grounded; and being a matter on which the House had no Constitutional power to act, it was also a matter into which it was not their province to inquire.

Mr. BACON said, that whatever might be his feelings on the subject-matter of these resolutions at the moment when they were first propounded to the House in so menacing a style by the honorable mover, yet, from the course of reflection which had since taken place in his mind, as well as from a view of the reception which the resolutions had since met with on all sides of the House, the feelings which their extraordinary nature were at first calculated to excite, had in his bosom totally changed. He really thought that the gentleman, by the indiscreet course which he had taken on the occasion, had reduced himself to a condition in which he was an object of sensations very different from those of resentment. For himself, he now harbored no other passions in relation to him than those of sympathy. It was now very evident that his ill advised zeal had led him into a labyrinth, where his own political friends could not consent to follow him. From the first moment when the proposition was submitted, he had not entertained a doubt that such must be the result; he had too high an opinion of the honorable sentiment and correct principles which he must presume would ever govern a large portion of the minority of that House, to suppose that they would conduct otherwise. It was now clear that the mover of these resolutions having been for some time past plunging on from one degree of extravagance to another, had at last brought himself to a point where he must either stop, or travel by himself.

What is really the sum and substance of this mighty accusation which is brought up as a solemn ground of impeachment against the Chief Magistrate of our country, even according to the gentleman's own showing? It is not even that he refused to receive the resignation of a public officer, because it is not until within a few days that it has been specifically tendered; this is a thing which is always within the power of that

officer to do, and whatever might be the inclination of the President, he could not refuse it. It is only, then, that the President had persuaded the Collector of Boston to delay the period of his actual resignation, and to continue in the occupation of his office for a longer time than he was desirous of doing, in order that it might afterwards be conferred upon another person to whom it was not then convenient to receive it, or whose services were then needed in another capacity. Well, sir, allow all these facts, of which, however, as a public man I can know nothing, to be true in their full extent, what is there reprehensible in it? and who has been injured by the procedure? Not General Lincoln certainly, for he had it in his power at any moment to retire by an actual resignation. It is not alleged that during the two years for which the office is said to have been thus held, the public service has suffered, either by unfaithful or negligent performance of duties attached to it; this is not even pretended. But when pressed on this point, which the gentleman appeared to feel fully the force of, he brings forward the circumstance of the present state of inexecution in which our laws are placed by General Lincoln's resignation, and that of his deputy, to prove that the public service has in this way suffered, and adds that this state of things might have been prevented had General Lincoln's place been early supplied. Now the same gentleman had long since told the House, that it was utterly out of the power of the Government to carry our laws into execution by any human means whatever, and to-day we are told that this inexecution in the port of Boston is attributable to the want of an earlier appointment of a collector; it is for the gentleman to get along with these paradoxes, no one else can. But there is something in the circumstances of these sudden resignations, given in at a critical moment, which bespeak a preconcerted and systematic design to defeat the operation of our laws, embarrass the Government, and prostrate the national honor at the feet of faction and anarchy. Another instance of the same character has just been mentioned by a gentleman from South Carolina, and is perhaps to be followed up by all your revenue officers of the same description of politics with the late Collector of Boston; and thus in a moment is the authority of our laws trodden down, and their obligations sported with, by men who have long been standing evidences of the toleration and moderation of the Government, and who have lived upon its particular bounties; to me, sir, conduct of this sort speaks a language which it is impossible to mistake, and excites emotions which it is perhaps better to repress.

Sir, the name of General Lincoln would not by me have been wantonly dragged into this debate, nor should I have presumed to sport with any animadversion upon the conduct of a man venerable for his years, and respectable for his Revolutionary services and achievements, had he not have suffered himself, as is manifest from his own connivance at least, to have been ushered into this House, through the indiscreet zeal of

his own unlucky friends, as the weapon by which they would annoy the Chief Magistrate of our country. Far be it from me to indulge in regard to such a character any reproachful epithets, or any language which the disparity of our age and standing would render indecorous and improper. But there are some circumstances growing out of the disclosure which has to-day been laid before the House by my colleague, which it is impossible to overlook, or to contemplate with entire apathy.

What are the facts as stated by the gentleman himself? That General Lincoln, though well known to have been utterly opposed to the present Chief Magistrate in his political sentiments and conduct, has through the liberality of the Government—perhaps no more than its justice—been permitted for these eight years past to continue in the possession of a most honorable and responsible office, and in the reception of its great emoluments to the tune of five thousand dollars a year, and that in opposition to the wishes of the political friends of the Executive; and what according to the gentleman's statement is a still greater stretch of indulgence, that for nearly two years he has even been suffered to retain it as a sinecure, without the performance of its ordinary duties; and for all this liberality and all this indulgence, what is the requital which that officer and his friends return to the Government? The one furnishes to the other that sort of evidence by which it is vainly hoped that this very indulgence may be turned as a weapon against his benefactor, and be made the ground of a public accusation. As to this fact it is not possible I should be mistaken; for though it is not stated by my colleague that the evidence which he has adduced has been put into his hands by General Lincoln, yet it must be evident that the letters which passed on this subject between himself and the Executive, and which the gentleman states are in his hands, could only have been furnished, either directly or indirectly, by General Lincoln himself. What a picture does this statement present! A man who for a long period of years has lived upon the liberality of the Government; who, by the favors that he has been permitted to enjoy from the bounty of the nation, has amassed a liberal fortune, deserts its service and abandons his post at a most critical and important moment, and then to avert from himself the public censure and indignation, turns and endeavors to wound the hand that has fed him, and raised him from penury and want to affluence and ease! Throwing for a moment out of view the utter futility of the charges as they are attempted to be laid, there is something in the means by which they have been got up, that is too utterly revolting to every honorable sentiment of the heart to allow one to think of it with composure. The public feelings cannot with impunity be thus wantonly sported with, nor can the public indignation by any stratagems of this sort be diverted from its proper object. It will fasten upon those, and those alone, who, by a precipitate and probably preconcerted abandonment of duty

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at a critical moment, have suffered the Government of their country to be set at defiance, and the authority of the nation defeated and trampled upon.

In reply to the observation of various gentlemen against his proposition—

Mr. QUINCY observed that neither the asperity of his political opponents, nor the disagreement of his political friends, would change his mind on a subject which he had well considered. If he was in error concerning the charge, or rather allegation, which he had made, he was willing to stand before the nation alone in support of it. It gave him no sort of pain or anxiety. Mr. Q. replied to several incidental observations made by gentlemen in the course of the debate, but which are not noticed in the course of the preceding sketch. In relation to the execution of the late embargo law, he said that the deputy collector had not dared to execute the law, not from any insurrection or disobedience to the laws, but from a determination in the community to bring the laws of the United States, where he hoped the people of this country always would bring the laws, to the decision of the judiciary. In particular cases, said Mr. Q., gentlemen whose vessels were loaded with property to the amount of perhaps eighty or ninety thousand dollars, were called upon by your laws either to give bond in six times the amount of the cargo, or to unload their vessels. They refused to unload; the collector breaks open the hatches and takes possession of the property; and as soon as that is done, he must give bond in the State courts to the amount of \$180,000, or double the amount of the property seized. This is a civil right of the citizen. The instant your officer begins to execute that law, before one day is at an end, he will have been obliged to give bond in a million of dollars, or to have gone to jail. The deputy collector, therefore, could not put at hazard the whole hopes of himself and his family by executing a law which brought him into such obvious danger. Gentleman say that I admitted that this law *might have been* executed. That was not the bearing of my expression. It was, that if the law could have been executed, the head of the office, if an efficient man, would have been competent to execute it; but not when that head is an individual who is absolutely from infirmity confined to his house, and almost to his bed. The misfortune is that there is not now a responsible officer to execute your laws; and it is this which has led to the present motion. Mr. Q. said that, convinced that it was proper that an inquiry should be made, notwithstanding gentlemen near him had asked him to withdraw his resolution, although alone he should wish a question to be taken on it. He denied that General Lincoln had been kept in office as a reward for his Revolutionary services; and, if it were so, the Executive had no right to gratify any man by a sinecure at the expense of the public interest. The facts which he had stated, if the House would go into a committee of inquiry, he could prove. He said he had not, as suggested by his

colleague; received his information from General Lincoln, and this was all that he would state on that point. Mr. Q. said his observations had been attributed to a design to excite New England. He said New England was in a state of excitement under the operation of the embargo laws—laws which some of the wisest men and best patriots in the country deemed unconstitutional, and so much so that they could not submit to them. This was the general sentiment. Suppose it to be the case that this House should ever pass an unconstitutional law, what must be the course of the people? They could pursue no other mode than a Constitutional remonstrance; and if that failed, he said they had no other resource than a Constitutional resistance. He hoped that course would not be taken, because he hoped the Government would see the evil of its ways, and the incorrectness of the principle on which it acted. He maintained the correctness of the ground that, when a law is passed by which in the opinion of the people their interests are entirely destroyed, the law could not be enforced. His motives being as he had stated them, he had wished to lay the subject before the nation. This House, he said, was the guardian of the rights of the citizens, and had a right to inquire into the manner in which offices were filled. And though he might be alone in this opinion, deeming it his duty to make the inquiry, he said he should not withdraw the motion.

The question on the passage of the resolution (Mr. QUINCY having withdrawn his motion that it lie on the table) was taken by yeas and nays—yeas 1, nays 117, as follows:

YEA—Josiah Quincy.

NAYS—Evan Alexander, Lemuel J. Alston, Willis Alston, jun., Ezekiel Bacon, David Bard, Joseph Barker, Burwell Bassett, William W. Bibb, William Blackledge, John Blake, jun., Thomas Blount, John Boyle, Robert Brown, William A. Burwell, William Butler, Joseph Calhoun, John Campbell, Epaphroditas Champion, Matthew Clay, John Clopton, Orchard Cook, John Culpeper, Richard Cutts, John Davenport, junior, John Dawson, Josiah Deane, Joseph Deane, Daniel M. Durell, William Ely, William Findley, James Fisk, Meshack Franklin, Barent Gardenier, Francis Gardner, James M. Garnett, Thomas Gholson, junior, Charles Goldsborough, Peterson Goodwyn, Isaiah L. Green, John Harris, John Heister, William Helms, William Hoge, James Holland, David Holmes, Benjamin Howard, Reuben Humphreys, Daniel Hsley, John G. Jackson, Robert Jenkins, Richard M. Johnson, Walter Jones, James Kelly, Thomas Kenap, Philip B. Key, William Kirkpatrick, John Lambert, Joseph Lewis, junior, John Love, Matthew Lyon, Nathaniel Macon, Robert Marion, Josiah Masters, William McCreery, William Milnor, Daniel Montgomery, jun., John Montgomery, Nicholas R. Moore, Thomas Moore, Jeremiah Morrow, John Morrow, Jonathan O. Mosely, Gurdon S. Mumford, Roger Nelson, Thomas Newbold, Thomas Newton, Wilson C. Nicholas, Timothy Pitkin, jun., John Porter, John Pugh, John Rea of Pennsylvania, John Rea of Tennessee, Jacob Richards, Matthias Richards, Samuel Riker, John Rowan, John Russell, Benjamin Say, Ebenezer Sea-

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ver, Samuel Shaw, James Sloan, Dennis Smelt, John Smilie, Jedediah K. Smith, John Smith, Samuel Smith, Henry Southard, Richard Stanford, William Stedman, Clement Storer, Lewis B. Sturges, Benjamin Tallmadge, John Taylor, John Thompson, Abram Trigg, George M. Troup, Jabez Upham, James I. Van Alen, Philip Van Cortlandt, Nicholas Van Dyke, Archibald Van Horn, Jesse Wharton, Robert Whitehill, David R. Williams, Alexander Wilson, Nathan Wilson, and Richard Winn.

And so the said proposed resolutions were rejected.

THURSDAY, January 26.

On motion of Mr. POINDEXTER, that the House do come to the following resolutions:

Resolved, That the Committee on the Public Lands be instructed to inquire into the expediency of establishing a Land Office for the sale of the lands of the United States east of the Red river, and west of the Mississippi, in the Territory of Orleans; and that they have leave to report thereon by bill, or otherwise.

Resolved, That the Committee on the Public Lands be instructed to inquire into the expediency of granting the right of pre-emption, in certain cases, to actual settlers in the Territory of Orleans; and that they have leave to report by bill, or otherwise.

And the said proposed resolutions being read, a motion was made by Mr. RANDOLPH that the same do lie on the table. And the question being put thereupon, it was resolved in the affirmative.

On motion of Mr. RANDOLPH,

Ordered, That the committee appointed, the eleventh of November last, on so much of the Message from the President of the United States as relates to the disposition of the surplusses of our revenue in the improvement of roads, canals, rivers, and education, be discharged from the consideration of the petition and memorial of the President and Managers of the Susquehanna and Tioga Turnpike Road Company, and of the President, Managers, and Company, of the Philadelphia, Brandywine, and New London Turnpike Road, presented to this House on the twenty-fourth and twenty-fifth instant, be discharged from the consideration thereof; and that the said petition and memorial be referred to Mr. SAY, Mr. MARION, Mr. DANA, Mr. HOWARD, and Mr. JEDEDIAH K. SMITH; that they do examine the matter thereof, and report the same, with their opinion thereupon, to the House.

Mr. LEWIS, from the Committee for the District of Columbia, presented a bill respecting the Circuit and District Courts of the District of Columbia; which was read twice, and committed to a Committee of the Whole on Monday next.

Mr. GEORGE W. CAMPBELL, from the Committee of Ways and Means, presented a bill making appropriations for the support of Government, during the year one thousand eight hundred and nine; which was read twice, and committed to a Committee of the Whole on Monday next.

The House proceeded to reconsider the bill, entitled "An act authorizing the appointment and employment of an additional number of navy

officers, seamen, and marines," together with the amendments adhered to by the Senate to the said bill: Whereupon, a motion was made by Mr. MACON that the said bill, with the amendments, do lie on the table. And the question being put thereupon, it was resolved in the affirmative.

CATAWBA AND WATEREE RIVERS.

Mr. MARION, from the committee to whom was referred, on the fourteenth of November last, a petition of the company for opening the navigation of the Catawba and Wateree rivers, signed by J. F. Grimke, their President, made a report thereon; which was read, and ordered to lie on the table.

The report is as follows:

"That the President of said company, in behalf of himself and the rest of the proprietors, states, that the present stockholders, convinced of the great advantages that would result from removing the obstructions in the Wateree and Catawba rivers, did, several years ago, become proprietors of the original shares; that they have already expended considerable sums on the said rivers, and are annually expending more in the prosecution of the work; but, from the extent of the river, the number of obstructions, and the small association of persons at present engaged in the undertaking, there is little prospect that they would be able, with their own resources, to remove the obstructions to navigation for many years to come. To aid them in the completion of their work, he prays that Congress would authorize the Secretary of the Treasury to purchase, for the use of the United States, all the vacant shares of the company, (which are about a moiety of the whole number,) or such part of them as Congress may deem expedient.

"Although the committee are fully convinced that the improvement of the navigation of the said river would be of vast importance and utility to the inhabitants of a considerable portion of the States of North and South Carolina and Tennessee, who would thereby be enabled to transport the productions of their farms, by inland navigation, to Charleston; and that the armory and arsenal of the United States, established at Rocky Mount, on the Catawba river, would also be considerably benefitted by the opening of that river; yet, from the present state of our finances, and the critical situation of our country in relation to foreign Governments, they are of opinion that it would be unadvisable to apply any public money, at this time, to internal improvements of this kind. Under these impressions the committee recommend the following resolution:

"*Resolved*, That it is inexpedient to grant, at present, the prayer of the memorialists."

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On motion of Mr. NELSON, the House went into a Committee of the Whole on the bill from the Senate, authorizing the President to man, arm, and equip for immediate service, all the public ships of war, vessels, and gunboats belonging to the United States.

On motion of Mr. DAWSON, the first section was so amended as to authorize the President to fit out only four of the frigates, the United States, the Essex, the John Adams, and the President, and to order them to stations upon the coast.

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Some other amendments were proposed and agreed to; one of these limits the additional number of officers to eight hundred, and another authorizes the employment of three thousand able bodied seamen, marines, and boys.

The Committee rose, and reported the bill with the amendments; which were agreed to by the House.

On the motion of Mr. BASSETT, the title of the bill was altered, so as to read, "A bill authorizing the employment of an additional naval force."

Mr. D. R. WILLIAMS moved to amend the bill by adding the following clause: *Provided*, That this act shall not be construed to authorize the President to employ any greater number of vessels than in his opinion the public service shall at any time demand.

Mr. W.'s object in moving this amendment was to leave it discretionary with the President to employ any of the vessels as long as the public service required them, and to avoid the probability of incurring an useless expense. It had been fashionable, during the session, to legislate upon probabilities; some provision ought therefore to be made to discharge these vessels, should circumstances occur to render their services unnecessary.

Messrs. GHOLSON and LYON spoke against the amendment.

Mr. COOK was surprised that motions should be brought forward at this time to fatigue and tire the House out of the adoption of the bill, and made some remarks in opposition to the amendment.

Mr. D. R. WILLIAMS observed that, with all due deference to the honorable member from Massachusetts, he would move as many amendments as he pleased, and at what time he pleased. He believed that the bill involved a question material to the vital interests of the nation. His colleague (Mr. TAYLOR) had said that this was not a time to be obstinate or particular; but he thought of all periods this was one when every man ought to be particular as far as regarded expenditures of money. Mr. W. hoped these were not intended to enforce the embargo. If they were, he was entirely off. From what had occurred, he believed that this law could not now be effectually maintained, and he was one of those who would be willing to repeal it at this time. He never could consent to thrust the law down the throats of the people of Massachusetts at the point of the bayonet; and as to the purposes of war, the English had one hundred vessels which could singly beat the whole of the frigates, or certainly any two of them. The reasons which he understood the managers on the part of the Senate had assigned for wishing the passage of this bill were three. The first of them was, that they wanted a pledge from this House that it was willing to come forward to defend the nation. Another was, that these were necessary to aid the gunboats in their operations; and a third, that men could not be got to enlist for the service of the gunboats, and that to remedy

this evil, they might be enlisted to man the frigates, and afterwards transferred. He objected to these reasons in toto. As to the first of them, he expressed his astonishment that a pledge should be required of the House by the other branch of the Legislature, that it was willing to contribute towards the defence of the nation. In relation to the second reason, he considered it futile. He knew, indeed, that Commodore Preble had said that gunboats could not fight to advantage without the aid of a battery; but he conceived the land batteries were sufficient. To have batteries on land and frigates too, he believed every naval gentleman would consider as ridiculous. When we first had frigates, it was said they were 74's in disguise; that they would be a match for an hostile 74, or at any rate, a ship of 64 guns; now it appears that a ship of the largest description could beat two, probably four, of them. After this was ascertained, gunboats were built to act in co-operation with batteries on land; they were to do everything; to be much better than frigates; now it seems the gunboats are fit for nothing, unless they can be aided by these frigates; and after a while we shall be called upon to vote for 74's to help them! Mr. W. could see nothing but endless waste in this system, if it was to be pursued. He had two objections to the third reason, "that men could not be enlisted for the gunboats, and that they might be obtained for enlistments for the frigates, and then be transferred." The first objection was, that he did not believe the fact as represented; the second, that if it were true, he could not consent to the artifice of entrapping a free people in the way proposed. Mr. W. made some other observations in support of his amendment, and in opposition to the bill in its original form.

Mr. NELSON did not, like his friend from South Carolina, (Mr. D. R. WILLIAMS,) think this a time when men should be particular as to expenditures of money. He was not for vesting this discretionary power in the hands of the President; not that he doubted the duty being faithfully discharged, but he thought it their duty not to throw the responsibility of the House upon the President. Much too as he might respect the judgment of any President, he was not at all times willing for the House to give up their opinion to that officer. He asked of what use the frigates were in their present situation? they were lying in the Potomac, a mere sinking fund. They had better be done without, if they were never to be called into actual service. He acknowledged that he believed it would be the better course, at the present time, to remove the embargo, and of consequence war must be substituted, for he hoped there was not a creeping thing on the face of the earth that would think of submission. In the event of war, letters of marque would be issued, and the frigates would be useful, not only as rallying points for our privateers, but in many other respects.

Mr. TAYLOR made a few remarks in support of the amendment of his colleague, (Mr. D. R. WILLIAMS.)

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Mr. W. ALSTON spoke some minutes in opposition to the amendment.

Mr. COOK again advocated the passage of the bill as it stood; and expressed his astonishment at the contradictory doctrines held forth by the supporters of the amendment.

Mr. EPPES stated that he conceived this bill to be the compromise offered by the Senate on the subject which had been in agitation between the two Houses, and he hoped the House would consent to take this middle ground. He did not believe that the vessels were intended to enforce the embargo laws; nor did he fear that the New England States would rise in opposition to the laws. He would not, however, if the good of the country required it, shrink from the discharge of his duty in enforcing the laws, and he was sorry to hear his friend from South Carolina (Mr. WILLIAMS) declare that he was ready to give up the embargo, because a few factious individuals and editors of Federal newspapers represented it as impossible to be enforced.

Mr. D. R. WILLIAMS was sorry that he had fallen under the censure of a gentleman standing so high as the gentleman from Massachusetts (Mr. COOK) did; and occupying so conspicuous a station as he did for his talents, learning, and eloquence! No other member would have stooped to such humble game. One remark he would just make for his use, which was, that "to the jaundiced eye all things seem yellow."

Mr. COOK supposed that the gentleman from South Carolina must have a great opinion of his transcendent abilities, or he would not so often *entertain* the House with his speeches. The gentleman had resorted to personalities, which had not been provoked. The remarks which Mr. C. had formerly made having been confined to principles, and as the member from South Carolina must meet with the disapprobation of all who heard him, he would leave him to their censure.

Mr. D. R. WILLIAMS replied, that if anything he had said had wounded the gentleman's feelings, he would retract it all, and allow that he had *neither talents, learning, nor eloquence!*

The question was then taken by yeas and nays on Mr. WILLIAMS's amendment, and lost—yeas 39, nays 78, as follows:

YEAS—Evan Alexander, Willis Alston, jun., William W. Bibb, William Blackledge, Thomas Blount, Adam Boyd, John Boyle, Robert Brown, William A. Burwell, William Butler, Joseph Calhoun, Matthew Clay, John Culpeper, Joseph Desha, Peterson Goodwyn, Edwin Gray, John Heister, Thomas Kenan, Robert Marion, Josiah Masters, Daniel Montgomery, jr., Jeremiah Morrow, John Morrow, John Porter, John Pugh, John Rea of Pennsylvania, Jacob Richards, Lemuel Sawyer, Samuel Shaw, Samuel Smith, Henry Southard, Richard Stanford, John Taylor, Daniel C. Verplanck, Jesse Wharton, Robert Whitehill, David R. Williams, and Alexander Wilson.

NAYS—Lemuel J. Alston, Ezekiel Bacon, David Bard, Burwell Bassett, John Blake, jun., John Campbell, John Clopton, Orchard Cook, Richard Cutts, Samuel W. Dana, John Davenport, jun., John Dawson, Josiah Deane, Daniel M. Durall, James Elliot,

William Ely, John W. Eppes, William Findley, James Fisk, Francis Gardner, Thomas Gholson, jun., Charles Goldsborough, Isaiah L. Green, John Harris, William Helms, William Hoge, David Holmes, Benjamin Howard, Reuben Humphreys, Daniel Hsley, John G. Jackson, Richard Jackson, Robert Jenkins, Richard M. Johnson, Walter Jones, Philip B. Key, William Kirkpatrick, John Lambert, Joseph Lewis, jun., Edward St. Lee Livermore, John Love, Matthew Lyon, Nathaniel Macon, William McCreery, William Milnor, John Montgomery, Nicholas R. Moore, Gurdon S. Mumford, Roger Nelson, Thomas Newbold, Thomas Newton, Wilson C. Nicholas, Timothy Pitkin, jun., Josiah Quincy, John Randolph, John Rhea of Tennessee, Samuel Riker, John Rowan, John Russell, Benjamin Say, Ebenezer Seaver, James Sloan, Dennis Smelt, Jedediah K. Smith, John Smith, William Stedman, Clement Storer, Peter Swart, Samuel Taggart, Benjamin Tallmadge, George M. Troup, James L. Van Alen, Philip Van Cortlandt, Nicholas Van Dyke, Archibald Van Horn, Isaac Willbourn, Nathan Wilson, and Richard Winn.

On the question to engross the bill with the amendments for a third reading, Mr. MACON rose and spoke about half an hour against the bill, opposing it on the ground that he considered it as the foundation of a navy; and stating, that if war should ensue, he would be willing to lend the frigates to any set of men to privateer with.

After some remarks from Mr. LYON in support of the bill, it was ordered to a third reading to-morrow.

The House adjourned.

FRIDAY, January 27.

The SPEAKER laid before the House a letter from the Secretary of the Treasury, enclosing the copy of a letter to him from the Register of the Treasury, correcting an error to the amount of fifty-four thousand eight hundred and twenty dollars and eighteen cents, in the statement of receipts into the Treasury of the United States, for the year 1807, transmitted in pursuance of a resolution of this House of the twentieth of December last; which were read, and ordered to lie on the table.

An engrossed bill making appropriations to complete the fortifications commenced for the security of the seaport towns and harbors of the United States, and to defray the expense of deepening and extending to the river Mississippi the canal of Carondelet, was read the third time, and passed.

Mr. FINDLEY presented a petition of sundry inhabitants of Westmoreland county, in the State of Pennsylvania, stating certain inconveniences and hardships to which the petitioners and others have been, and are now subjected, in consequence of the operations of the several laws laying an embargo on all ships and vessels in the ports and harbors of the United States, and praying that the same may be repealed whenever, in the judgment of Congress, it may be expedient to adopt that measure.

The said petition was received, and ordered to lie on the table.

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Defensive Maritime War.

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DEFENSIVE MARITIME WAR.

Mr. BACON said that he was particularly induced, by a consideration of the sentiments contained in the memorial which had just been read, to offer to the House a resolution touching the subject of our maritime rights, and the mode in which it behooved the nation to vindicate their exercise against belligerent aggressions. He had been much gratified that a gentleman from Virginia (Mr. NICHOLAS) had already laid upon the table a resolution pointing to a speedy termination of the embargo laws, coupled with a general declaration of our determination to resume, maintain, and vindicate our rights to the free navigation of the ocean. That resolution was, however, altogether general and unspecific as to the manner in which this right should be vindicated, or the means by which it should be maintained. It was probably purposely, and undoubtedly very properly, propounded in that general shape, with a view of inducing the offer of such specific propositions as might suggest themselves to gentlemen having in view the same general object. He apprehended, however, that when they came to go into Committee on that resolution, it would be found difficult to make it the object of distinct and intelligible discussion, since it pointed to no definite means by which our rights were to be maintained, or our navigation defended from violence. He had hoped that some other gentleman would, before this, have presented some distinct proposition of this sort to the House, and had waited some days with such an expectation. Having, however, been disappointed in this, he could no longer refrain from the exercise of a duty, which he rose with great diffidence to discharge. The resolution which he was about to submit was by no means in discordance with that of the gentleman from Virginia. It was merely a specification of some, at least, of the means by which the general object of that gentleman might perhaps be attained. And, in offering it, he wished not to be understood as definitively pledged to the particular course which the resolution points to. So far from being pertinaciously wedded to it, he was ready to give his unbiassed attention to any other project which other gentlemen may see fit to propose. That there are great difficulties to be encountered in every view which can be taken of our present situation, is sufficiently obvious, and it is therefore with more than ordinary diffidence that I venture to lay before the House the following resolution:

Resolved, That provision ought to be made, by law, from and after the — day of — next, for authorizing the commanders and crews of merchant vessels of the United States, owned wholly by a citizen or citizens thereof, to oppose and defend against any search, restraint, or seizure, which shall be attempted upon such vessel, or upon any other vessel owned as aforesaid; by the commander or crew of any armed vessel sailing under French or British colors, or acting, or pretending to act, by or under the authority of the French or British Governments; and to repel by force any assault or hostility which shall be made or committed on the part of such French or British ves-

sel pursuing such attempt, and to subdue and capture the same, and to retake any vessel owned as aforesaid, which may have been captured by any vessel sailing under French or British colors, or acting, or pretending to act, by or under authority from the French or British Governments.

In addition to the general observations made before he offered the resolution, Mr. B. said that he would barely remark that, as to the general principle which it contained, he presumed that it would by no one be mistaken for submission to the belligerent claims which had been levelled against our maritime rights; it authorized resistance against their aggressions in the most direct and unqualified terms. He might be asked if it was war. He felt no hesitation in saying that it was defensive war, and strictly and wholly defensive as it respected ourselves and our neutral rights. As to foreign nations, they were at liberty to take it as they pleased, and might make their election in respect to the manner in which they would meet that state of things which might grow out of it. We claimed nothing of them but the fair exercise of our rights, and if they still chose to interrupt us in it, on them be the consequences—what those consequences should be, it might be for this nation hereafter to say.

To the general principle of the resolution, Mr. B. said that there could be, as he apprehended, but one objection any way plausible. It was, that it authorized resistance to all search whatever, by the cruisers of the two great belligerents. It was, to be sure, an acknowledged principle of the general law of nations that neutral vessels were bound to submit to search by the cruisers of belligerents for certain specified purposes—for instance, to examine whether the neutral had on board articles contraband of war, to prevent her entering a port actually invested, &c. And so long as belligerents acted upon this principle, and limited their principles and practices of visitation and search within the acknowledged rules, neutrals were unquestionably bound to submit to it. But when the former claimed to extend this right to an almost unlimited extent, and through it to enforce claims utterly unknown to the law of nations, and inconsistent with the sovereignty of neutral States, it might be very questionable whether the limited right itself was not forfeited; and whether it could be at all consistent with the safety of the neutral to suffer it. That such is the actual state of things in relation to American rights on the ocean is obvious. Neither Great Britain or France even pretend that their extensive searches and seizures of our vessels are justified by the law of nations; it is avowed to be a mere system of vindictive retaliation upon each other, through us. And shall they pretend to hold us to a punctilious observance of all the ceremonial rites of that law, which they both habitually disregard, and avowedly set at defiance as respects us? From such a state of things we might say, as France did to us some years since, and we may say it with much more justice, "that we can find only a real disadvantage." And we might almost be justified in assuming towards

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both those Powers the ground which one of them assumed towards the other, and to tell them plainly that, against nations which thus set at defiance all principles of national rights, and forget all the maxims of public law, "what can be done but to forget them for an instant one-self." Mr. B. said he did not feel himself exclusively pledged to this particular course; but as he thought it was time for some system to be progressing, he wished this resolution to be considered by the House, and put in possession of the Committee of the Whole, who had under consideration the resolution for repealing the embargo and resuming the navigation of the ocean.

Mr. DANA said he acknowledged that this resolution did not look like submission. He rejoiced that the gentleman from Massachusetts had brought forward a resolution which looked something like advancing like men of business. He did not know that he should vote precisely for this proposition, but it was one which would not terminate in words or in "retirement." When they came to examine this subject, it would be found, perhaps, that they approached a question of peculiar character; that it might be difficult to draw a line of distinction between a state of positive war, in which we encounter the enemy at all points, and defensive war—a state in which we seek security for the future, without endeavoring to compel indemnity for the past. Perhaps, said he, when we approach the subject more closely, it may be proper to make a discrimination on this subject, which has very generally been kept out of sight in the course of our discussions, viz: between a war in which the employment of force is strictly defensive, and a war in which it is vindictive. I will not at this time express an opinion on the subject of the resolution; but I rose to express my satisfaction, and make my acknowledgment to the gentleman for the proposition, which seems to contemplate beginning a course of doing something.

The resolution was referred to the same Committee of the Whole, to whom was referred Mr. NICHOLAS's resolution.

NAVAL ESTABLISHMENT.

The bill sent from the Senate, entitled "An act to provide for arming, manning, and fitting out for immediate service, all the public ships of war, vessels, and gunboats, of the United States," together with the amendments agreed to yesterday, was read the third time: and, on the question that the same do pass, it was resolved in the affirmative—yeas 102, nays 23, as follows:

YEAS—Evan Alexander, Willis Alston, junior, Ezekiel Bacon, David Bard, Joseph Barker, Burwell Bassett, William Blackledge, John Blake, junior, Thomas Blount, John Boyle, William A. Burwell, William Butler, Joseph Calhoun, Matthew Clay, John Clopton, Orchard Cook, Richard Cutts, Samuel W. Dana, John Davenport, junior, John Dawson, Josiah Deane, Joseph Desha, Daniel M. Durell, James Elliot, William Ely, John W. Eppes, William Findley, James Fisk, Meshack Franklin, Francis Gardner, Thomas Gholson, junior, Charles Goldsborough, Peterson Goodwyn,

Isaiah L. Green, John Harris, William Helms, David Holmes, Benjamin Howard, Reuben Humphreys, Daniel Hsley, John G. Jackson, Richard Jackson, Robert Jenkins, Richard M. Johnson, Walter Jones, James Kelly, Thomas Kenan, William Kirkpatrick, John Lambert, Joseph Lewis, jr., Edward St. Loe Livermore, John Love, Matthew Lyon, Robert Marion, Josiah Masters, William McCreery, William Milnor, John Montgomery, Nicholas R. Moore, Thos. Moore, John Morrow, Jonathan O. Mosely, Gurdon S. Mumford, Roger Nelson, Thomas Newbold, Thomas Newton, Wilson C. Nicholas, Timothy Pitkin, junior, John Porter, John Pugh, Josiah Quincy, John Rhea of Tennessee, Jacob Richards, Samuel Riker, John Rowan, John Russell, Benjamin Say, Ebenezer Seaver, Samuel Shaw, James Sloan, Dennis Smelt, John Smilie, Jedediah K. Smith, Henry Southard, William Stedman, Clement Storer, Lewis B. Sturges, Peter Swart, Samuel Taggart, Benjamin Tallmadge, John Taylor, John Thompson, James I. Van Alen, Philip Van Cortlandt, Nicholas Van Dyke, Archibald Van Horn, Killian K. Van Rensselaer, Danl. C. Verplanck, Isaac Wilbourn, Alexander Wilson, Nathan Wilson, and Richard Winn.

NAYS—Adam Boyd, Robert Brown, Epaphroditus Champion, Martin Chittenden, John Culpeper, Jas. M. Garnett, Edwin Gray, John Heister, Wm. Hoge, James Holland, Nathaniel Macon, Daniel Montgomery, junior, Jeremiah Morrow, John Randolph, John Rea of Pennsylvania, Lemuel Sawyer, Samuel Smith, Richard Stanford, Abram Trigg, Jabez Upham, Jesse Wharton, Robert Whitehill, and David R. Williams.

Resolved, that the title be, "An act authorizing the employment of an additional naval force."

ADDITIONAL MILITARY FORCE.

An engrossed bill providing an additional military force was read the third time, and the question being on its passage—

Mr. TALLMADGE moved the postponement of the bill indefinitely.

Mr. TALLMADGE said it was a very unpleasant circumstance to rise and address a deliberative assembly, when the subject was an unpleasant one; but, after the observations which had fallen from some gentlemen in the majority, charging the minority with a systematic determination to oppose and retard all the measures of the Administration, it required some effort of the mind to undertake the task. Nothing but an imperious sense of duty, and regard for the rights of his constituents and his country, which he could not sacrifice, induced him to trouble the House with his objections to the bill now under consideration. Sir, said Mr. T., in the discharge of this duty, while I confine myself within the rules of decorum in debate, I hold myself responsible only to my country, to my conscience, and to my God.

In relation to the subject now under consideration, I hope this honorable House will do me the justice to acknowledge that, on every question which has been brought forward since I have been honored with a seat on this floor, the object of which was to protect and defend our common country, my vote and exertions have been in favor of such measures. One solitary instance do I except from the general rule, which relates to

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gunboats; and of these I have long entertained such a contemptible opinion, that I have felt constrained to withhold my vote from giving to them such liberal support. This frank declaration, I hope, will shield me from the reproach of wishing to thwart the measures of the Administration, or to throw any obstacles in the way of its operations.

When I addressed this House on a former occasion, and moved a postponement of the consideration of this bill for one week, I did it, not because I wished time to consider its provisions, for I did then believe that I had pretty thoroughly examined it, and understood what would be its general bearings and effects; but I requested a postponement, that its final passage might be delayed until certain propositions should be made, which a gentleman from Massachusetts (Mr. BACON) informed the House he expected to offer to their consideration, and until the policy which this country was to pursue, should be more distinctly marked out by the Government. If the present system of measures is still to be persisted in, and the embargo to be continued as the grand restorative specific, I then thought, and still hope, the House will not consider the army now proposed to be raised as at all necessary, and, of course, that we shall unite in rejecting the bill. In the observations which I then made, I thought I was explicit, but, from the remarks which have been made by gentlemen in reply, I find I was misunderstood.

When we examine this bill, as predicated upon the recommendation of the Secretary of War, we must be at a loss to conjecture how it should assume its present shape. In the report of that officer, which was printed and laid upon our tables, it will be found that he recommends the plan of engaging fifty thousand volunteers; but this bill proposes raising an army of fifty thousand men. Yes, sir, I repeat it; if you pass this bill, you sanction the enlistment, organization, and equipment, of an army of fifty thousand men, all the officers of which are to be appointed and commissioned by the President of the United States. Being a member of the committee who reported this bill, it may be inquired why I did not object to its provisions before it came to this House. Sir, I never saw the bill before it was printed and laid on our tables. In saying this, I impute no blame to the chairman of our committee, (Mr. NELSON,) who very possibly may have directed notice to be given me, and, for aught I know, I may have been engaged with some other committee. I mention this that I may not be suspected of taking any undue advantage to attack and defeat the bill, when I could have suggested provisions to its framers, which would have rendered it less liable to exception.

However defective this bill may be in some of its important provisions, I know full well that it cannot be amended in its present stage, and on the motion which I have had the honor to make. We must therefore discuss it as it is presented to us, purporting to be a bill authorizing the President of the United States to appoint five major generals, ten brigadier generals, arming and equip-

ping forty-four regiments of infantry, three regiments of riflemen, and three regiments of light artillery, of ten companies each, with the field, staff, and commissioned officers, necessary completely to organize this corps. In thus spreading before the House the principles and provisions of this bill, I call on gentlemen to pause and reflect before they adopt them. Are gentlemen aware of the immense expense which will be incurred by raising this body of troops? It may be objected, that this monstrous military force is to be under pay only while it is kept in actual service. But it ought to be remembered that, as soon as the officers are appointed and the troops are enlisted, it becomes a positive army, liable to do duty twelve months out of two years, wherever the President of the United States shall direct. Give me leave once more to call the attention of the House to the report of the Secretary of War, which, for some reason or other, he did not think proper to assign, but which I know he presented to the committee. In this report, the head of the War Department estimates the expense of fifty thousand volunteers, to be encamped only thirty days in the year, at two millions one hundred thousand dollars. I have made a calculation on this subject, and am convinced that, to provide for this army only one year, we must pay fifteen millions of dollars. Sir, the history of our Revolutionary war exhibits no example of this sort. We have at this moment, probably, about ten thousand troops in the field. To these may be added one hundred thousand militia lately put in requisition by the President of the United States, and now we are called upon to add fifty thousand regularly enlisted troops to the number.

Indeed, Mr. Speaker, I think it behooves us to consider well what we are about, before we proceed one step further. I know very well, and I trust, I shall always venerate the sentiment, that money is nothing when put in competition with national honor, liberty, and independence; but every one will allow that this subject is worthy of peculiar consideration at this time, more especially when, by means of the embargo, the streams of national wealth are dried up. This principle, sir, becomes all important to us, the Representatives of a free Republican Government, who ought not to lay heavy and oppressive burdens on our constituents without the most urgent necessity.

Having taken this general view of the structure, provision, and expense arising out of this bill, I will now ask the indulgence of the House, while I endeavor to lay before them the causes which induce, and the probable result and consequences which will ensue from calling such a body of troops, as this bill contemplates, into the field. That I may be the more distinctly understood I, will arrange the remarks which I propose further to make on this interesting subject, under four general heads, and I beg the attention of this honorable House while I endeavor to elucidate the follow inquiries.

1st. At whose request is this army to be engaged?

2d. What is its use and destination?

3d. What objects are to be obtained by it?

4th. What are our means to accomplish these ends?

These are questions which I deem of importance to be fully settled, before we proceed to adopt the bill now under consideration; and I hope gentlemen will give them a patient and candid examination. Perhaps the honorable Chairman who reported this bill, or some other gentleman, will be able to answer them to the satisfaction of the House. It will be fortunate if this should be the case, that we may cheerfully unite in the necessary measures of defence, and proceed with a zeal becoming a good cause, which will insure a successful termination.

I make the first inquiry. At whose request is this army to be raised? I presume every gentleman will allow that the President of the United States is the Constitutional organ by whom communications are to be made to Congress. Indeed it becomes a part of his bounden duty under the Constitution "to give to Congress information of the state of the Union, and recommend to their consideration such measures as he shall judge necessary and expedient." Has he made any communication to Congress intimating that such a force as this bill contemplates, would be necessary? Will gentlemen turn to the President's Message, delivered at the opening of the session, and see whether anything of this sort is there communicated? I have examined that document with critical attention, and can find nothing in it which will even justify this measure. I venture to say there is not a sentence in that communication on which this bill could be predicated. I know that this Message was dissected in due form, by some able political operator, and that several committees were raised on different portions of it; and although I had the honor to belong to that committee appointed on so much of the President's Message as relates to our Military and Naval Establishments, I have searched in vain for that part of it upon which the appointment of any such committee could be founded; excepting indeed a paragraph respecting the one hundred thousand militia which were voted at the last session, and which the President had not called into service. Now, sir, if there has nothing occurred of so alarming a nature as to justify the embodying of this detachment of militia, I cannot perceive whence the necessity arises for calling into actual service so strong a detachment of military force, or what can justify this House in adopting a measure so strong and at the same time so alarming.

Again, since the President has made no request for this immense force in time of peace, there seems to be a sort of indelicacy in the attempt thus to palm upon him, as Commander-in-Chief, an army of this magnitude without intimating its destination or use. Will any gentleman in his place inform this House (since the President, who is the only responsible character to give us the information, has not done it) that these troops are really wanted? I have before remarked that the

Secretary at War has laid before us a plan to raise fifty thousand volunteers, but nothing appears in it to justify the raising of the corps proposed by this bill. Whenever volunteers have been called for by the Government, they have turned out with alacrity and zeal, officered and accoutred for service; nor can it be supposed that there is less patriotism reigning in the bosoms of our citizens at the present day than heretofore.

If the Government has any serious intention to bring a band of volunteer yeomanry into the field, of purely American character, the provisions of this bill cannot fail to defeat such intention. Depriving the troops of the accustomed privilege to serve under their own officers, will not only retard the business of engaging the men, but will have a strong tendency to make the service suspicious.

I come now to the second inquiry. What is the use and destination of this army? Inasmuch as we have no information on this head from the Executive department, I inquire, with deep solicitude, of the majority of this House, (inasmuch as they hold the destinies of our country at this portentous day,) where is this force to be directed? Against what enemy, visible or invisible, is this army of freemen to be prepared to act? Indeed, Mr. Speaker, this duty becomes so imperious upon this House, and so important to our constituents, that, without some definite information on this point, I know not how we can proceed. Since the present session commenced, we have been passing laws and adopting measures of the most serious and important consequence to this country, and, I am constrained to say, with less consideration, I fear, than the solemnity and importance of their nature seemed to demand. We are now called upon to pass a bill, placing in the hands of the Executive one of the most tremendous weapons which Government can yield. For my own part, I can discover but two objects which can be in view, in framing this present bill. This force, when raised, must be directed against an enemy, or it must be pointed against ourselves. In other words, it must be calculated to repel foreign aggression, or to enforce obedience to our laws. If it is to be employed against an enemy, it will surely become important to know specifically who that enemy is. And it is a fact somewhat singular, that, to this day, with all the noise and bluster about war, we have never been distinctly told the enemy whom we have to encounter. It is true, indeed, our Committee on Foreign Relations told us, as one alternative, that we must have a war with Great Britain and France at the same time. This affords no definite object, but it directs the attention at least towards two powerful and warlike nations, engaged in the most deadly hostility against each other. Could that committee have been in earnest, or can this House support the sentiment, when they decided the point that war must be waged with two nations contending at the same time with each other? The mode of such a warfare, (provided the three Powers should come into conflict at the same time, either by land or sea,) I humbly conceive would baffle the uni-

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ted wisdom of that sagacious committee, and is too ridiculous to be discussed in this House. Let us, then, inquire what are our chances for war with either of these nations, separately. Do gentlemen contemplate crossing the Atlantic to attack France, and thereby oblige Bonaparte to revoke his decrees? I presume not. Can any one say that he expects an invasion from that quarter? His want of a navy gives you the answer to this question. As to an invasion of Great Britain, or any of her West India possessions, her superior naval force fully protects her; and the experience which she derived in the late Revolutionary war will teach her not to waste her armies in so fruitless an experiment, as again to send troops to our shores. I will reserve for the next head of inquiry what may relate to conquest in our own vicinity, and remark, that, inasmuch as foreign conquest and domestic invasion must be alike improbable, I can see no use for which these troops can be wanted, but to enforce obedience to our laws. And can it be possible, Mr. Speaker, that we have come to this solemn and awful condition, that a large army must be engaged to command obedience from our citizens, at the point of the bayonet! Forbid it, Heaven! I hope and trust the state of things does not at present require it. Rather would I hope that our fears and our apprehensions greatly exceed the fact.

I know that the Committee on Foreign Relations have very gravely submitted to us three alternatives—submission, embargo, or war. By a solemn vote of this House, you have decided on the first; and, therefore, submission is out of the question. The next alternative was, the continuance of the embargo, and to this the Legislature have determined to adhere. It will not be amiss, here, to inquire what have been some of the most prominent effects resulting from our late law, "more effectually to enforce the embargo." It has been customary to drag this measure into every debate, but I trust the House will do me the justice to acknowledge that I have but rarely rung that unpleasant charge in their ears. But, in the consideration of our general policy, it is almost impossible to keep so important a measure out of view, and especially when apprehensions are entertained that the provisions of this bill have an important bearing on that question. After all the predictions which were made on the wonderful efficacy of the embargo, it has been found that it has not answered the expectations of its friends. From its frequent violations and evasions, it has been deemed necessary more rigidly to enforce it, and the late law which has passed for this purpose has excited the most serious alarm. When that law was before this House, those of us who honestly believed some of its provisions were unconstitutional, and most of its requisitions and penalties very severe, did not fail to state them to the House. They did not omit to caution gentlemen against adopting such oppressive measures, and to intimate their own apprehensions as to the effects which might be produced on the nation. Apprehensions were even entertained that in certain portions of the Union the laws relating to the

embargo would not be executed, inasmuch as the habits and pursuits of the people were against the measure, and their sufferings had become intolerable. The total inefficacy of that measure, as coercive upon our enemies, was discovered, and the people perceiving no good to result from it, and nothing but positive ruin before them, it was feared that they would no longer submit to its pressure. These declarations were not then credited by a majority of this House, and now, what is the fact? Your law, in many places, has become a mere dead letter. Am I stating the case too strongly when I make this declaration? I trust not. I am apprehensive that some gentlemen who hear me are so unacquainted with the character, habits, and manners, of our Northern and Eastern inhabitants, that they may suppose I exhibit the picture in too strong and lively colors. Having resided in New England from my youth, I think I cannot mistake the character of that people; and I believe I hazard nothing when I assert, that, as to the great body of that people, your embargo laws have had all the effects which can be expected from them. The same sentiment is progressing to the South, and nothing but a hope that the hour of their relief is near keeps them from acts of opposition. In making these remarks, Mr. Speaker, I do not intimate that rebellion or direct repugnance to lawful authority will be countenanced in New England. I have too high an opinion of their intelligence, love of order, and regard for the Constitution and laws of the land, to believe anything like this will take place. But, knowing their rights, they will guard them with the most scrupulous jealousy. No people are more obedient to the law, and none more ready to seek redress for injuries under the guardian protection of the law and the Constitution. Should the General Government at any time oppress them, they will not fly in the face of the law, and excite insurrection and revolt, but they will seek redress and protection under the government of the States, solemnly guarantied by the General Government. Those State prerogatives, which they never have surrendered, are the strong barriers against the powers and usurpations of the General Government, and on these the duration of this Government must in a great measure depend.

Here Mr. NICHOLAS called Mr. TALLMADGE to order, as having understood him to say there was no disposition in the General Government to save the people from oppression, and that the State Legislatures ought to protect their citizens against the authority of the General Government.

Mr. TALLMADGE explained. He maintained that he had advanced no such sentiments as had been imputed to him. He was only stating a possible case, and thence inferring the right of the citizen.

Mr. NICHOLAS withdrew his call, and the SPEAKER requested Mr. TALLMADGE to proceed.

Mr. TALLMADGE continued. I was about to state, when I was interrupted, that, if the General Government should pass unconstitutional and oppressive laws, (which, Heaven forbid!) depriving the citizen of his rights, by resorting to the Constitution and laws of the State, he would find redress;

and on this I consider our safety materially to depend. In fact, sir, the existence of the one is so deeply interwoven with the prosperity of the other, that without the continuance of your State governments, in full energy and power, the General Government must inevitably fall. To obtain and secure this fair inheritance, I have passed through a long and bloody Revolution. To enjoy the blessings of a good Government, under a Federal Constitution, I put everything at my command at hazard; and all my services have been employed to defend and establish the liberties of my country. I humbly trust it will not now be supposed that I should rejoice to see the Constitution prostrated, which was the consummation of our independence, and the order and harmony of the Union subverted by anarchy and rebellion. After this declaration, I hope the honorable gentleman from Virginia (Mr. NICHOLAS) will have no doubts respecting my political creed.

Mr. Speaker, I have been insensibly led off from the course which I marked out for myself by this unexpected interruption, but will now resume my original design.

Every gentleman within the sound of my voice will delight to cherish that commendable jealousy which freemen exhibit when troops are raised and quartered among them in time of peace. Can I not impress a belief on this House that many portions of our country are seriously alarmed, on receiving information that this bill was about to be brought forward? Is it not enough that the late enforcing embargo law should have excited so much sensibility, that another, not less alarming, should be brought to its final passage in this House? I deem it my duty to spread before the Representatives of the people their apprehensions as well as their sufferings. When we see those primary assemblies begin to give the watchword, be assured that they consider danger to be near. In some town and country meetings we find resolutions have been adopted, and as if grieved and disheartened by neglect, they forbear to ask redress at your hands, and determine to look to their State Governments for relief. Nay, further, where your late embargo law has been put in execution, the interference of legal State process has been resorted to, to save the citizens from ruin. The necessary tendency of this course is to bring the General and State Governments into collision, the fatal consequences of which need not be pointed out. If, however, such a monstrous military force shall at any time become necessary to force the obedience to any law, this argument alone should satisfy our rulers that all is not right, and that it is high time to pause if not to repeal.

Having attempted to demonstrate to this House that the army contemplated by this bill, cannot be wanted for foreign aggression, or to repel domestic invasion—and ardently hoping that it is not intended to enforce the embargo laws, I cannot believe that there exists any sufficient cause for passing the bill now before the House. I know full well that we have been shamefully treated and our rights have been grossly violated by both the

belligerent nations across the Atlantic; nor will I attempt in any measure to justify or palliate those wrongs. Having expressed my sentiments on this subject on a former occasion, I will not detain the House to repeat them again. The important question arising out of this condition, is, how shall we obtain the most effectual redress? This brings me to the third head of my inquiries.

What objects are to be obtained by this armament?

If war is the real object, I would observe that its principles should be well defined: its ends must be probable of accomplishment; it must be manifestly just; and above all, it must be approved by the people. I have before said that in foreign conquest we have nothing to gain. Let us briefly imagine what can be done nearer home. Canada is the first object worthy of attack, if we should commence a war with Great Britain. Some gentlemen who have advocated this sentiment in this House, appear to me to speak of it as if it would be a piece of amusement, a mere pastime; or at any rate an achievement which could be easily effected. But, sir, a project of this sort should be examined with great coolness and deliberation. Gentlemen should look at it with a scrutinizing military eye. Have you any documents to show the regular military force in the province of Canada, and the present state of their fortifications? Can any gentleman tell me the provisions there deposited in case of a siege? You well remember, Mr. Speaker, the failure of an expedition into Canada during the Revolutionary war, and the unfortunate issue of an attack upon the city of Quebec. Every gentleman on this floor must be acquainted with the history of those events; and if at that period our enterprise proved so unsuccessful, it should not be rashly undertaken now, when every preparation for defence is doubled, and perhaps to fourfold. If I know anything of that province, the regular troops for its defence may be estimated at about 10,000 men, and the city of Quebec at this time is completely fortified. I am not about to say that the capture of those parts and the reduction of that province could not be effected by the United States; but I do say that it would not be found so easy of accomplishment as some gentlemen seem to imagine; and when effected would but poorly repay us for all our expense of blood and treasure. A possibility, however, that we might not succeed, should make us cautious how we provoke a war in which no durable good can be promised, and which may terminate in disgrace.

But admit, for argument sake, that we should be successful, and the Province of Canada should change masters, is it an acquisition worth the price which we should probably pay for it? What advantages would result from such an event to the United States? Most assuredly we have no occasion for any increase of territory, and from such a heterogeneous mass of population, I very much question whether our Republican Government would be much strengthened. In addition to this, we must take into the account that this

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province, having long been held by a military Government, could never be preserved by us but by a large standing army. This engine of despotism should never be introduced into a free, Republican Government, except on the most urgent occasion, and as speedily as possible should return to the walks of civil life. If, therefore, the acquisition of this province cannot be justified in a political view, surely the prospect of plunder, or the gratifying of the passion of revenge, will never induce a magnanimous people to make war. All the reasons which can be urged in favor of such an expedition are at variance with the fundamental principles of our Republican institutions, and of course ought to be discounted when it is not engaged in from the most urgent necessity, in defence of our country's rights. The same remarks which have been submitted against an expedition into Canada for the purpose of conquest; will apply with double force respecting Halifax. In the former case, troops might be taken to the scene of action without much naval force; in the latter, the attempt would be futile without a superior fleet. In every light, therefore, in which the subject has been presented to my mind, I cannot perceive that the substantial interests of our country would be promoted by commencing war for such a purpose. Nations, more than individuals, ought to take counsel of reason, and not from passion; the latter of which, from some inflammatory speeches delivered on this floor, some might conclude we were about to pursue.

Again, one prominent object to be obtained by a dispute with Great Britain, is the freedom of the seas, and that free ships shall make free goods. Is there a man within these walls who believes that we can oblige Great Britain to concede this point? Whether it be right or wrong is not the question, but whether the United States have power to coerce and establish that principle.

Sir, if the whole force contemplated by this bill should be raised, and Canada with all its dependencies should be taken, do gentlemen seriously believe that our maritime rights would thereby be secured, and Great Britain obliged to yield what we may consider her unjust usurpations? If I know anything of the policy which governs that nation, I think it would not. Although I never would submit by acknowledging that to be just which militates against national honor and moral right, yet sound policy may sometimes dictate an endurance of smaller evils for a time, rather than expose a nation to the calamities of war, a fortunate issue to which cannot insure the blessings for which you contend. Suppose that, after a contest of six, eight, or ten years, a peace could be obtained, and by treaty all should be yielded that we contend for. Experience has fully demonstrated that when the most solemn treaties interfere with the ambitious views of a potent nation, they are considered as having no binding force. During the present contest between Great Britain and France, the most solemn stipulations by treaties, and the long settled principles acknowledged by the law of nations, have

been violated without any apology, and treated with contempt. From this view of the subject, therefore, I think it clearly follows that a war cannot be justified, and of course the troops proposed to be raised by this bill are unnecessary. If gentlemen are correct in their opinions respecting the policy of this Government, then indeed, whenever a treaty is infringed, or any foreign regulation is adopted by which our commerce shall be restricted, we must be doomed to pass over the same ground again. Non-importation, embargo, and non-intercourse laws must be passed; and in attempting to starve our enemy, we shall go far towards ruining ourselves. Although it may be foreign to the present question to go into an examination of our foreign commerce, yet I cannot forbear to remark, in opposition to many statements which have been made on this floor, that the amount of all British manufactures imported into this country, for our own consumption, does not exceed \$25,000,000, which is about one-tenth of all the exports of goods manufactured in Great Britain. Having found out other resources from whence the raw materials for her manufactures can be obtained, and sufficient demands for all her goods, she must look on with a sort of laughing indifference at our new invented mode of national suicide.

The next point in my division of this subject is to inquire what are our means to accomplish this object? In a Government like ours, professing to have no secrets, the resources which we can command and our general policy are almost as well known to foreign nations as to ourselves. I trust I shall, therefore, not be accused of exposing the secrets of the Government when I state my full conviction that we have not the means necessary to carry on a bold and efficient war. As I have before stated, so I am fully convinced that the people would make astonishing exertions, and all reasonable sacrifices, when great emergencies occur; and especially when called upon in defence of their dearest rights. But when they shall be invited to support measures so expensive as the one now under consideration, it becomes necessary for the Representatives of the people to reflect whether it is such an one as they will cheerfully support. By examining the report of the Secretary of the Treasury, it will be seen that we have but about three millions of unappropriated revenue; and one important lesson is taught by that report, of which this House will do well to take notice, that a rigid perseverance in the system of embargo will dry up the principal streams by which the national Treasury was supplied. Sir, the destruction of our commerce is necessarily followed, under our present system of finance, by national poverty and distress. For more than thirteen months we have been in the full tide of experiment on a system which not only discourages the laudable enterprise of our most industrious citizens, but strikes at the very root of our fiscal arrangements. What a solemn spectacle, Mr. Speaker, do we exhibit to the world at this day! A great commercial people, and second to but one nation on the globe,

retiring from the ocean, by the pursuits of which our wealth and importance was increasing with every passing gale; coercing this abandonment, by the most severe laws, and maintaining them at an enormous expense; and when this novel experiment has failed to produce the benefits and blessings which its advocates and friends predicted, we are called upon to prepare for war. Yes, sir, when the very siwews of war have been thus broken or destroyed, and poverty and disgrace stare us in the face, we are presented with a Military Establishment which might make an opulent nation groan. To what sources can you resort to support this heavy expense? Loans and taxes are the dernier resort: and are the gentlemen now in power ready to adopt this system, for the purpose of carrying on a war—a system, too, which, in better days, they scouted as ruinous to this country? They surely cannot have forgotten the complaints which were then made against such a system, inasmuch as to these may be attributed their present elevation to power. If taxes should be resorted to, being deprived of the benefits of commerce, the merchant and the farmer have nothing to pay. Loans may answer a temporary call, but without any means to discharge them, these must necessarily fail. During the late Revolutionary war, these were carried to their utmost extent, and to this day we feel their effects. However willing our constituents may be to discharge that debt, which was the price of our independence, it behooves us well to consider how we increase their burdens. I have not the smallest doubt but the people of America would support almost any burdens which the Legislature might impose, to maintain the legitimate principles of our Constitution and Government; but the means and the end must be satisfactorily exhibited to their view. The question is not whether you will borrow money, but whether the object for which it is wanted is of such primary importance as to justify the measure. Let the safety, the honor, and the liberties of our country be at stake, and every honest man in the community will support you in their defence, and with one heart bid you God speed.

Sir, in making these remarks upon the bill now under consideration, I wish not to be understood as considering war the greatest calamity that possibly can befall us. National dishonor and disgrace—mean and abject submission, bring with them a train of evils more injurious to the community, than war with all its horrors. If I understand gentlemen on the subject of submission, I cannot fully accord in the doctrines which they advance. To oppose such a system as this, would argue neither wisdom nor courage. The duties imposed on neutral commerce by the British Orders in Council, may be highly injurious and oppressive; but will a war against that nation, with all our means of annoyance, induce her to change her course, during the present contest, or secure to us the rights which we claim? Much has been said respecting the duty which she lays on our exports to the European continent, as even more oppressive than a tax collected in our own

ports. To this I cannot subscribe, although I detest the principle, and deprecate the evils which result from it.

Suppose the Dey of Algiers had the unlimited control of the Straits of Gibraltar, and demanded a toll of every ship or vessel that passed into the Mediterranean sea, as Denmark has long done at the Sound. Although this is a duty or toll, yet the merchant calculates the profits of his voyage into the Baltic or Mediterranean seas, with the encumbrance of this duty, and pursues or omits it, as his views of advantage shall dictate. But gentlemen say, our vessels are forced into British ports by their armed cruisers, contrary to their inclinations. This, probably, arises out of the state of her contest with France; for, while each is bent on the destruction of the other, both are determined that our commerce shall not be carried on but for their individual benefit, to the ruin of the enemy. While Great Britain imposes a duty, France burns or confiscates the whole. In this situation, are we to submit? I answer, no. A question of policy is here to be settled, whether a commerce thus fettered and thus obstructed, is worthy of our pursuit? And, although it may be restricted as to some particular place or country, still the wants and privations of one port will be supplied by the surplus productions of another. I have made these remarks, Mr. Speaker, to prove the impolicy of a favorite measure of the Government, which, in its operation, severely bears upon the honest exertions of our citizens, and utterly disqualifies our country from carrying on a war.

Some gentlemen seem to imagine that this Government is almost omnipotent. A republican Government is undoubtedly the most potent, for all the purposes of protection and defence, of any Government on earth. But, to answer this end, it must rest on public opinion, and be approved by the citizens at large, whose love of order and the Constitution will induce them to support its measures. When the public sentiment can thus be insensibly borne along with the operations of the Government, the impression is irresistible. Let the most despotic Power on earth, the French Emperor, for instance, attempt to enforce a particular measure; he takes with him his legions, and obedience for a time is complete. But, when his myrmidons are removed, the former state of things is restored, and his authority is disregarded. But the laws of a free, republican Government, are enforced by the cheerful acquiescence of all its citizens.

In addition to the four principal objections which I have stated to this bill, I have another which relates to our militia establishments, and which its provisions, I think, will very materially affect. No explicit provision is made with respect to the mode of obtaining recruits—whether when so engaged they are to be excused from militia duty or not—whether the officers of the militia would be received if they should tender their services with their men, and by what tenure the troops will be held to perform service. I know that a certain bounty is to be paid, and clothing to be furnished, and public arms to be supplied;

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but when this expense is incurred, how are these straggling recruits to be collected from the various parts of this extensive country, to attend on days for exercise, and appointed periods for encampment? If martial law is to be enforced against every delinquent, I fear a gallows would be erected in every county through the Union. According to this bill, encampments are to be made in every State and Territory, the evil effects of which I am convinced will be felt, not only by those who may enter upon this new military career, but also by all the adjacent country.

When I contemplate the military preparations which have already been sanctioned by this Government, consisting of regular troops, and the militia put in requisition by the President of the United States, while the country is in a state of profound peace, I am led very seriously to pause and look about me. If this bill should pass, (and from the strong support it has hitherto received we have but too much reason to fear it,) you will have placed under the immediate control of the Executive about one hundred and sixty thousand men. Truly, Mr. Speaker, this sounds almost too high for a Republican Government, and not being accustomed to such a display of military force, I am free to declare my apprehensions and alarm. My fears are by no means diminished when I consider that these very troops may be employed to enforce the embargo, than which nothing could more thoroughly alarm the minds of our citizens. Although the funeral of this wonderful magician, in some parts of our country, is said to have gone by, yet in this day of new things, I fear something may arise from its ashes equally disgusting. Should your non-intercourse bill be advocated with as much zeal as was the embargo, it may be matured and in full vigor before the end of the coming week, and needing the assistance of this establishment to enforce it. Having no desire to see our civil laws enforced at the point of the bayonet, I do in this public manner protest against this measure as unwise, and not called for by the urgency of the occasion.

Thus, Mr. Speaker, I have endeavored to lay before this honorable House some of the most prominent features of this bill, and have considered it both in relation to peace and war, as highly objectionable. If I have been correctly understood I shall be glad, and will thank any gentleman to obviate and remove my objections, if they are not well founded.

Ever since the publication of that famous report, made by our Committee of Foreign Relations, the majority of this House, and I may add a considerable portion of the body politic, seem to have adopted the same course of reasoning, and come to the same result. Submission, embargo, or war, have been the alternatives proposed, and those who have dared to question this political creed, like heretics of old, have been proscribed. Not being soundly orthodox in modern politics, I dislike the whole. The first I absolutely reject—the second I wish to have removed, and the third I hope to avoid. Like a medical prescription, however unpleasant to the palate, I

would try to swallow the potion, if I could discover any possible good to result from it. When I hear gentlemen very gravely declare on this floor, that they are nearly prepared to exchange the embargo for war, I am almost induced to doubt my own understanding. What, sir, will you first paralyze the energies of the nation, and then call on the people to go to war? This illusion must be dissipated. What would be thought of a physician who should tell his patient, "if you should choose to get up from a bed of sickness, you must submit to have a limb amputated, although not necessary to your recovery?" Sir, he would be considered a madman; and though a person might consent to such an operation, if it became really necessary, yet on the doctrine of alternatives, thus presented, he would reject it.

Mr. Speaker, this nation is sick, dangerously sick, and the relief is in our power. For several years past we have been trying experiments, and have left the path of sound experience. As many wise men predicted, when this system was adopted, we have got almost to the precipice from which one fatal experiment more may plunge us into ruin. As soon as we began to vary from that course of policy which Washington pointed out, our political hemisphere was darkened, and collisions with foreign nations ensued. Our first resort was to a non-importation law; but as this did not work a cure of the evil, the embargo was determined on as the infallible remedy. This experiment also failing, we are now comforted with the belief that a non-intercourse may perhaps effect the purpose, and if that should fail, we are promised the blessings of war, preparatory to which, this bill for raising an army is offered for adoption. Indeed some gentlemen have claimed a sort of pledge from this House that we will go to war (about the first of June next I believe) before they will consent to repeal the embargo laws. This pledge is too great, and this reasoning too profound for me. May God deliver us from such a restorative system as this!

If there ever was a time demanding serious deliberation, it is the present. We ought to pause and examine well our ground before we proceed one step further. From the ray of light which I discover in our eastern horizon, I am induced to hope that a brighter day may succeed. To effect this, I hesitate not to say we must retrace our steps and materially alter our political course. Let not gentlemen startle at this idea; it is a subject fit only for great minds to contemplate, and for honest men to accomplish. Our system of depletion and self-punishment must be given up; and an honorable, equal, and dignified policy towards foreign nations must form the basis of our negotiations, and we may hope for success. Our situation, though hazardous, is not hopeless; and if the beacons which have been erected should not be totally mistaken, those who may soon take the helm of state cannot fail to pursue a different course.

A few words more, and I have done. The Union of these States appears to me so important to the peace, prosperity, and protection of all its

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parts, that I cannot express my regret when I hear the sentiment avowed, that a separation must take place. I think such a project ought not to be familiarized even in idea, and everything tending to irritation should be discouraged. Degrading distinctions and odious epithets, applied to any portion of our citizens, cannot be justified. When the gentleman from Pennsylvania (Mr. SMILIE) denominated those who opposed the embargo, old tories, British agents, or corrupted by British gold, he surely must have forgotten that some of the first men in the nation, and native Americans too, believe that measure to be unwise, and even unconstitutional. Some of our State Legislatures have also ventured to question the policy of this law, and even the power delegated to the General Government to enact it.

I consider it no compliment to be told, as we frequently are, by the gentlemen in the majority, that the Federal Republicans are as honest and as patriotic as any other part of the community. It is to be presumed we all have the same end in view, the good of our common country; but we have different ways of pursuing it. We are all embarked on board the same national ship, and must swim or sink together. Our united efforts are needed at this perilous crisis to preserve our national and State prerogatives distinct and entire. By the blessing of God on our faithful exertions, the Constitution and Government may be preserved; and the people, under a wise Administration, will be prosperous and happy. Notwithstanding some gentlemen on this floor, from the peculiar ardency of their spirits, and an honorable indignation at the authors of our wrongs, may urge us to war, I am opposed to such a measure at the present time, and therefore hope the motion which I have had the honor to make will prevail.

Mr. LYON followed on the same side in a speech of an hour, when the House adjourned without taking a question.

SATURDAY, January 28.

The SPEAKER laid before the House a letter from the Secretary of the Treasury, accompanied with a report and statement prepared in obedience to the provisions of "An act to regulate and fix the compensation of clerks, and to authorize the laying out of certain roads, and for other purposes;" which were read and ordered to lie on the table.

The bill sent from the Senate, entitled "An act for the relief of certain Alabama Indians," was read twice and committed to the Committee on the Public Lands, to consider and report thereon to the House.

The bill sent from the Senate, entitled "An act supplementary to the act, entitled 'An act to amend the act, entitled 'An act establishing Circuit Courts and abridging the jurisdiction of the District Courts of the districts of Kentucky, Tennessee, and Ohio,'" was read three times and passed.

On motion of Mr. WHARTON,

Ordered, That the Committee of the Whole House to whom was committed, on the thirty-first

ultimo, the bill supplementary to the act, entitled "An act to amend an act entitled 'An act establishing Circuit Courts, and abridging the jurisdiction of the District Courts of the districts of Kentucky, Tennessee, and Ohio,'" be discharged from the consideration of the same.

ADDITIONAL MILITARY FORCE.

The House resumed the consideration of the engrossed bill providing an additional military force—Mr. TALLMADGE's motion for indefinite postponement depending.

Mr. TAYLOR said: I am against the motion for a postponement of the consideration of the present bill indefinitely, because I believe the situation of the nation to be now such, that a further postponement of measures calculated for the defence of the country, would be little short of an abandonment of the interests and honor of this people. I do suppose, sir, that it is the opinion of a majority of this House, that the system of resistance to foreign aggression upon the ocean by a retirement from it, is to be given up. It will be recollected, that at the last session, I expressed my belief, that whenever the Legislature found this system to fail of its intended effects, they would, in a reasonable time, abandon it. I then believed that it was the best calculated of any measure which could be adopted to strike home to that nation which has done us the most harm; and although I still believe it to be the best system we could rely upon, yet, as it has met with resistance in its execution from a portion of our own people, rather than enforce it at the point of the bayonet and the expense of the blood of our own citizens, I would be willing to give it up. In speaking of resistance to our laws, I would not be understood as meaning to imply that there has been open rebellion. I mean that Constitutional resistance which has been manifested to the Eastward; that judicial resistance which has induced many to believe that the system would be better abandoned than to run the risk of producing more serious evils. I believe, Mr. Speaker, that these appeals from the laws have not been found to be general throughout the United States, yet they will have all the effect upon foreign nations as if such appeals had been universal. I allude to the transactions in the town of Boston—to the resignation of the collector of that port—and I may add, that of the collector of the port of Providence, with the occurrences which have taken place in the harbor of New York. To all these I may add the circumstance of the British armed vessels which have appeared on our Southern coast, for the purpose of forcing a trade in cotton. In this state of things, I do believe that the time when it would be proper to remove the embargo has arrived; in fact, I consider it, as to its effect, as removed already.

Thus, sir, the consideration of the alternatives proposed to the nation at the commencement of the session again recurs, to wit, embargo, submission, or war. The solemn vote which has been taken upon this subject, at an early period, to say nothing else, puts submission entirely out of the

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question, and it seems now to be the general opinion that the embargo is to be given up. The last, then, is all which is left to us.

Having got thus far, I will endeavor to answer a remark made some time since by a gentleman from Virginia in relation to this subject; and I am glad the gentleman left the difficult question of tribute to be digested by those in opposition to the Administration. I have heard, sir, the very language of Mr. Canning introduced upon this floor, to prove that Great Britain had a right to retaliate upon France by resorting to the measure, which I trust will always be considered as obnoxious to the rights and independence of this country. But a minute's examination of the most common mind in the United States will expose the fallacy of the doctrine. An argument used by the gentleman from Connecticut (Mr. TALLMADGE) was, that the tax levied by Great Britain could not be held as being a tribute, for we were not obliged to pay it if we did not choose; that it was a mere matter of calculation as to interest, and nothing more. It is strange, indeed; that thirty years of residence in a land of liberty, and of devotion to its service, should have put such an argument into that gentleman's mouth. This, sir, was the very principle against which, in the difficult times of our Revolution, that gentleman so ably fought. If I were disposed to follow the gentleman from Kentucky, (Mr. LYON,) and to erect on my desk files of newspapers, I could, by a recurrence to those of that day, prove that this was the very language made use of by Lord North in the British Parliament. In speaking of the tax upon tea, this was his very position, that the Americans were not obliged to pay it, unless they chose to do so. But, sir, are we now to drink this bitter cup? I trust not. This question has all the original force which it had under the Administration of Lord North. An American vessel, trading up the Mediterranean, is arrested by a British cruiser at the pillars of Hercules, and carried back to Great Britain to pay the tax levied by the Orders in Council; and is this a free choice left to us? Are we at liberty to pay, or omit to do it? No, sir. The ocean has been assimilated by some gentlemen to a cornfield, in which the American merchant reaps a glorious harvest. Well, sir, suppose one in private life was to shut up the gate which led to his neighbor's cornfield, and tell him that, unless he would pay a certain toll, he should not pass. Would any man in this country submit to it? Most assuredly not. And will the New Englanders, to whom the ocean is "an inheritance," consent to have it wrested from them by the impositions of Great Britain, and agree to pay them for a license to make use of their own undisputed rights? I do not think they will.

The fact is, the Orders of Council cannot be defended. They have, in this point of view, been but slightly touched upon, and the truth is, that they cannot be otherwise than slightly touched upon. It is a subject which, at once, goes to the heart and the feelings of every American, and it would be in vain that any one would attempt to

persuade the people of this country that the Orders in Council can, in a single point of view, be justified with regard to us.

Great complaint has been made that abuse has been poured out by the friends of the Administration against the conduct of Great Britain, while they say nothing about the unfriendly and unjustifiable treatment we have received from France. In relation to this I would premise, that as to intention, I believe these Powers to be alike; they are equally willing to injure us, as their interests or caprice may demand. But Great Britain has had a greater opportunity to make us feel her enmity than the other, by having the command of the ocean. From this circumstance arises the reason of the animadversions against the conduct of England; and France, not having ships, has not been in a situation to molest our commerce, or to intercept our trade. This fact will not be denied. A gentleman from Rhode Island, (Mr. R. JACKSON,) when asked by my colleague, (Mr. D. R. WILLIAMS,) in debate, whether the insurance office to which he belongs, in Providence, would insure a vessel to the Continent, declined answering, or declared that he did not know whether it would. But it would not be done. The risk is equal to the whole value of the cargo, and the books of the gentleman's house would show it. That gentleman has declared that there was, on the contrary, but little risk in going to Great Britain, for there could be no fear of interruptions from France, her naval force being annihilated. It has been proved, that the risk to France, or to any part of the Continent, amounts to at least ninety per cent. By statements of rates of insurances in England and elsewhere, the political risk to the Continent will amount to the sum I have stated. Thus the reason of the complaints against England is manifest. She has had the greater opportunity, and has therefore done us the most injury, though I would be clearly understood as thinking both the aggressing nations upon an equality as to intention.

Upon the talk of war, it has been asked how can we fight both nations. Sir, I can understand this subject perfectly well. I perceive very clearly before me two of the pillars which support the splendid dome under which we are assembled; but it would be very plain, that if I set my back against one of the two, I could only behold the other. This is the case with gentlemen when they lean their backs against the pillar, Great Britain. It is evident that, in speaking of war, they cannot see England and France together; they can alone discern France. In addition to the objection of not being able to fight both nations, another has been brought forward to the raising of the Army, to wit: that it must be intended to enforce the embargo laws. For my part, sir, I will unequivocally declare, that I would never consent to the employment of a single regular soldier for the enforcement of any law, nor for that of the embargo. Now, if there be not virtue enough in the country to see the laws respected, if the militia of the different States are inade-

quate to this purpose, I would not employ a single regular to do it. I do not believe that the troops contemplated to be raised by this bill are intended for the purpose of enforcing the embargo; nor would I vote for its passage if I could persuade myself that this was to be its object. But it has been said, that if you put yourself in a situation to commence hostilities, you will go to war. I will also unequivocally declare, that this is my object. What have we done, sir? We have sent missions to Europe; we have sued for reparation; and, instead of receiving redress, wrongs have accumulated upon us. Does this look like a disposition to do us justice? We have been driven into our present situation by foreign outrage; and, after they have thus received from us notice of our intention, should they not retract, I am willing to strike a blow, and a blow, at the same time, which I believe will be felt.

Gentlemen have asked if we can obtain redress by going to war and taking Canada? Yes, sir, we can do it by taking Canada. It was a declaration of a great English statesman, "that Great Britain conquered France in America;" and was not England once conquered in America? She was, and may again be here conquered. We are not able to contend with her upon her own element; but upon that where we can attack her with advantage, the land, we must hope for success. I would not take the enraged bull by the horns, but in that part whereby I would stand the best chance of worrying him to death.

A great deal of recrimination has been used upon this floor to prove that the Southern States are inimical to commerce. This is to say that they have neither sense or policy, nor can understand their own interests. The subject has been so often brought up, and so frequently answered, that I am almost ashamed now to mention it. It cannot be supposed that the Southern States would wilfully seek their own destruction; that they would commit a *felo de se* upon their own wealth. No, sir! the Southern States rather deserve the thanks than recriminations at the hands of those who accuse us. What has been the situation of these States? They could have had their produce carried by foreign vessels; they had in this respect everything which they could wish, and if they had followed a selfish policy, instead of making a common cause with the commercial States, they would, in this state of things, have left them to contend alone, and have taken the British carrier. What was the reason we did not? Because we felt that we were a nation, united by the indissoluble bonds of friendship, and common interests. We thought that we were made for each other, associated for mutual protection, and as much bound together as were our first parents, Adam and Eve. We did not think upon the little embarrassments which might result to us, when we knew that we had brothers who were feeling the lash of the cat-o'-nine-tails, at the gangways of British men of war. We had no property afloat that would induce us to come forward with a non-importation law which was to affect us more than it could our Eastern brethren.

No, sir, it was for their interest that we consented to the law. We afterwards adopted the embargo system, and this affects the planting and farming interest as much, to say the least of it, as it does the commercial. And for whom was all this done? For those who are now the foremost to accuse us of hostility to their welfare. It was not for our own immediate interest, and if we had not now national feelings which get the better of the disgusts such accusations are calculated to excite, we would go back to the situation which we have left, and allow the British vessels upon our coast that monopoly of trade they so much desire. But we will go yet further than we have done, and sooner than yield up commerce, we will give another pledge for its maintenance and defence. We are ready to risk the property and blood of our citizens in behalf of the rights of our commercial brethren. To show that I am in earnest, I will, as one, not only risk my property, but my life, in defence of the commercial rights of my country; and it is for this purpose that I advocate the passage of the present bill. It is time that this nation should look to itself for redress, and not to the justice of European nations. We must now depend upon ourselves alone, and we should be prepared manfully to meet the event.

I will say, however, that the war, if we should have one, must be at the door, and be upon the responsibility of those people who have denied to us the use of the first system which had been adopted by the nation. Those who have refused us a fair trial of the embargo, at their door be the responsibility of any other resort. The unbiassed judgment of future times will decide upon the motives which have actuated us, and instead of looking upon this as an attempt to destroy commerce, posterity will regard it as a noble effort of patriotism for its maintenance, and as one which, if persisted in, would have secured our right more effectually than could have been done by the most brilliant military achievement. But it was not allowed to us to prove the experiment, which, in all human probability, would have put into our hands the weapon whereby we would be enabled always successfully to combat the European Powers; and having done this, I hope we will meet a firm support in the only system which is yet left for us to pursue.

Sir, we must recall the energies of the nation. Gentlemen forget that this is precisely the point which was in dispute at the commencement of the Revolution. We are told that we will have to borrow money, and that we will plunge the nation into debt. Do we not, sir, almost adore the name of WASHINGTON and his glorious compatriots? They left us a national debt, and yet we thank them; we feel towards them unbounded gratitude, and can we suppose that posterity will be less virtuous than we have been? I do not believe that they will. They would also thank us, and feel for us an equal gratitude.

I cannot believe that these men are in all respects regular troops, but I think that there are features in the bill which our habits incline us

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always to look upon with jealousy. But these men are only to be called from their usual occupations for a short time in each year, and their partialities as well as friendships, with the great mass of the citizens, would render them less to be feared than a body of standing troops. It has been thought necessary to have a body of this kind, which, though not composed of regulars, might serve all the purposes for which such an army could be wanted. It is true the Constitution allows us to call upon the militia for the public defence, but it prohibits the marching of them out of the limits of the United States. The men proposed to be raised by this bill can answer every purpose of a regular army; and I will state, in alluding to this subject, that I am looking upon the taking of Canada in the event of a war. I confess that I regard the possessions of the British in North America, as of much more consequence than seems to be supposed by the gentleman from Connecticut, (Mr. TALLMADGE.) In one point of view, the possession of Canada would preclude all that facility of smuggling which has been laid hold of since the laying of the embargo. The shortening of the line would, for the future, in a great measure prevent this. But when we consider that, by means of the footing in Canada, Great Britain has it in her power always to interfere with our Indian neighbors, and to invite them to turn their arms against us, it is of the greatest importance to prevent her from having an influence so dangerous to our peace and safety. An objection to the possession of Canada by the United States has been, that it will lead to an incorporation of the inhabitants of that province with our own citizens. Sir, I can see no good objection to such an incorporation, and I would fear no bad effects from it.

I believe that the United States must have the coast of Halifax if they mean to feel as an independent and sovereign nation. We must have that point if we ever mean to have a security for our West India trade; and it is as necessary to us as Gibraltar is to the British. All our vessels, when they proceed to the West Indies, pass directly by the mouth of Halifax, and are at the mercy of the British cruisers. If we are to become a naval nation, we will want that position, and we should have it. It is a point from which we could at any time sweep the whole commerce of Europe in these seas. But you are told that Great Britain will have a pledge for the restoration of this territory. Well, sir, and does it not behoove us to have a pledge also? It certainly does. I do not, however, so readily believe that she could have a pledge. New Orleans has been hinted at as being the most likely place at which she would aim; but the dispositions which will be made there, and the increase of force that will no doubt be assigned to it, must render that port impregnable.

The gentleman from Connecticut says, that we will have always to keep on foot immense armies to retain Canada after we should have taken it. What, sir, is the reason that we have not had to maintain an army to preserve New York, or any

other place which we have wrested out of the hands of the British? I do believe that if we had Canada, the virtue of the citizens, as has been heretofore the case, would secure to us its possession.

Mr. T. concluded by observing, that the Southern people had a common interest with the Eastern. If the country should fall through foreign influence, we are willing to go all lengths with them. Should the country triumph, we will rejoice with them. In prosperity we will participate the blessings of union and peace, and if we fall, we shall share an equal fate. I, therefore, hope that this bill will not be postponed, but that it will be adopted by a large majority of the House.

Mr. PITKIN.—The subject now before us, Mr. Speaker, is of more importance to this nation than any that has presented itself since I have had the honor of a seat on this floor; and I can assure you, I never rose to address the House when I felt as much embarrassed as I do at the present moment, an embarrassment arising not only from the magnitude of the subjects which are brought into discussion, but from a consciousness of my inability to do them justice. Believing, however, as I do, that the course of measures which is now pursuing, (and of which the raising a regular army of fifty thousand men, as contemplated by the bill now under consideration, is a prominent feature,) will lead this nation to inevitable ruin; believing that not only the present, but the future happiness of this country does, in a great degree, depend on the fate of this bill, I cannot resist the impulse of duty which I feel, to use my feeble efforts to arrest its progress. Being one of a small minority, which has been so often proscribed, and whose views and whose motives have been so often questioned, and made the subject of obloquy and reproach, I can scarcely expect that anything I can offer will even attract the attention of a majority of the members of this House, much less influence their decision. I will, however, beg their indulgence, while I call their attention to the objects for which this army is to be raised.

The Committee of Foreign Relations have told us that we must have either embargo or war; in raising this military force, therefore, it is believed gentlemen can have but one of those two objects in view, either to enforce the embargo laws at the point of the bayonet, or to carry on a defensive or offensive war. I can never, sir, give my consent to the measure for the first of these objects. I have never believed that the embargo, as a measure of coercion on foreign nations, if ever so strictly enforced, would produce the effects which have been contemplated. Did I believe otherwise, did I concur in opinion with the gentleman from South Carolina, (Mr. TAYLOR,) that the embargo was a war, more warlike than war itself, as he has expressed himself; did I believe that, by withdrawing ourselves from the ocean for a short time, we could ever traverse it in every direction, without fear of interruption from the insults and aggressions of the belligerents; could I believe that it was the political philosopher's

stone, which, by its gentle touch, would turn all our national wrongs into national rights, I would hail it with joy as the harbinger of a perpetual peace, and would even be willing that it should be enforced by military power.

But, sir, not being satisfied that these objects can be attained by the embargo, I cannot consent that it shall be enforced in a manner which can only bring distress and ruin upon ourselves.

The advocates of this novel mode of warfare under the name of coercion, have urged that it will seriously affect Great Britain in three ways, and thereby compel her to do us justice. First, by depriving her of the necessities of life, such as provisions, for which she is dependent upon us. Second, by depriving her of many raw materials, necessary for her manufactures, and particularly cotton, and also of naval stores and lumber, all of which, it is said, she can now obtain from no other country but this. Third, that as her manufactures are now excluded from the continent of Europe, by excluding them from the United States also, her manufactures, on which her national existence depends, must fail.

Will gentlemen pardon me if I examine this subject a little in detail? In doing this, I hope that no one will consider that it is my intention, much less my wish to depreciate the value of the commerce of this country. No, sir; our commerce is highly valuable not only to ourselves, but to foreign nations, and particularly Great Britain; my only object is, to show, in the present state of the world, that we have overrated it as a measure of coercion. It is said that the British West Indies are absolutely dependent upon us for provisions and for lumber, &c. There is no doubt but that the United States, from their local situation, from the nature of their productions, and from the superior industry and enterprise of their citizens, are able to afford supplies to the West India islands at a cheaper rate than any other country. But, does it follow that they cannot obtain them from any other quarter? Corn, and other articles of provision, can be raised in the islands themselves; and large supplies of lumber can be obtained from the British provinces of Canada and Nova Scotia. During the last Summer they were in part supplied from the Spanish Main with live stock, which they had heretofore received principally from New England, and at a much cheaper rate than they obtained them from us. With respect to lumber, I have been informed, and I believe the information to be correct, that during the last Summer a single contract was entered into in Canada to supply lumber, to the amount of half a million sterling; and I do know that many of our citizens have gone into that province for the express purpose of obtaining that article.

In order to show the importance of the West Indies to the mother country, it has been stated that a large proportion of the revenue of Great Britain arises from duties on articles of West India produce, and particularly on sugar and coffee; and, as I have understood from a gentleman from South Carolina, (Mr. DAVID R. WIL-

LIAMS,) to the amount of about one-third of her revenue.

[Here Mr. WILLIAMS explained, and stated that he only said it amounted to one-third of the customs]

Mr. P. continued.—I will not undertake to state the amount of the revenue arising from the customs, as they are called; they may amount to fifteen or twenty millions. But, sir, the duties arising from imposts from the West Indies, constitute but a small part of the whole revenue of the British empire.

The duty on sugar constitutes nearly the whole of the revenue from West India articles, in the year 1805, viz: - - - £2,772,498

From this is to be deducted for drawbacks - - - £236,521

For bounties on the exportation of refined sugars - 807,405

1,629,572

Leaving only - - - 1,042,926

as net revenue; so that the whole amount of duties during that year, from the West Indies, could not be much more than one-twentieth part of the whole revenue of Great Britain; as the whole of her revenue, for three or four years past, has not been less than about thirty-five or forty millions sterling per annum.

The truth is, sir, that a much larger proportion of our revenue is derived from duties on articles imported from the British West Indies, than that of Great Britain; for, on an average of the years 1802, 1803, and 1804, the duties on rum and sugar from that island amounted to \$1,456,000, being about one-eighth of the whole of our revenue during these years.

But, it is said, Great Britain herself will and does, in part, now very sensibly feel the want of our provisions, and particularly breadstuffs; the prices current of Liverpool have been quoted to prove the scarcity of wheat in that country. Are gentlemen now to be informed that Great Britain does not now depend on us for her breadstuffs, and that very little is exported there even in times of very great scarcity? Indeed, sir, the whole of our exports of wheat and flour would, comparatively, add very little to her stock. For, on examination, it will be found that, on an average of the years 1804, 1805, 1806, and 1807, we exported only 5,874,321 bushels of wheat in the whole, calculating five bushels to a barrel of flour. The most able calculations I have seen, and particularly those made by Mr. Chalmers, make the total consumption in England and Wales as follows:

Bread corn, 9,339,000 quarters, or 74,440,000 bushels. Corn made into liquors, 4,665,000 quarters, or 37,320,000 bushels. So that the whole of our supply would add but about one-twentieth part to the whole of their consumption. The idea of starving, or even, in any great degree, distressing a nation that commands the ocean, by withholding our supplies of provisions, has always

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appeared to me chimerical, and, from the experiment which has now been made, must be abandoned. It is asked, however, where Great Britain will obtain a supply of naval stores, so absolutely necessary for the maintenance and support of her fleets?

It can only be necessary, sir, to look into the exports to Sweden, to find where she can obtain an abundant supply of tar and turpentine. During the year 1804, 100,200 barrels of ship articles were exported from the port of Stockholm alone, a quantity, it is believed, larger than was ever exported from the United States in one year. But a small part of this went to the ports of Great Britain; she will now, however, be able to obtain the whole quantity which may be exported from that kingdom.

But, it is said, she can obtain her supply of cotton from no other quarter than the United States; and that, of course, most of her cotton manufactories might stop, and thousands of her manufacturers be reduced to beggary. Let me ask gentlemen where she obtained this article before it was cultivated in the United States? In the year 1799, she imported cotton to the amount at least of 40,000,000 lbs. In the year 1800 there was imported into England and Scotland 54,000,000 lbs. of the same article. During the former of these years, the United States exported but 9,232,283, and, in the last, but 17,789,803, to all parts of the world. In 1805, 248,799 bales of cotton were imported, about one-half of which came from the United States. In consequence of the increased cultivation of this article in the Southern States, for six or eight years past, we have supplied Great Britain with about one-half of the cotton which she has consumed in her manufactories, and her supply from other quarters has diminished. The quantity which is now annually consumed, in her manufactories, may be estimated at about 60,000,000 lbs. There is no doubt, that, by cutting off one-half of her supply at once, a temporary scarcity may prevail; it would be, however, but temporary. She will soon be able to make up the deficiency from other quarters. That I am not incorrect in this particular, will gentlemen suffer me to turn their attention to a statement made on this subject by an eminent merchant in London, Mr. Alexander Baring, whose name has been often mentioned in this House, and whose opinions and statements are justly entitled to much weight and credit.

In his pamphlet on the subject of the Orders in Council, he states the quantity of cotton imported into the ports of London, Liverpool, and Glasgow, from different parts of the world, in the year 1807, to be 282,667 bags; and of this 171,267 were from the United States, and only 18,981 from the Brazils. He also states, that the usual quantity annually imported from the Brazils and into Portugal, is 140,000 bags of 110 lbs. each. The whole of the cotton from the Brazils will now go to England. If, then, we add this quantity to that imported in the year 1807, from all other parts of the world, except the United States, the amount will stand thus:

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	Lbs.
From the British West Indies - -	8,690,700
Colonies conquered from the Dutch -	13,095,300
East Indies - - -	3,422,700
All other parts (except the United States, Portugal, and Brazils) -	2,517,000
From the Brazils, 140,000 bales of 110 lbs. - - -	15,400,000

Making - - - 53,125,700

It will be observed that this is but the usual and ordinary quantity that is raised and imported from these countries, and that it can, in a single season, be increased so as to make up the deficiency from the United States. Indeed, sir, Mr. Baring himself, who is opposed to the Orders in Council, (and thinks them highly prejudicial to the interest of Great Britain,) in the same pamphlet, says, after speaking of the importation of cotton from the different parts of the world:

"There certainly can, in no event, be any apprehension of want of cotton; no article is more generally or more easily produced in all warm climates; the increased cultivation in the United States, proves that it can be afforded there at the cheapest rate, and we cannot procure it with more advantage than from a country which takes the same article back in a manufactured state, probably to the full value of the raw material which she furnishes."

But it is said that we take and consume so large a proportion of her manufactures, that, if deprived of our market in this respect, she must feel it so sensibly as to compel her to yield to us those rights which we demand. To prove this, gentlemen from different quarters of the House have stated that we take and receive her manufactures to the amount of one-third of all her exports. I understood this to have been stated by the chairman of the Committee on Foreign Relations, (Mr. G. W. CAMPBELL.) This statement, I apprehend, is incorrect, more especially, if it is intended to satisfy and convince this House and the nation, that the United States consume so large a proportion of British manufactures. Gentlemen may, perhaps, have been led into this error by not attending to the distinction between what is called the official value and the real or estimated value of the exports of that country. The official value, it is well known, is taken from the custom-house books, according to a rate or valuation fixed more than a century ago; it is, of course, now far less than the real value. The official value, however, is the one which is generally quoted, in books, giving an account of British exports.

No one has stated the amount of the exports of that country, except the gentleman from Kentucky, (Mr. JOHNSON,) who, if I do not misrecollect, stated it to be thirty-seven millions sterling. This is more than the official value, and much less than the real value, according to the accounts which I have seen.

During the year ending on the 5th day of January, 1808, the official value of British exports was £26,993,129 sterling, but the real value was £48,500,483 sterling, or about \$218,000,000. This

is taken from an account laid before Parliament, and, I presume, may be considered as correct. The amount of exports for the year ending on the 5th day of January, 1807, I have only seen in a newspaper; I will not, therefore, vouch for its correctness. It is there stated to be £33,447,590 sterling. I presume official value, the real value of which might be nearly double, £60,000,000 sterling. It is difficult to ascertain, with precision, the amount of British manufactures which the United States consume annually, as a very large proportion which they import are again exported to the West Indies, to South America, and other parts of the world.

From a report, however, made to this House by the Secretary of the Treasury, in 1806, relative to our commerce with Great Britain during the years 1802, 1803, and 1804, we can form an estimate not far from the truth. By this report it appears that the average amount of the annual import during that year was estimated at \$27,400,000, in British manufactures. These consisted principally of goods paying ad valorem duties. That, during those years, we exported merchandise, paying ad valorem duties, to the average value of \$9,772,000. A part of the merchandise thus exported came from other countries, but it is believed not more than one-quarter part, which would leave for our own consumption, annually, during these three years, about \$20,000,000 of British merchandise, which is but about one-tenth part of the amount of all the exports of that country. During the years 1806 and 1807, it is true, our imports of British goods have amounted to between forty and fifty million of dollars, consisting principally of those which pay ad valorem duties; but, during the year 1806, we exported the same kind of goods to the amount of \$18,571,477, and, in the year 1807, similar goods to the amount of \$18,564,507, of which, in 1807, \$9,870,753 were exported to the Spanish West Indies and American colonies; so that a great proportion of British manufactures, which, for some years past, we have imported, have been continually destined for a foreign market and not for home consumption, and of which we have been the carriers, and received the profits. But, since the embargo and the Spanish revolution, these goods, instead of finding their way to foreign markets through the United States and through the medium of our vessels, find their way to the same markets in British bottoms.

I have thought proper, sir, to make these statements and remarks not for the purpose of showing that the trade of the United States is not highly beneficial to Great Britain, but to show that it had been overrated by many gentlemen on this floor as a measure of coercion; and, for the purpose of exculpating myself and my constituents, from the charge of an unreasonable opposition to a measure which we have never believed would produce any salutary effects.

Will gentlemen permit me in the next place to inquire whether the embargo, even if followed by a non-intercourse, will coerce France to rescind her obnoxious decrees? And here I beg leave to

observe that "the great and increasing dangers with which our vessels, our seamen, and merchandise, are threatened on the high seas," mentioned in the Message of the President, which recommended the embargo, could not arise from the execution of the decrees of France against the United States on the ocean, for it is well known that she was incapable of executing them on that element. Suppose, sir, the Emperor of China, at one of his palaces at Pekin, or some of his Tartar provinces, beyond the Chinese wall, should issue his decree declaring the islands and dominions of Great Britain in a state of blockade, and that all our vessels found going to or from there, or loaded with their products, should be good prize? Under such a decree our vessels would be liable to condemnation, if taken in violating it; but the difficulty would be, the Emperor of China has it not in his power to take them.

The power of the Emperor of France to enforce his decrees on the high seas is nearly as inefficient as that of the Chinese Emperor. For further proof of this, let me refer gentlemen to the statements and opinions of members of the Administration, contained in the documents now on our table. The Secretary of State, in his letter to Mr. Armstrong, of February 8, 1808, speaks of the attempt of the French Government to enforce its decrees on the high seas as "an empty menace." The Secretary of the Treasury also says in his annual report:

"It may, indeed, be admitted that the decrees of France can be enforced only in her own territories, and in those of her allies; that, however efficient in preventing any commerce between the United States and themselves, those decrees cannot materially affect that between her enemies and the United States, and may, therefore, in that respect, be disregarded."

These documents, sir, prove, to my mind, that it was the wish and intention of the French Government that the United States should make common cause with them and the continent of Europe, in a commercial warfare against Great Britain, in support of what are called maritime rights. I trust, however, the House will not understand me as saying that our Government laid the embargo in compliance with these wishes and determinations. I have introduced them for the purpose of showing that a continuance of the embargo, though enforced by an army of fifty thousand men, would not compel or induce Bonaparte to rescind his decrees.

Our Minister at London, Mr. Pinkney, in his letter to Mr. Canning, of October 10, 1808, speaking of the intercourse between Great Britain and the United States, also says, "That the edicts of France could not prevent that intercourse, even if France should adhere to them;" and "that the power of France upon the seas, was, in no degree, adequate to such a purpose."

If anything else were wanting to prove that our commerce is in very little danger from these decrees, let me refer the House to another document furnished us from the Senate; by which it appears that out of five hundred and ninety-four

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vessels which sailed from our ports in the course of the last Summer, under special permission from the President, the most of them have returned in safety, though liable to be captured and condemned under these edicts. It is also well known, that many of these vessels obtained insurances against French captures under these decrees, for the moderate premium of five or six per cent.

But, sir, a perseverance in the embargo system, so far from compelling Bonaparte to rescind his decrees, will induce him to continue them; for, so far as this restriction on our commerce operates against Great Britain, it meets with his entire approbation. Nay, sir, I will go farther, and say, that in September, 1807, he extended the operation of the decrees against the United States on the high seas, and seized and held in sequestration the property of our citizens in his ports, for the express purpose of compelling us to take a part with him and the whole continent of Europe, in a commercial warfare against Great Britain. I will prove this, sir, from the documents on your table; and for this purpose let me in the first place call the attention of the House to a letter from M. Champagny to General Armstrong, dated at Milan, November 24, 1808, and which accompanied the President's Message, at the opening of the present session.

After speaking of "the reclamations," as he calls them, on our part, against the execution of the decrees, the injuries the United States had received from England, and the inconveniences which our citizens experienced from the new and extended operation of their edicts, M. Champagny says:

"But it is not to France. It is to England, that these inconveniences to individuals ought to be imputed. She it is who has given the example of measures unjust, illegal, and infringing on the sovereignty of nations. To oblige her to renounce them, it has become necessary to combat her with her own arms: in violating the rights of all nations, she has united them all, by a common interest; and it is for them to have recourse to force against her; to forbid her the search (*la visite*) of their vessels; the taking away of their crews; and to declare themselves against measures which wound their dignity and their independence. The unjust pretensions of England will be kept up as long as those whose rights she violates, are silent; and what Government has had more to complain of against her, than the United States? All the difficulties which have given rise to your reclamations, sir, would be removed with ease, if the Government of the United States, after complaining in vain of the injustice and violations of England, took, with the whole Continent, the part of guaranteeing itself therefrom. England has introduced into the maritime war, an entire disregard for the rights of nations; it is only in forcing her to a peace that it is possible to recover them. On this point the interest of all nations is the same. All have their honor and their independence to defend."

I would here observe, sir, that this letter appears to be written as an answer to one of General Armstrong, of November 12, of the same month, in which, in a very spirited manner, he remonstrated against the decrees of the Council of Prizes, in the case of the *Horizon*—and also in answer to

other remonstrances, which our Minister has made against the seizure of the property of our citizens in the ports of France. The *Horizon*, it is well known, was shipwrecked on the coast of France, and in that event was entitled to the rights of hospitality, even from an enemy. Notwithstanding, she was seized, and that part of her cargo at least, which consisted of British manufactures, was condemned under the 5th article of the decree of November 21, 1808. At the same time, other property, to a large amount, belonging to our citizens, in the different ports of France and her dependencies, was seized and held in sequestration. And what, sir, does M. Champagny tell our Minister? He says, "all the difficulties which have given rise to your reclamations, sir, would be removed with ease," &c. What were the difficulties of which our Minister and our Government had complained, or to use the French style, had given rise to our reclamations? Why, sir, the very condemnation in the case of the *Horizon*, and the numerous seizures of our property in their ports. And what was the condition upon which these difficulties "would be removed with ease?" It was simply this—"if the Government of the United States, after complaining in vain of the injustice and violations of England, took with the whole Continent the part of guaranteeing itself therefrom."

The language of the French Minister is too plain to be mistaken. He tells us, in substance, that his master has seized the property of our citizens, and will proceed to a condemnation of it, unless the United States will join him and the Continent, in a commercial warfare against Great Britain. To prove, sir, what was the part which the French Government wished us to take with the Continent, it is only necessary for us to go back to the time when the Treaty of Tilsit was entered into between the Emperors of France and Russia, in June or July, 1807. It has always been said, and I have no doubt of the truth of it, that by a secret article of this treaty the Emperor of Russia had agreed to join the French Emperor, in excluding British commerce from his dominions. It was in pursuance of this agreement, no doubt, that on the 26th of October, 1807, the Emperor of Russia issued his manifesto, prohibiting all intercourse with Great Britain, until the principles of the old armed neutrality should be recognised and acknowledged.

Immediately after the Treaty of Tilsit, in which (as Don Pedro Cevallos, in his exposition, says) "the destiny of the world seemed to be decided in his favor," on his return to Paris in August, Bonaparte had come to a determination that as he had settled the affairs of the belligerents, except England, to his mind, he would settle those of neutrals in the same way, and he had also resolved to form an union of all commercial States against Great Britain, and that there should no longer be any neutrals—[Mr. PITKIN was here interrupted and asked what proof he had of this.] If I were permitted, sir, to put my finger on certain documents, I could prove it satisfactorily. [Mr. LOVE here interrupted Mr. PITKIN, and de-

nied that there were any such documents in the possession of the House.] We have, Mr. Speaker, I know, documents that are public, and also those which are confidential; and according to the rules of the House, it is perhaps improper to refer to those, which they have thought it necessary to keep from the public eye. They cannot, therefore, be read in public, and indeed I know not whether they are now in the possession of the House. But, sir, I know their contents, as well as the gentleman from Virginia. I had the same information, however, from a gentleman who was in Paris, in August, 1807, and I do not hesitate to say, that I have no doubt of the truth of it. But, sir, the subsequent conduct of the French Government proves it beyond controversy; for very soon after this treaty, a new and extended construction is given to the decrees, by the express direction of the Emperor himself. On the 18th September, Regnier, Grand Judge, is directed to declare, that as there is no exception in the decree, there is no ground to make any in the execution of it. And when, on the 24th of the same month, our Minister at Paris remonstrated against this new and extended construction, and asks an explanation of his Majesty's views in relation to this subject, as it respected the United States, he is answered by M. Champagny, on the 7th of October, that "the decree of blockade has been now issued eleven months. The principal Powers of Europe, far from protesting against its provisions, have adopted them. They have perceived that its extension must be complete, to render it more effectual, and it has seemed easy to reconcile these measures with the observance of treaties, especially at a time when the infraction by England, of the rights of all maritime Powers, render their interest common, and tend to unite them in support of the same cause."

These documents, sir, prove, to my mind, that it was the wish and determination of the French Government, that the United States should make common cause with them and the continent of Europe, in a commercial warfare, against Great Britain, in support of what is called maritime rights. I trust, however, the House will not understand me as saying, that our Government laid the embargo in compliance with these wishes and determination. I have introduced them for the purpose of showing, that a continuance of the embargo, though enforced by an army of fifty thousand men, would not compel or induce Bonaparte to rescind his decrees.

If anything else were wanting to convince us that the embargo restrictions still meets the approbation of the French Government, I would refer to the late address of Bonaparte to the Legislative body, immediately after his return from Erfurth, in which he says, "The United States of America have preferred to renounce commerce and the sea, rather than acknowledge the slavery of them." But more particularly would I call the attention of the House and the nation, to a document lately published in this country, which, in French, is called an *exposé*, lately addressed by Mr. Cretet, Minister of the Interior,

to the Legislative body. After speaking of the war with Great Britain, he says "the war will henceforth consist in repelling from all points the English commerce, and employing the means calculated to promote that end. France has energetically concurred in the exclusion of the monopoly of commerce; she has resigned herself to privations which long habits must have rendered more painful. Some branches of her agriculture and her industry have suffered, and still suffer, but the prosperity of the great body of the people is not affected; she is familiarized with that transitory state, the duration of which she beholds without fear. The allies of France and the United States sacrifice, like her, and with a resolution equally generous, their private conveniences."

After this, sir, it must be impossible for any man to believe that a further continuance of the embargo, even aided by a non-intercourse, will operate as a measure of coercion on France, so as to compel her to change her mode of warfare against her enemy. No, sir, these restrictions on our commerce, so far as they operate to injure the commerce of Great Britain, do really co-operate with the French decrees, the object of which is to destroy Great Britain, by the ruin of her commerce; and without which restrictions, those very decrees would have a much more limited effect. It is on this account, that our embargo system is borne so patiently by Bonaparte, and even receives his benedictions and that of his Ministers.

But, sir, if this army of fifty thousand men is not wanted for the purpose of enforcing the embargo laws, it must be raised for the purpose of war, either defensive or offensive.

No gentleman has stated that we are in any danger of an invasion; it cannot be pretended that there is any prospect of an attack by land. Should such an attack be made, should hostile footsteps again tread our shores, there would be but one opinion as to the course to be pursued. Such attacks are to be repelled at every risk, and at every hazard. This number of troops, therefore, can only be wanted for an offensive war; indeed some gentlemen have repeatedly stated on this floor, that war was inevitable, and have likewise stated, that, as we are the injured party, it must be an offensive war. And here I beg leave to call the attention of the House to a report of the committee in respect to our foreign relations, and which was made for the purpose of pointing out the course the United States ought to pursue, with respect to foreign nations. This report states that we have but three alternatives: "submission, war with both nations, or a continuance and enforcement of the present suspension of commerce." They say, "The first cannot require any discussion. But the pressure of the embargo, so sensibly felt, and the calamities inseparable from a state of war, naturally create a wish that some middle course might be discovered, which should avoid the evils of both, and not be inconsistent with the national honor and independence. That illusion might be dis-

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'sipated; and it is necessary that the people of the United States should fully understand the situation in which they are placed. There is no other alternative but war, with both nations, or a continuance of the present system."

Indeed, Mr. Speaker, is this the situation of the people of the United States? Is there no middle course, no middle path, in which we can any longer pursue "the noiseless tenor of our way?" Could the committee present us with nothing better than such dreadful alternatives? If so, we have but Scylla on one side, and Charybdis on the other, and no middle passage through which we can steer our political ship. We must inevitably be dashed to pieces, on the rocks of embargo and non-intercourse, or be swallowed up in the whirlpool of European conflicts. If this is the situation of the people of the United States, dreadful and calamitous is their situation. I had, sir, hoped, fondly hoped, nay, believed, that Heaven had in store many, very many blessings yet to come for the people of this country. But, if they have no other prospects than those presented to them by this committee, I have hoped and believed in vain.

The committee, indeed, in another part of the same report, say: "The present unsettled state of the world, the extraordinary situation in which the United States are placed, and the necessity, if war be resorted to, of making it at the same time against both nations, and these the two most powerful of the world, are the principal causes of hesitation." The present state of the world is, indeed, sir, unsettled; and when it will be again settled, is known to Omniscience alone. War with both nations, and those the two most powerful of the world! Let me ask the committee what nation has any efficient power except England and France, and their allies and dependencies? Sir, there is none. War, therefore, with those nations, is war with the whole world.

Europe at this moment, sir, presents a spectacle of which history records no parallel. When the Roman Empire, enervated by luxury, was overrun by the northern nations, and the fairest portion of Europe was taken possession of by its savage, but bold invaders, it was parcelled out among the rival chieftains, who achieved the conquest. No single individual, either at that time or since, has ever had the supreme control over this part of the world. The power of Charlemagne, in the zenith of his glory, was nothing in comparison with that of the present autocrat of the continent of Europe. I am lost in astonishment, when I reflect on the enormous and unequalled power now possessed by the Emperor of France, and the rapidity with which that power has been acquired.

The minor kingdoms of Europe, as well as newly made kingdoms, have been parcelled out among the different branches of his family, almost without a struggle; and the fate of the larger kingdoms and empires has been decided by single battle. The battle of Austerlitz, sir, brought the proud house of Austria at the feet of the French Emperor; the battle of Jena annihilated the

house of Brandenburg; that of Friedland, compelled the Emperor of the North to crouch at the feet of the conqueror; the house of Braganza, in Europe, was annihilated by a single word; and what, let me ask, has become of the Spanish part of the house of Bourbon? Their fate is but too well known; they are prisoners, state prisoners in France; and much I fear, the fate of the people of that unfortunate country, will also soon be but too well known; I fear even while I am now speaking, they may be the victims of the vassals of the usurper.

When I reflect on the events, which have, and are now taking place in Spain, I cannot but feel emotions, which I am unable to express. From the time when the infamous Godoy, the Prince of Peace, was elevated to power, and French influence governed in the national councils of that country, some of her best and wisest men, and particularly old Count Florida Blanca, (who, in the cabinet at least, was the Washington of Spain) were banished from Court, and have ever since lived in obscurity in the distant provinces, until the present revolution has called them into notice. During the reign of the Prince of Peace, the King of Spain has been the friend and ally of the Emperor of France. And how, sir, has this friend and ally been treated? In the first place; a large part of his western empire was demanded of him; Louisiana was ceded to France, and which we now possess (in part at least) at the expense of fifteen millions; the mines of Mexico and Peru were next demanded; the rich products of these mines were poured into the national coffers of France with a liberal, nay, with a bountiful hand; not yet satisfied, some of the best of the Spanish troops were required to fight the battles of the Emperor in the north—sixteen thousand of the most gallant troops were immediately furnished. Not contented with all these, the Emperor, at last, demands the Crown and Kingdom itself. After having enticed the old King and his son Ferdinand to place themselves in his power at Bayonne, he then compelled them to sign an act of renunciation of their Crown and Kingdom in his favor, but not until after (as Cevallos, who was on the spot, says) the Emperor in his last conference with Ferdinand, said to His Majesty, "Prince, you have only to choose between cession and death." Mr. Speaker, by this act of renunciation, the Spanish part of this western quarter of the world is now claimed by the Emperor of France, and if he should conquer Old Spain and get quiet possession of this part of America, (and it is not in our power to prevent it,) the United States are gone.

Is it possible, sir, that the Committee of Foreign Relations, is it possible that this House can seriously think of plunging the United States into a war with two nations who are at war with each other, the one of which commands the land, and the other the ocean? Will this country, as yet, comparatively speaking, in a state of infancy, certainly not advanced beyond a state of adolescence, be able to meet the shock of such a war? Sir, a war with both nations is out of the question;

when we have once entered into this interminable conflict, which is now convulsing the world, we shall soon be compelled to take part with one or the other of the belligerents; and of course a connexion or alliance must be formed with the nation with which we take a part. For myself, sir, I want alliances with neither—and I hope the fate of other nations will teach the people of this country to avoid a course which may lead them to inevitable destruction.

Will gentlemen suffer me to detain them a few moments longer, while I inquire what are the precise objects of this war? and whether there is a probability of our being able to obtain those objects by a war? It is said generally, for our maritime rights. It cannot surely be for the principle that free ships make free goods (as a gentleman from Massachusetts, [Mr. BACON] has hinted)—I understood that this has been relinquished by the present, as well as by the former Administrations. Neither do I believe it can be for what is called the colonial trade, or reparation for the attack on the Chesapeake. And as to the right of impressment of British seamen on board of our merchant vessels, which has hitherto been made the principal subject of dispute between this country and Great Britain, and an express relinquishment of which has been made a *sine qua non* of a commercial treaty, if I am able to understand the views of our Administration, this point has been given up, at least, for the present. It is well known that the proclamation of the King, of the date I believe of the 14th of October, 1807, recalling all British seamen from foreign employment, was laid before Congress, by the President, when the laying of the embargo was recommended; and that one object of the embargo was to coerce Great Britain to relinquish this right of impressment of her subjects from our merchant vessels.

When our Government, therefore, offered Great Britain to repeal the embargo on her rescinding her Orders in Council, I consider that they had come to a determination that our vessels might navigate the ocean, notwithstanding the right of impressment had not been relinquished, and that of course they would not go to war, in order to obtain that object. If this be true, the sole object of the war must be the orders and decrees of the belligerents. And hence, sir, the question is not, whether a war, according to the known laws of nations, would not be just against both these nations from whom we have received so many injuries. There is no doubt, that for several years past, we have had what may be called just causes of war against them both. But the question is, whether in the present unsettled state of the world (as the committee say) it is a wise, prudent, or politic measure; and whether there is a probability that we should thereby attain the objects we wish? Shall we obtain either indemnity for the past, or security for the future? The old law of nations is very little regarded by either of the belligerents. France says that England in her mode of warfare regards no laws, and therefore she is obliged "to forget them, and even for an instant to forget herself," and therefore is-

sues her decrees. On the contrary, England says, that France is carrying on an unparalleled mode of warfare against her, and she is obliged "to retort on her enemies themselves, the consequence of their own violence and injustice." Both ground their proceedings on the principle of necessity and self-defence. Now, sir, if it were possible for us, who are the only neutral nation in the world, to stop the wild career of these mighty belligerents, and to compel them to obey the law of nations, as it has hitherto been acknowledged, and to do us justice, I should be willing to do this, even at the expense of a war. But will any gentleman say, after a long and expensive war, we should be able to obtain such terms as would secure us in our neutral rights hereafter? Could we expect that France would stipulate with us, that if ever she should again attempt to ruin her enemy, by destroying her commerce, that she would not issue decrees similar to those of Berlin, Milan, and Bayonne? And if she should so stipulate, what security should we have that these stipulations would not be broken, whenever imperious majesty should require it? And, on the contrary, would England agree by treaty, that in case France should ever commence a commercial warfare against her, that she would not retaliate by similar Orders in Council? And if she would, could we depend on a faithful performance of such a treaty? No sir, we could not. It is said, that we could take Canada and Nova Scotia, and hold them at least as pledges. I have not a doubt, that we might take these provinces, but (as my colleague [Mr. TALLMADGE] who is a much better judge than I am, says) it must be at a vast expense of men and money. But, sir, while we are attacking the extremities of the British Empire, our enemies may perhaps be attacking the very vitals of our country. It will be in their power to lay our cities, our towns along the seacoast, under contribution, and I fear in ashes. I do not know that this would be the case but I fear it would be in their power to do it. But, sir, I do not want Canada, as an accession of territory; and it will be difficult, I apprehend, to persuade the citizens of Connecticut, at least, to leave their smiling villages along the coast, exposed to the ravages of an enemy, and risk their lives in the woods and wilds of Canada and Nova Scotia. Supposing we should obtain them by conquest, would we by this obtain a security for the future, against the infraction of our maritime rights? I do not believe it. It is very questionable whether these provinces are of much real benefit to the British Empire; the ordinary annual expense of the civil and military government there, is about one million of dollars. The King undoubtedly considers this province as a part of his Empire, much in the same manner as he does a gem of minor brilliancy in his crown, which he would not have plucked from it by force; but when once gone, the crown would not be much less brilliant or the less valuable.

When I consider, sir, the prosperity which this country has experienced for fifteen years past, the accumulation of wealth, not only in our cities and

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towns, but in every village, during this period, and the general happiness we have enjoyed—and this notwithstanding the many injuries and losses our citizens have sustained from the aggressions of both the belligerents, I cannot consent to exchange this situation for the miseries and calamities of war, without a certain prospect of some permanent future good.

It may perhaps, by some, be considered as agreeable to the laws of honor and chivalry, to attack the world in arms, without a prospect of success; but, sir, I will never consent to place my country in such a situation, in which we can only say, as Francis the First did, after the battle of Pavia, "all is lost but honor."

I had intended, sir, to have touched upon some other topics, to have pursued the hint thrown out by the gentleman from South Carolina, (Mr. D. R. WILLIAMS,) that there was yet a hope that some arrangement of our difficulties might still be made, which should continue, at least, until this mighty conflict in Europe was over. But, sir, my strength is nearly gone, and I am sure the patience of the House must be quite exhausted. I will conclude, therefore, by expressing my most earnest hope that the bill may not pass, but be postponed indefinitely.

When Mr. P. had concluded, the House adjourned without taking any question.

MONDAY, January 30.

Mr. NELSON, from the committee to whom was referred, on the eleventh of November last, so much of the Message from the President of the United States, at the commencement of the present session of Congress, as relates to the Military and Naval Establishments, to whom was committed, on the thirteenth instant, a bill sent from the Senate, entitled "An act supplementary to an act entitled 'An act more effectually to provide for the national defence, by establishing a uniform militia throughout the United States,'" reported, that the committee had had the said bill under consideration, and directed him to report the same to the House, without amendment: whereupon, the said bill was committed to a Committee of the whole House to-morrow.

Mr. HOLMES, from the Committee of Claims, to whom were referred, on the nineteenth instant, a letter and report from the Secretary of War, with sundry accompanying documents, presented a bill concerning invalid pensioners; which was read twice and committed to a Committee of the Whole to-morrow.

Mr. NEWTON, from the Committee of Commerce and Manufactures, presented a bill to prohibit, in certain cases, the entry of foreign vessels into the ports and harbors of the United States; which was read twice and committed to a Committee of the Whole on Wednesday next.

A Message was received from the President of the United States, transmitting a letter recently received from our Minister at the Court of St. James, covering one to him from the British Secretary of State, with his reply, being a sequel to

the correspondence which accompanied the Message to both Houses, of the seventeenth instant. The Message, and the papers transmitted therewith, were read, and ordered to lie on the table.

The SPEAKER laid before the House a letter from the Postmaster General of the United States, accompanying his reports respecting unproductive routes and public contracts; which were read, and referred to the Committee on Post Offices and Post Roads.

A message from the Senate informed the House that the Senate have passed a bill, entitled "An act to extend the time for making payment for the public lands of the United States;" to which they desire the concurrence of this House.

The House resumed the consideration of an engrossed bill providing an additional military force, which was depending on Saturday last, at the time of adjournment: Whereupon, a motion was made by Mr. DAVID R. WILLIAMS, that the said bill do lie on the table: and the question being taken thereupon, it was resolved in the affirmative.

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The House resolved itself into a Committee of the Whole on the resolution submitted by Mr. NICHOLAS a few days ago, in the following words:

Resolved, As the opinion of this House, that the United States ought not to delay beyond the — day of —, to repeal the embargo laws, and to resume, maintain, and defend the navigation of the high seas, against any nation, or nations, having in force edicts, orders, or decrees, violating the lawful commerce and neutral rights of the United States.

Mr. MILNOR moved for a division of the resolution so as to take the question first on repealing the embargo, and moved to fill the blank with the fourth day of March.

Mr. RANDOLPH said he had risen for the same purpose as the gentleman from Pennsylvania, and he submitted to the Committee whether, if the embargo laws were to be repealed, it should not be done with all possible speed. His sources of information, he said, were neither very numerous, nor, possibly, very correct; but he did understand it to be a fact, that, in certain parts of the Eastern States, the embargo was daily and hourly, in the broad glare of daylight, not evaded, but disregarded; that sleighs to an immense number were daily passing from the United States into Canada, laden not only with the product of that part of the Union bordering on Canada, but, also, with the product of the Southern States, which was carried, by a long and expensive carriage, from the Atlantic States to Montreal, for exportation.

There were two points of view, in which, Mr. R. said, it appeared to him that if this law was to be repealed at all, it ought to be done with all possible expedition. The first was, that those persons in our own country who had set the law at defiance, who had been guilty of the most in-civic conduct, should not reap the exclusive benefit of the commerce carried on. The other rea-

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son was, that it was well known that the St. Lawrence was frozen up, and would remain frozen long after our own waters were open. Adventurers, lured by the hope of great profit, had, at a vast expense, transported products not the growth of that part of the country, into Canada, knowing that the plan of embargo, if continued, would amply repay the extra expense of carrying it. This produce, Mr. R. said, to an immense amount, was deposited, as he understood, at Montreal, for the purpose of exporting it as soon as the ice broke up; and he presumed it was already paid for in British gold, or commodities of some sort. And this, he said, was one of the ways in which he should have no objection to finger some of their gold, viz: by getting to market before them, underselling, and forestalling them, which might easily be done from the expense of the transportation by land. He submitted it, therefore, to the gentleman from Pennsylvania, whether, if the Committee determined to repeal the embargo, it should not be as soon as possible? If immediately removed, it must shake, and severely too, the capitalists of Canada; but, if the removal was procrastinated, they would reap the profits, whilst we should carry our produce to a market already glutted, or, if not glutted, considerably supplied. When the resolution came before the House, if the Committee of the Whole agreed to it, he said he should certainly move the earliest day possible for the removal of the embargo.

Mr. MILNOR said the gentleman from Virginia must be fully persuaded that he was as willing to get rid of the embargo as the gentleman himself could possibly be, for he had been opposed to the embargo system from the first day the original embargo law was passed. He said he had moved to fill the blank with the 4th day of March, for several considerations. The resolution contemplated a repeal of the embargo at a future day, and not at the present day; and, from conversation which he had held with gentlemen heretofore friendly to the embargo, and now disposed to remove it, he had supposed that an earlier day would not be agreed to. One other consideration, he said, had considerable influence with him. At present, there was a natural embargo on a considerable number of the ports of the United States. By the fourth day of March, it was pretty certain that nature would have repealed that embargo. To place the merchants upon an equality, he had supposed, he said, that it would be proper to fix a day for the removal of the embargo which would give to all equal advantages.

Mr. SLOAN gave one reason, in addition to those urged by the gentleman from Virginia, why the embargo should be speedily repealed. It was a fact known to many members on the floor, that large speculations had been made in consequence of a belief that the embargo would be continued for a great while. Articles of foreign produce, which, though not absolutely necessary, had become necessary by habit, were up to an extravagant price. An early removal of the embargo would tend to remove the sufferings of the honest

part of the community, in consequence of the high price of these commodities.

Mr. NICHOLAS, who had been absent when the subject was taken up, wished to modify his resolution. This being considered out of order, Mr. N. moved to amend the resolution under consideration by striking out the whole of it after the word "Resolved," and inserting the following:

Resolved, As the opinion of this House, that the United States ought not to delay beyond the — day of —, to resume, maintain, and defend the navigation of the high seas; and, that provision ought to be made by law for repealing, on the — day of —, the several embargo laws, and for authorizing, at the same time, letters of marque and reprisal against Great Britain and France; provided, on that day, their orders or edicts violating the lawful commerce and neutral rights of the United States shall be in force, or against either of those nations having in force such orders or edicts.

Mr. LYON opposed the striking out the substance of the original motion, under the idea that it would deprive the House of an opportunity of taking a direct vote on the repeal of the embargo.

Mr. NICHOLAS said that the object of both resolutions was the same. The object of the resolution first proposed was, to repeal the embargo laws, to assert, and prepare to enforce our rights. The only object in proposing the amendment was, to bring the subject to a close, in one way or other. It had been said that the other resolution was not specific enough; that it could not be understood; that it would take up much time of the House, and when it came before a committee to draft a bill in pursuance of it, their construction of its terms might differ from that of the House, and the whole subject must be gone over again. He wished the question to be decided, and that the whole nation should know, as soon as possible, what was to be done. Gentlemen who thought that we ought to take a determined stand against encroachments on our rights, he said, would vote with him; gentlemen of a contrary opinion would vote against him.

Mr. DANA said he was for striking out the words of the original resolution, because he did not wish to vote on them, scarcely knowing what construction to put upon them himself, or what constructions others would put upon any vote which he might give on them. The resolution as it originally stood, he said, did not contain an affirmative proposition, but a sort of compound negative one. It declared that "the United States ought not, beyond the — day of — to delay repealing the embargo." Now, any gentleman who might wish it to be repealed to-day, would be clearly of opinion that it ought not to be delayed for six months or a year. So that a vote on the resolution, supposing the — day of June to be inserted as the day beyond which repeal ought not be delayed, would give no definite idea of the sentiments of any gentleman who should vote for it. He was, therefore, really obliged to the gentleman that he had brought forward a resolution which he could understand, and which had a specific practical bearing. As it respected the

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character of the proposition, it was a declaration of war hypothetically. He could not express an opinion on the substitute proposed, but would vote to strike out the original words, because they were liable to a diversity of construction.

The House agreed to strike out the substance of the first resolution.

A division of the substitute offered by Mr. NICHOLAS was called for, so as to take the question first on the question of repealing the embargo laws.

Mr. NICHOLAS moved to fill the blank in the substitute with the first day of June; Mr. MILNOR named the fourth day of March, and Mr. D. R. WILLIAMS named the fifteenth day of February.

Mr. RANDOLPH moved to strike out the words "the — day of ——" for the purpose of inserting "forthwith."—Motion to strike out lost by a considerable majority.

The question recurring on filling the blank with the first day of June—

Mr. RANDOLPH, as the gentleman, the mover of the resolution, (Mr. NICHOLAS) was not present when he had given the reasons why he thought, if the embargo was to be repealed, it should be removed immediately, repeated them. He wished our own citizens to reap some advantage from an early repeal. Or were we, he asked, by a singular fatality in all our measures, only to injure ourselves, and benefit our adversaries, and the most dishonest part of our own community?

Mr. DANA was opposed to a continuance of the embargo until the first of June. Since it had been generally understood through the country that the embargo was to be further continued, many capitalists had forestalled the markets, so as to secure to themselves a monopoly of the foreign articles of the greatest necessity, thereby to command an excessive profit at the expense of the distressed part of the community. As respected them, Mr. D. said, that he had not a wish that the duration of the embargo should be protracted, that they might realize their gains, and make poor men their prey; and if there were any description of our citizens whom he could wish to be injured by a removal of the embargo, these would certainly be the persons. There was another reason why he did not wish the embargo to continue so long. However important it was that the general authority of the Government should be maintained as respected these States, was it not known that the reins of Government, from their extreme tension, were failing in the hands of the Administration? Were not their acts placed at defiance, especially since the passage of the last act for enforcing the embargo? Look at the whole northern frontier, said he; recollect the facility of transportation on the ice and snow. Recollect with what facility in this season the produce and lumber, &c., will pass from Vermont into the British provinces. As respected the whole of that frontier, Mr. D. said, it would be in vain to attempt to enforce the embargo laws. The mound was already broken down which retained our produce;

and it was to be feared that the whole would soon be swept away. The question which now offered itself to the consideration of the House was this, and it was requisite that it should be decided promptly: whether, if the acts of Government were set at defiance, the authority of the Government should be sustained or not? If the acts of the Government were placed at defiance, Congress had but to decide instantly to enforce them by arms, or to abolish them. Did they mean to hesitate between advancing and retiring? If you mean to retire, do it whilst you can; whilst it will seem to be an attention to the wishes and sufferings of the community, instead of giving those who set your laws at defiance, the signal of your defeat, and the evidence of their triumph. Mr. D. asked if gentlemen had estimated what would take place between this day and the first day of June? Did they conceive the force that it would be necessary to employ to enforce the laws? Before they decided that point it would be well to pause. Did gentlemen recollect how much danger menaced the sentiment of attachment to their country, when foreign indulgences (as the liberty of trading derived from the contiguity of the British provinces) are given to the citizens of any portion of a country which refuses to allow them those privileges? Need I remind gentlemen of a circumstance illustrative of my idea? When the navigation of the Mississippi was at the command of the Spaniards, before the treaty of San Lorenzo was carried into effect, recollect the opportunity which that state of things gave to the agents of the Spanish Government, for making attempts to detach the Western States from the Union. How far they succeeded I do not undertake to say; but the fact is well known, that some men of considerable distinction were so far drawn aside from their attachment to the Union as to give countenance to the intrigue; and the fact having come to light, the public authority of one of the States (Kentucky) have undertaken the examination and investigation of the subject. I speak of this not as a reproach, but as an illustration of the temptation which is offered to any portion of the people, having an outlet through a river in the possession of a foreign Power, which is denied them by their own Government. I will not pursue the object, sir; for it is unpleasant to dwell on subjects which may even tend to jeopardize the Union. But I deem it useless to rely on the patriotism of the people, when the Government forgets the cement of patriotism. What is country? That portion of the globe where we have friends, freedom, and protection. It is the reciprocation of good offices, which is the cement of private friendship. It is the reciprocation of protection and support between the Government and individual—a reciprocation of benefits, which is the cement of allegiance. But, sir, when the power of the Government is exerted merely to check the ordinary industry of the community, when the people feel the power of their Government in being blockaded in port by it, instead of being protected

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against blockade by an enemy, what must be their feeling? Patriotism is too precious a feeling to make many experiments upon it. Really, sir, I should not wish to know, in relation to many of my fellow-citizens, what would be the extreme point to which their patriotism could be stretched. There appears to be reason to apprehend that the reins of Government are already falling in the hands of Government. I should, therefore, wish my countrymen to be no longer exposed to being alienated from their Government, and that the Government should not be placed in a situation to have its acts set at defiance.

Mr. TROUP observed that he could not see the propriety or expediency of fixing on a day beyond the adjournment of the present Congress, on which this change of measures should take place. What would be the effect of it? It could be considered in no other point of view than as a declaration of war, to be binding on the next Congress. The mere declaration could not be considered as adding coercion to our measures; for whatever honor foreign nations might possess, (and he believed they possessed little indeed of that,) they certainly did possess courage, and were not to be *frightened* into an accommodation with us by such a threat. But the measure was not obligatory and binding on the next Congress, even admitting that it should be composed of the identical individuals who composed the present Congress. There was no authority in the Constitution by which we could bind them, unless indeed this declaration involved a matter of contract. And to be sure, he said, it might be considered in some sort a matter of contract; a political contract of a singular quality—a contract between this great Government and an unruly faction in New England, which threatened opposition to the laws, and was breaking out into rebellion. Yes, sir, said Mr. T., you come out with a solemn measure, and tell them if they will forbear to rebel until the first day of June next, you will agree to issue letters of marque. It is an invasion even of the powers of the next Congress, supposing it to be composed of the same men as constitute the present Congress, to bind them to declare war, not under the circumstances then existing, but under those which existed at the time you were pleased to enter into this declaration. But not only will this measure not be obligatory, but it is very possible that the next Congress may be as different in its composition from the present, as the present Congress is from the Junto of Spain, or the British Parliament. In every point of view, therefore, Mr. T. said, he conceived it a futile proposition.

Mr. MILNOR was opposed to postponing the repeal of the embargo till the first day of June; for which he assigned the same reason which he gave before for proposing the fourth day of March. If it was so extremely oppressive as to excite discontent and rebellion, its extremely unfavorable effects to ourselves would be a sufficient reason for its repeal. Mr. M. said, that although he

would fix a day for the repeal of the embargo, he could not carry his civility to the belligerents so far as to give them notice on what day we would commence war against them. Were we in such a situation that we could instantly bid defiance to Great Britain? When war comes, said he, it will be proper to consider whether it be politic, proper, and necessary? If it be politic, and the nation cannot continue out of it without a sacrifice of its honor, then let us have it, and not take it in this manner, declaring to the belligerents that if they do not come forward on a certain day we will commence hostilities against them. The next Congress will be better able to decide what will be proper on the first day of June than we can now do; and if we are not instantly to go to war, it will be decorous, wise, and right in us to let the question rest till the next Congress come here in the end of May, and leave the responsibility with them.

Mr. D. R. WILLIAMS said if ever a man's mind was embarrassed on a topic on which he had to legislate, he confessed that his was. He saw a measure and a system which he thought susceptible of the clearest demonstration to be more warlike than war itself, a system which preserved this nation in peace and happiness, about to be abandoned, and for the causes which had been assigned. When the late intelligence had reached him from the northeast, he said, it had borne a character most distressful to every man who valued the integrity of the Government. It appeared to him to be of such a character as not to leave a doubt as to what course should be pursued. There could be but two courses, either to extend the strong arm of Government, or to abandon the law. Under that impression, (said Mr. W.,) choosing not to enforce the law with the bayonet, I thought it proper to acknowledge to the House that I was ready to abandon the embargo. I did talk about insurgency and rebellion too, sir; and the reproof which I received from the gentleman from Kentucky (Mr. ROWAN) was correct; that the best way to drive people into rebellion is to accuse them of it. Perhaps, sir, I ought to apologize to the gentleman from Virginia (Mr. NICHOLAS) for calling up this subject, when the resolution was proposed by him, and he was not disposed to call it up. I applied to him to call it up, and understood that it would be disagreeable to him on account of his indisposition. But I felt myself obliged to call it up, and not to permit such a proposition to lie on the table beyond the moment when I could get to act on it. Like the gentlemen from Pennsylvania and Georgia I am disposed that we should act for ourselves and not for the next Congress. To me, sir, the embargo always appeared a blessing to this country. True, it has always operated to prevent us from making money, but that was all that was injurious in its operation; and, sir, I was so much of a fool, had so little knowledge of human nature, as to believe that there was patriotism enough, love of country enough, pride enough in the nation, to induce its freemen to be willing to abstain from making money, for the good of the nation. I have been

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egregionally mistaken, sir; I thought I was legislating for freemen who value their rights; that, whilst they were the only people in the world trusted with arms to defend themselves, they would have scorned to take money for the prostitution of their country. I did not think there was a man in the nation who would act the part of a pimp to his mother. It has been so, however; and dreadful, cruel, must be the torments of those who have been accessory to it.

[Mr. WILLIAMS here went at considerable length into an examination of the arguments of Mr. PITKIN, on Saturday last, in reply to a former speech of Mr. W. on the subject of the embargo.]

We have but small choice of courses to pursue, said Mr. WILLIAMS. One course is to admit foreign vessels into our ports as long as the embargo continues. Now, though I do believe that we should be perfectly justifiable in enforcing the embargo and suffering foreign vessels to come and take away our produce, as a punishment to a certain class of men in the country for their treasonable conduct; yet, sir, legislating for a whole nation, not for any particular class, I cannot consent to that.

Another course is that recommended by a gentleman from New York, (Mr. GARDENIER,) to go back and undo all you have done. Will you tread back your steps and go back with him to Jay's Treaty? I have no hesitation in saying that, if we were even placed in the situation in which we then were, I would not accept of it. That treaty carried a feature in it which ought to have damned it at the first view. It took property from one portion of the community to pay for advantages to the other. Yes, sir, it did. You know that a solemn stipulation was made in a treaty of peace, to pay us for the property which they had stolen from us; and you and the House know it was treated away to secure commercial advantages; and yet, thank God, the Southern States did not rise in rebellion against it.

We must select either a continuance of the embargo or war, sir. If ever there were a number of men in this world who had the destinies of a nation in their grasp, the oppositionists to the embargo have that high power. There cannot be a doubt, if excitement had not been made, or if after it was made it had been allayed by those who excited it—and, sir, I have no wish now to excite a disagreeable sensation in the breast of any man; for I have said enough on this head heretofore—if they would now attempt to allay the fervor instead of increasing it, that it would be put down; and if put down, there cannot be a doubt but we should be preserved in peace, and gain stipulations of peace honorable to our country. For God's sake, let me conjure gentlemen not to forget that we have a country. If they repeal the embargo they must support war, because their character—yes, sir, their character as men loving their country is at stake. Will you drive us to a repeal of the embargo, and make no resistance? Are you ready to lie down quietly under the impositions laid upon you? You have driven us from the embargo. The excitements

in the East render it necessary that we should enforce the embargo with the bayonet or repeal it. I will repeal it—and I could weep over it more than over a lost child. If you do not resist, you are no longer a nation—you dare not call yourself so—you are the merest vassals conceivable. Sir, if gentlemen will not support us in a war, and I give fair notice that if we take off the embargo I am for war—they must support it, or they will sink the character of the nation. If they will support neither war or embargo, if they destroy the effect of both, I ask you, sir, does not the prostitution of the character of the country lie at their doors? If they mean submission, I will thank them to say so. It somehow or other happens that Republicans are thought to be friendly to France, and Federalists to Great Britain. I believe neither imputation to be correct to the extent to which it is carried. But it is a fact that the British ear is open to that side of the question sooner than to us. Now, sir, I appeal to the minority, who hold the destinies of the nation in their grasp, for they can enforce embargo without the bayonet—I beg them, if they will not declare war, that they will do the best they can for their country. If avarice has so seized on our hearts, as to take away wholly the love of country, (and assuredly it has if we submit) for God's sake let me entreat gentlemen to make the best terms they can for us, to secure the kind protection of the British Government for us—to procure us the miserable boon that the tax on us may be collected here without compelling us to go to Britain to pay it. Sir, the blood which runs through my veins, tells me I was not born to be a British subject; it tells me that the opposition to us must have sucked the same milk—that we are of the same family. Then let us with one heart and hand take hold of war. But, says the gentleman from Connecticut, (Mr. TALLMADGE,) what will you gain by it? It is not money, sir, I want. You lose money by a war, but you gain your rights; you gain the chance of dying honorably in your country's defence instead of submitting, without resistance, and that will be a consolation to thousands, if their country is to be disgraced. Yes, sir, solemn as the reflection is, if we take off the embargo I am for war, and I hope the whole House will be for it. It is true that it brings along with it miseries without number. You will see fear, despair, and all the family of distresses, driving ruthlessly over the country. But it will be infinitely less of suffering to die in defence of the country than to live in bondage. I will not submit. I will plunge into the gulf, and I hope every man will follow me, when we have lost our mantle of peace, the embargo.

Mr. DANA thought it proper, if gentlemen talked of dying for their country, that they should die usefully; for, really, the mere dying could be of no service whatever to the country. He said he was not disposed, at this time, to go into a discussion of the embargo subject generally, but he would state one general position, viz: that the existing policy is a novelty in the history of human

society. From the earliest period of time, Mr. D. said, there were no proofs that the system ever did, or ever could produce the events which gentlemen prophesied. When, then, this was an utter novelty on earth, when gentlemen proposed a course never known to savage or civilized life, were they not bound, specifically, to state facts incontestable in support of it? And what, said Mr. D., have they done? Avowed a general, broad, political faith, and wholesale predictions that it will produce an effect, in defiance of all experience. And, am I bound to say, when gentlemen come forward thus, that the plan will succeed? The thing is against you, sir. No ardor of patriotism, intrepidity of courage, or excess of devotion, could make it effectual. He said that the contest was so unequal, in the nature of things, that the United States could not succeed in it. Nothing but superhuman aid could make it succeed. When gentlemen came to examine into facts, it would be found that they omitted to examine the bearing of the thing, in general, or in detail. When had any officer of the Government, or any member of either House of Congress, undertaken to give a view of the relative dependence of the countries of the world upon each other? As far as commerce is essential to the existence of Great Britain, said Mr. D., even now she has the whole world before her. As far as commerce is essential to our existence, the whole world is shut to us by the embargo. Even say that Britain loses one-fourth of her revenue, we lose the whole of ours. They lose a part, but a moderate part, indeed, of their commerce, whilst we lose the whole. The embargo cannot succeed, in the nature of things; and, I am not astonished that you do not find it, in any of the diplomatic correspondence, stated as a measure of coercion, because it would be no easy matter to prove it to be so. What are you to operate on foreign Governments by this measure? Famine and insurrection are to be your chosen troops, your auxiliaries to overturn their systems. You assail them by famine, which is to call up insurrection. This is, I think, the language of the advocates of the embargo. And, can I wonder that it is never spoken of in our official diplomatic correspondence as a measure of hostility? Mr. D. said it was unfortunate that the embargo had ever been laid, and peculiarly unfortunate that it had been continued. Did not gentlemen already say that a faction, a miserable faction, put the Government at defiance? Were the reins of Government held by such trembling hands? If rebellion exists, said he, do you hesitate a moment to give orders to your battalions to march and put it down? If you will not to do this, at once repeal the statutes which give offence. [Mr. BASSETT asked to whom they gave offence?] I am speaking of the obnoxious statutes which are put at defiance, said Mr. D. For what possible use can they be longer continued?

Mr. D. said he had thought that the days of ancient chivalry had not returned yet. Time had been when the champions of old had been accustomed to have fetes and tournaments, and fix days

of battle for each other, sometimes an hundred on each side. This was a species of private war; a splendid display of personal courage. But, to talk of one nation giving a day to another to meet it in battle, was a thing which, he said, he had not expected to see in these days. Did gentlemen expect, after Great Britain and France had been wading through blood for years past, that they would be awed into a compliance with our wishes? With whomsoever we fought, Mr. D. said, we should find no contemptible foe. The bravest of our troops might say, when they had been victorious, that it was an honor to be victorious over such men as those. This belligerent hypothesis, said Mr. D.; this contingent declaration of war; this verbal fighting, without actual preparation, will produce little effect. Foreign nations cannot then concede what we demand, without appearing to deprecate our anger; and they will scarcely do that. But, the question is not, now, which nation is wrong, Great Britain or France; but, what will be the most serviceable to my country? The motion under consideration does not seem to promise any beneficial effect, and therefore, I shall vote against it.

Mr. RANDOLPH said that this was certainly a question of no ordinary magnitude, and he had understood, from the most direct source of information, that the gentleman who had brought forward this motion, (Mr. NICHOLAS,) was extremely indisposed. He could wish, for one, to hear what the gentleman had to say in support of his motion, and with that view moved that the Committee now rise. Carried.

TUESDAY, January 31.

Mr. MUMFORD presented memorials and remonstrances of the citizens of the first, second, and fifth wards of the city of New York, at meetings held by the said citizens, respectively stating certain hardships and inconveniences to which the memorialists and other inhabitants of the said city and State have been, and are now subjected, in consequence of the operation of a late act of Congress more effectually to enforce the several embargo laws of the United States; and praying, for the reasons therein set forth, an immediate repeal of the said act.—Referred to the Committee of the Whole on the resolutions proposed by Mr. NICHOLAS and Mr. BACON, on the twenty-fourth and twenty-seventh instant.

Mr. BASSETT, one of the members for the State of Virginia, presented to the House certain papers in relation to a violation of the several laws laying an embargo upon all ships and vessels in the ports and harbors of the United States, alleged to have been committed by the officers and crew of the schooner *Caroline*, of Norfolk, and owned by Daniel Sanford and John Hipkins, formerly trading under the copartnership of Buller Coker and Daniel Sanford; which were read, and ordered to lie on the table.

On motion of Mr. BLOWNT, that the farther consideration of a bill sent from the Senate, entitled "An act making appropriations to complete the

fortifications commenced for the security of the seaport towns and harbors of the United States, and to defray the expense of deepening and extending to the river Mississippi the canal of Carondelet," be postponed indefinitely; and the question being put thereon, it was resolved in the affirmative.

On motion of Mr. BASSETT, that the farther consideration of the bill, entitled "An act authorizing the appointment and employment of an additional number of navy officers, seamen, and marines," together with the amendments of the Senate thereto, be postponed indefinitely: the question was taken thereupon, and resolved in the affirmative.

The bill sent from the Senate, entitled "An act to extend the time for making payment for the public lands of the United States," was read twice and committed to a Committee of the Whole to whom was referred, on the twenty-third of November last, a report of the Committee on the Public Lands, made the twenty-first of the same month, on a memorial of the House of Representatives of the Mississippi Territory.

PUBLIC LANDS.

On motion of Mr. POINDESTER, the House proceeded to consider two resolutions proposed by him, which were read and ordered to lie on the table on the twenty-sixth instant; and the same being again read, in the words following, to wit:

Resolved, That the Committee on the Public Lands be instructed to inquire into the expediency of establishing a land office for the sale of the lands of the United States, east of the Red river, and west of the Mississippi, in the Territory of Orleans; and that they have leave to report thereon by bill or otherwise.

Resolved, That the Committee on the Public Lands be instructed to inquire into the expediency of granting the right of pre-emption, in certain cases, to actual settlers in the Territory of Orleans; and that they have leave to report thereon by bill, or otherwise.

A division of the question thereon was called for by Mr. BASSETT; whereupon, the question being taken that the House do agree to the first resolution, as originally proposed, it was resolved in the affirmative.

The second resolution was, on the question put thereupon, agreed to by the House.

PRESIDENTIAL ELECTION.

Messrs. VARNUM, SEAVER, COOK, ILSLEY, BARKER, CUTTS, and GREEN, presented petitions from various towns in the State of Massachusetts, remonstrating against the mode in which the late election of Electors was conducted in that State.

Mr. CUTTS moved, as the time was fast approaching when it would be necessary to decide on the subject of these petitions, a reference of all the petitions on this subject to a joint committee of the two Houses; which was withdrawn to make way for a resolution to the same effect offered by Mr. BACON, which was agreed to in the following words:

Resolved, That a committee on the part of this House, jointly, with such as the honorable Senate may join, be appointed for the purpose of taking into con-

sideration the several memorials from sundry of the citizens of the State of Massachusetts, remonstrating against the mode in which the appointment of Electors for President and Vice President has been proceeded to on the part of the Legislature of said State, as irregular and unconstitutional; and praying for the interference of the Senate and House of Representatives of the United States, for the purpose of preventing the establishment of so dangerous a precedent; and that said committee do examine the matter of said memorials, and report their opinion thereupon to both Houses.

Ordered, That the Clerk of this House do carry to the Senate the several memorials abovementioned, and desire their concurrence in the aforesaid resolution."

Ordered, That the said proposed resolution and order do lie on the table.

PREPARATION FOR WAR.

The House again went into Committee of the Whole on Mr. NICHOLAS's resolution; and the question pending being on a motion to insert in the blank, the first day of June—

Mr. KEY hoped the blank in the resolution would not be filled with the first day of June next, because the circumstances of the country required the embargo to be earlier repealed, or such measures to be taken as would enforce its due execution. Before the first day of June arrives, said he, on which it is proposed to remove the embargo, four months would intervene; during which time, if the same opposition to the East which existed now should still prevail, the country would be in a very extraordinary situation. If we continue the law, I shall be among those who would rigidly enforce it, for I have no idea of being dictated to by any section of the Union. But, as I believe, from the accounts which are received, that we cannot enforce it without a measure much worse in its effects than the consequences which might be supposed to result from taking it off earlier, I should, therefore, be in favor of the earliest day possible. We ought not to resort to an exertion of the authority of this nation for four months, nor to continue the measure so long as to excite that sentiment which will certainly follow the enforcement of that measure, except some great advantage be expected from it, if continued for that time. There was another reason why, he said, an earlier day should be fixed. If the House should not think proper to take off the embargo during this session, a new representation would have met here nine days previous to the day mentioned. The present Congress ought to leave the next Congress free to act, with more information than this Congress could possess, because they would have it in their power to avail themselves of the intermediate information. As to that part of the proposition which related to the repeal of the embargo, therefore, the day proposed was too distant. As to the remainder of the proposition, which, he presumed, was to be taken in continuity with the former, it was still worse. It was giving notice to the beligerents, of a disposition, within a particular period, to do what it is not in our power to perform; because, the functions of this House ceasing before that period, the right of determining the

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course to be pursued, depended on the decision of the new representation. It was impossible, he said, to anticipate the line of conduct which would then be pursued. If the embargo be not removed before the close of the present session, he hoped, at least, that the blank would be filled with the day anterior to the next meeting of Congress. He called upon gentlemen to know whether they would keep it on without enforcing it; and, he asked, whether an enforcement for four months was worth the advantages which gentlemen supposed its continuance would afford? He hoped that the blank would not be filled as proposed.

Mr. DURELL hoped that the blank would not be filled with the first day of June. If the measure of embargo was to be changed for another, he said he saw no reason why the change should be procrastinated. He hoped it would take place at so early a period as would give an equal chance to all the ports in the country. We have heard much, said he, on this floor, in relation to the opposition, in a certain section of the Union, to the embargo laws. I think many observations have been made on this floor, in relation to the embargo laws, which cannot be justified by facts. I have been utterly astonished at a declaration in a newspaper, ("The Monitor,") of this morning, viz: "The majority of the members of the Eastern delegation in Congress, have openly asserted 'that no laws passed by the General Government will be deemed obligatory by their constituents, if they should interfere with their local pursuits and advantages. They publicly consider the 'embargo law as a dead letter,' &c. Now, sir, I wholly and utterly disavow such an opinion; and, I think that a printer in the District of Columbia should not be permitted to make such statements, when unwarranted by facts.

The majority of the New England delegation have not stated on this floor that no laws passed by the General Government will be obligatory, if conflicting with their local advantages. It is a scandalous libel on that majority. By letters I learn that the late supplementary embargo law is not generally approved; that some few have gone so far as to pronounce it unconstitutional. But that a majority of the people possess the sentiments ascribed to them in this paper is wholly false and untrue. Declarations of this sort have a pernicious effect on the community. As respects the State which I in part represent, (New Hampshire,) there is no opposition to the embargo laws. Not a petition has been presented to either branch of the National Legislature for the repeal of those laws, or expressing any sentiment in relation to them, although they suffer as much as their neighbors in Massachusetts. The people (the Republicans at least) are, if I know anything of their sentiments, perfectly satisfied with the law; they have gone with the Government from first to last. Is it justifiable then, sir, that a printer in the District of Columbia should say that the people of New England will oppose your laws? It is unjustifiable and abominable.

Mr. RHEA, of Tennessee.—With more embar-

assment of mind I attempt to make some observations on the subject before the Committee, than at any time heretofore, when I have had the honor of submitting any observations on any subject, during the present session of Congress. The reason is, that it is not determined what measure shall be substituted for the embargo, if it shall be raised.

It affords me great pleasure to hear the gentleman from New Hampshire, (Mr. DURELL,) so positively contradicting an assertion which he read from a newspaper. What the gentleman said ought to be taken for a good omen, portending that the few citizens in the Eastern States who have been disposed, somehow or other, not to pay proper respect to the embargo laws, are returning to the practice of those principles of correctness on which the safety of this nation must depend. This is in unison with my own opinion respecting the citizens of that section of the Union. Notwithstanding all that has been said about insurrection and opposition to the laws, so as to endanger the United States, I cannot induce myself to consider it in a serious point of view; positive facts must be proved to me, before my belief of such things shall be had. My confidence in the great body of citizens of the Eastern States is not done away, and I believe there is in the same States a sufficient quantity of force to suppress any attempts which might be made against the Union. And when it comes to the point, there is reason to believe that patriotism similar to that which influenced the Western States in the case of Burr, will also influence our brothers of the Eastern. My vote in this case shall not be influenced, nor is it influenced, by anything that has been said to be done respecting the embargo laws in any of the Eastern States; all such influence is disavowed by me. In this case and every other my vote shall be given according to my understanding what is the real interest, and will best promote the honor, rights, and independence of the United States.

Mr. R. said, that for some days he had been of the opinion that a commercial non-intercourse between the United States and Great Britain and France, and their dependencies, and all other Powers having in force orders and decrees violating the lawful commerce and neutral rights of the United States, might have been the most proper measure to have been adopted in the then state of things, in place of the embargo; and that under that non-intercourse the United States, some time longer, might have glided along. But, in the language of the gentleman from Connecticut, "the burying hath gone by;" the opportunity for that system it is apprehended is lost. Let it be observed that a commercial non-intercourse system, is not a system of submission to the edicts of either Great Britain or France. Great Britain does not command the United States, to abandon the ocean, or not to trade with her; no such thing. Great Britain declares her ports open to the vessels and produce of the United States; either for internal consumption, so far as it is necessary to supply her market, or for exportation.

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Great Britain declares that for that liberty, tribute or duty, call it what you will, must be paid. France does not command the United States to abandon the ocean, or not to trade with her. France declares American vessels, which have been visited by British armed vessels, or have been in British ports, or have British merchandise on board, or British licenses to trade, shall be subject to capture and condemnation. Certainly then the opinion, that a commercial non-intercourse between the United States and Great Britain and France, and their dependencies, and all other Powers having in force orders or decrees violating the lawful commerce and neutral rights of the United States, would be submission to Great Britain or France, is not well founded.

Great respect ought to be paid to the observations of the gentleman from Virginia (Mr. RANDOLPH) who was of opinion that the embargo ought to be raised forthwith. There can be no doubt that, if the embargo laws are forthwith repealed, the great quantity of produce, which is said to have passed into Canada, being there detained for sometime by the ice, for that reason may not get to market as soon as other produce shipped from the United States. Notwithstanding the force of these observations, they do not contain sufficient reason to repeal the embargo laws so soon. Let it be considered that the ports of Baltimore and Philadelphia are by the rigor of the winter now blocked up, and probably will continue for some time. In that condition may several other ports in the United States be; if then the embargo laws are forthwith repealed, you will give a decided advantage to those ports which are open or continue always to be so, either in the Southern or Eastern States. This would be partial and unfair, and in operation unjust. If the embargo is raised, let it be at a day so distant, at least, that the merchants in every part of the United States may have notice; not only so, but that the day on which the embargo shall be raised, may be so distant, that there may be every reason to conclude that the natural frozen embargo which now exists shall also be taken off from every port in the United States. If the merchants are to start their vessels, as for a race, let them all have opportunity of a fair start, and let not some of them have time to run over half the course before others of them can get away from the starting place.

I will vote (said Mr. R.) to fill up the blank with the words "the first day of June," for reasons to me equally cogent. The embargo has now continued for more than twelve months, and the great body of the citizens have, with true magnanimity and patriotic love of country, bore up under and supported it, notwithstanding its accompanying privations. An embargo of the same nature and extent, in all probability, would, in the term of six months, have shaken any other maritime nation to its centre. It was left and remained for the sovereign people of the United States in their neutral capacity to manifest to all other nations an hitherto unexperienced firmness under an embargo of such duration and extent. This embargo, and the firmness with which it

was supported, will be a grand landmark to future generations by which to steer their political course.

Mr. R. said, it had been his opinion, that the embargo, if it had been universally regarded with that respect which it ought to have been, would have operated as an impenetrable wall of defence to the United States, until those days of trouble, in which nations in Europe appear to be executing vengeance on each other, had passed over. It certainly would have had that effect, if patriotism and love of country had universally prevailed over love of money. The United States are a new nation, composed either originally or personally, of emigrants from almost every European nation. This nation does not owe its origin to any one European nation, and neither of these nations has any right, for that cause, to claim or demand any peculiar favor. The United States are three thousand miles distant, far removed in the depths of the wilderness, from the bloody wars of Europe; it might therefore have been most proper, and most consistent with their safety to have been contented at home, and patiently endured the privation of foreign superfluities, even without the constraint of an embargo, for some time longer, and if possible, until those days of European affliction had passed over.

There is now on hand, it is presumed, a vast quantity of produce. The agricultural interest has, to its great disadvantage, endured for a sufficient length of time, the great depression in the price of produce; if then the embargo is designed to be raised in time for the produce to get to market, it ought not to be delayed until the first of June. On the fourth day of March next let the embargo be raised. There will be sufficient time for the merchants in every part of the United States to be informed of that event. On that day, there is reason to believe, the natural embargo by freezing, which now exists, will be taken off. On the 4th day of March next, another Administration will come into power, and it may be most proper and convenient that that Administration shall commence its career with a new order of things. The United States have abstained from navigating the ocean a considerable length of time; lest, then, it may be believed that there is an intention to abandon it altogether, on the fourth day of March next let the navigation of the ocean be resumed, and on that day and forever after let the United States assert and maintain their right to navigate the ocean, the great common and highway of nations, freely and agreeably to the laws of public reason.

When I contemplate, said Mr. R., the great danger to which the seafaring citizens and commerce of the United States will be exposed on the ocean, it is with great reluctance indeed I agree to raise the embargo. Great Britain with steady policy, for centuries past, has been endeavoring to acquire the dominion of the ocean and monopoly of commerce. To these two idols, dominion of the ocean and monopoly of commerce, an immense profusion of human blood has been poured out in libation, and the com-

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merce of every maritime nation has been sacrificed. Great Britain after various efforts and struggles, has at last acquired the favorite object; in other words, has by main force seized upon and usurped the dominion of the ocean, the common property of all nations, and by her laws has virtually declared that no nation shall buy or sell unless the property or merchandise shall be stamped with her mark. The decrees of France are also arrayed against the commerce of the United States, and threaten destruction to every part of it that shall come within their grasp. In this state of things, if the embargo be raised, there can be but one opinion as to merchant vessels, and that is, that if they may be designated to put to sea, they shall be authorized, in the first instance, to arm. On the subject of war, nothing hitherto has by me been said. I desire to avoid war if possible, and therefore will not take war into consideration at this time, and why shall the United States forbear longer than the fourth of March next to resume the navigation of the ocean? Has not all negotiation with Great Britain and France failed? With Great Britain it has run down to a mere dispute about words. It appears by the late despatches from the Minister of the United States in Great Britain, that the question of negotiation now is, whether such words were spoken, and if spoken, with what understanding; this certainly is descending into the abyss of humiliation. I cannot forbear, said Mr. R., expressing a wish that our Ministers were on their way home, although they might experience severe weather on their passage.

We have been told that the British fleet is a barrier; it is admitted that it is a barrier—a barrier against the freedom of the ocean, against the freedom of commerce, and against the commercial rights of nations.

We have been told that Great Britain is fighting for her existence; in what manner does that respect the United States? The United States cannot be charged with the cause of her quarrel. But Great Britain is contending against a Power who appears to desire the dominion of the continent of Europe. Let it be so, that will not avail, or help the position; some of the greatest, best, most honorable, and patriotic men of Great Britain, have said, that if the power of France has arrived to transcendent greatness, Great Britain may thank herself for pushing France to that state of greatness. Let Great Britain restore the many thousand seamen, citizens of the United States, whom she holds in slavery, to their country. Let Great Britain indemnify for the many millions worth of property of citizens of the United States, by her unjustly captured and condemned. Let Great Britain rescind and repeal all her edicts, proclamations, and laws, which, violate the lawful commerce and rights of the United States. Let Great Britain declare that the ocean shall be free, and that the commerce of the United States shall travel unmolested on the highway of nations. Let Great Britain make reparation for the many violations of the sovereignty of the United States; and after these things are all performed, and jus-

tice done to the United States, then let gentlemen tell us that Great Britain is fighting for her existence.

There was a time when Great Britain had it in her power to have conciliated and secured to herself the friendship and affection of the United States; a time when, after the fire of the Revolutionary war had been extinguished, the United States were blooming into commercial existence, then was the time for Great Britain to have taken the Hercules in her arms, and to have cherished him as a brother; by so doing she might have had a brother, indeed, who would have stood by her in the day of trouble. On the contrary, Great Britain has been studiously, anxiously, and industriously careful to alienate the friendship and affections of the United States. Let the whole conduct of Great Britain towards the United States, since the treaty of peace, be attended to, and then let the unimpassioned and impartial observer say whether Great Britain has not been industriously careful to alienate the friendship and affection of the United States, from herself.

Let the impartial witness judge in this cause, and he will pronounce sentence against Great Britain. Great Britain, by violence, has rent asunder those bonds of social friendship which might have connected her and the United States forever. But, sir, we are asked, why shall we arm? Who is our enemy? These questions may be answered, by asking two other questions, viz: Why shall we not arm? Who is our friend? Sir, it appears as if the whole world was arrayed against the United States. Let any gentleman take the map of the world, and put his finger on the spot, designating the place, where dwells a nation the avowed friend of the United States. It will give me great pleasure indeed, to be so informed. And here, said Mr. R., I will take the liberty to observe, that it is time, and it is right, for the United States to look over the world, and if possible, ascertain the fact, whether there be that nation; and if that nation can be found, I shall have no hesitation to take him in my arms, to call him friend and brother, and to make with him a treaty of everlasting amity, love, and friendship.

Mr. Cook.—Mr. Chairman, I am opposed to filling the blank for repealing the embargo on the first day of June next, and to issue letters of marque and reprisal at that time; because, sir, this is a Government of the people, and their voice is not at present for war. You have too long interposed the embargo as a shield to our citizens against British depredations; they have lost their war pulse; they must again suffer, to again wind them up their former spirit. This being a Government of, and from the people, whose servants we are, it is our duty to advance their interests and to enforce the general will of the nation. Not, sir, that the embargo laws cannot be executed by the arm of this Government. I unhesitatingly declare that this Government can be supported; and your laws can by the strong arm of Government be enforced. But, sir, is it true policy to enforce these laws? I do presume it is

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not, as it may produce a civil war, the worst of all wars. The embargo has been sufficiently tried, and the experiment has proved that it is not sufficiently coercive to induce the belligerents to abandon their orders and decrees. Why then continue it to the injury of our own citizens, and especially those who are our best citizens, our friends, who are most disposed to support the Administration and our laws?

Sir, I lament that the public sentiment and opinion on the subject of foreign aggressions is different in the different sections of our country. The South say embargo or war; and the North and East say, no embargo, no war. I applaud the resentment of the people of the South, and highly revere their high sense of honor. I lament that this difference of opinion exists; yet, as it does exist, we must take things as they are, and legislate accordingly. The genius and duty of Republican Governments is to make laws to suit the people, and not to attempt to make the people suit the laws. In monarchies the people are drilled to suit the laws flowing from the despot; but this never should be attempted in a Republican Government, the strength of which is the love and attachment of the citizens. Sir, you cannot make war which will promise a successful issue whilst the country is disunited. The people must with one voice unitedly call for war from every section and village of our country. Then indeed we may venture on war. The people must urge us into war; we cannot drive them into a successful contest. No, sir, you know the attempt is futile, is idle. Sir, as I consider myself a representative of the people, I view it as my duty at this eventful moment to make known to you what I do conceive to be (not the universal) but the general opinion and wishes of your citizens of all politics in the Northern States. I will not be answerable for the correctness of these opinions and wishes of the people. No, sir, I could in some instances wish they were more consistent and less governed by the cupidity of gain. Yet, sir, their opinions arise from their local situation. The nature of man is the same everywhere; surrounded by the same objects, their opinions, sentiments, and conduct will be the same. Place the people of the South in the same situation, and surrounded by the same temptations, and pressed with the same losses, and their conduct would be the same as those of the North. Sir, from the communications I have received from the North, and from other sources of information, I believe that I shall be able to state their opinions and some of the reasons on which their opinions are founded. To comply with their wishes, we must repeal the embargo laws at as early a day as will comport with justice to all the merchants of our country. Let all have an equal chance to be first in the foreign market, and perhaps the first of March will be as early a day as will comport with this necessary provision. As a substitute for the embargo, *they mean not submission*. Their voice is, "arm in defence of natural and national rights." They wish for liberty to arm and defend against an

infracton of our indisputable rights on the ocean. This defensive arming they wish to see regulated in such manner as shall preserve peace if possible, and to do away (as far as is honorable and politic) every unnecessary cause of collision with foreign Powers. To do this, will it not be wise, considering France and England as equally offending us, to put our relations with them on exactly the same basis? Inhibit by law the exportation of all contraband goods from our country, and permit none but real citizens of the United States to navigate the vessels of the United States.

These restrictions, which indeed would not injure our fair trade, but would expel from our country the demoralizing dregs of jails and men-of-war, would serve in a great measure to prevent collisions, and to secure to our own citizens the reward of their own enterprise. To resist in such a manner as to induce a change in our favor, let us increase, and perhaps double the duties on all importations from the offending Powers, and reduce the duties on goods from other quarters.

These, and other retaliatory measures, may be adopted, expressly, to be only contemporaneous with the present piratical systems of the Europeans. And, sir, if laws be necessary to prevent our citizens from selling themselves for slaves, by the purchase of British licenses, enact laws the most penal, and even the most sanguinary against such traitors to their country's rights.

Our merchants, whose all may be the forfeiture of a much longer continuance of the embargo, or a declaration of war, lament that the violators of our maritime rights, their allies and satellites, constitute almost all the commercial world with whom they have been dealing. They therefore deprecate all measures tending to a war with so many nations, as utterly destructive to trade. At least they pray for a suspension of the calamities of war, until the course of events may justify us in choosing a single enemy to contend with; at present so equal are the Emperor and the King in the trade of plunder, that no selection can be made; for it would be absurd to aid one for the same abuses which induce us to fight the other.

Sir, I know some would resort to non-intercourse; but if we do, I fear that the same spirit which has defeated the embargo, will defeat the laws of non-intercourse, and we should be obliged soon to repeal them also. The spirit of trade is active and ever busy, and it must have vent. The late forbearance of Great Britain has increased the clamor for a renewal of trade, and for a speedy repeal of the embargo. You know, sir, that of about five hundred and ninety vessels which sailed since the embargo, by permission, only eight or ten have been captured. This affected forbearance of the British may lead to more numerous captures, when we generally resume the use of the ocean. Our merchants may again experience their treachery; and nothing short of a renewal of British spoliation will again drive the New England merchants to the feet of Government, with tenders of lives and fortunes

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for the support of war. If our vessels are permitted to arm and defend rights wholly indisputable, it cannot be called *submission*, for it is its entire opposite. But I have already declared, that a further continuance of the embargo, now its coercive effects are despaired of by seven-eighths of this House, will be submission.

Nor are we any way answerable for the consequences to either of the offending Powers; they deserve nothing but war from us; yet if the policy we may adopt should press harder on one than on the other, if we study nothing but our own interest, wholly disregarding of them, we must be exonerated from the reproaches of the candid. I wish Americans would look more at home, and less to foreign nations, for motives of Government.

Sir, it is said, that by filling the blank with the first day of June, with the substitute of letters of marque and reprisal, we should thereby hold out a threat which might induce a recession of orders and decrees. As war would inevitably be the consequence of a persistence, I believe that such a threat would have a directly contrary effect; and as I am averse from an expensive war, which neither promises us honor or riches, so am I against continuing the embargo until that time.

Sir, I hope I shall not be misunderstood. I speak of opinions and sentiments, not as I wish they were, but as they really are. Reflections from gentlemen of the South, against the commercial and gain-loving sentiments of the North, will only serve to disunite, at a time when the chain of our Union ought to be brightened.

Sir, all such reflections, all rantings, asperities, and personalities, should be carefully avoided by the real friends of the Union. We from the North fight our enemies, but we reason with our friends. We conclude that a man has either lost or expended all his reason, when he attacks the person of his opponent instead of his arguments, and we carefully distinguish between the calm voice of reason, and the rant of passion and prejudice. I trust we shall here unite and save our country.

Mr. EPPES said he understood that the only question at present was, with what day the blank in the resolution should be filled. It was not his intention on this question to enter into the merits of the proposition. But as his friend (Mr. NICHOLAS) who offered the resolution was not in his place, and he found no gentleman had attempted to assign any reasons in favor of the day which he had proposed, Mr. E. said he would offer a few observations in support of that day. In the course which I pursue on this floor, said Mr. E., I am not to be driven from that line of conduct which I consider best, by the feeling of any portion of the people of this country; and while I will ever manifest a proper respect for the opinions of men in any portion of the country, I will never shrink from that course which I consider calculated to promote the interest of the great body of the people. I have no apprehensions, whatever course be taken, that we have anything to fear from insurrection and rebellion, and I believe that the people of the Eastern country,

when they see the charges made against them, on this floor and elsewhere, will feel no other sentiment than indignation, that men can rise and denounce them, not only as likely to rebel, but as actually in a state of rebellion. I ask gentlemen who believe that the people either are or will be in a state of rebellion, to produce the evidence in support of the charge. Do you know, sir, that force has been opposed to the execution of your laws in any portion of this country? If the people in any portion of it have raised the standard of rebellion, if men as enlightened as the Americans really cannot bear the laws of their own Government, I ask gentlemen to point out the particular cases which justify the assertion. I believe that no such opposition does exist; and I express with confidence, if any such does exist, that we have no information of any kind which can be relied on on that point. It does not appear to me that the feeling which has been manifested in regard to this measure, affords any just ground on which to legislate. We are to consider what course is best calculated to promote the interest of the country, and that course we ought to pursue. If men in any section of the Union will oppose the laws of their country, we have force enough to put them down; and I will never shrink from using it. This much I say, at this time, because the opposition to the laws was the first ground taken in opposition to the first day of June. Another ground is, that the fixing on that day will interfere with the rights of those who succeed us. I do not consider this to be the case. We were called here to exercise our judgment as to the good of the people. The Legislature can never die; and when the next Congress meet, if any circumstances shall have occurred which shall induce them to change the course contemplated, our acts will not at all affect the course which they may think proper to pursue. I believe, sir, that every member in the House will do me the justice to say that I never have concealed my opinion of the situation of the country. It must be granted that our situation is serious; that it ever will be serious when a free people are placed in such a situation that they must either abandon their rights or enforce them by physical strength.

It has been said that war is not the greatest evil which could occur. Sir, I consider it the greatest evil which could befall our country, except a surrender of our rights or independence, and that I believe to be a greater evil, because there is nothing in this world worth preserving, if we lose our freedom and independence. But if this country is to adopt the principles of the wandering Jews of Europe, if we are to suffer ourselves to be stripped and robbed without resistance, and obtain our livelihood by mean or dishonest practices, it is proper that we should put ourselves under the care of some European Power, for the protection of those rights which we have not the spirit to defend. If we postpone the repeal till the first of June we shall have an opportunity of again hearing from the different Powers of Europe, and of knowing what may be the operation of the public despatches. We shall know whe-

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ther they will withdraw their orders and decrees, or whether appeal to arms. I have always thought that when the embargo should be removed, war must be the result; and if I am disposed to postpone for a period an event which will always be awful to a country like this, gentlemen will do me the justice to believe, that I am not less willing than themselves to maintain the rights of the country. It will give us one more chance for peace; and notwithstanding the opinions which have been expressed, I declare to God that I am anxious for peace. But when the question is between peace and a surrender of our rights as a nation, I am in favor of war. I am willing to take this one chance of peace, and for that reason I am willing to postpone the period of issuing letters of marque and reprisal, till the first of June. I have another reason. When this nation tries its strength, I am not willing that it should do it unprepared. I have no idea that war can be carried on without men. How are you to fight, sir? Are you to arm your merchant vessels—to let your vessels sail with all their canvass stretched, to British ports, to take licenses, pay tribute, and disgrace their country? The arming your merchant vessels will have the appearance of resisting taxation without doing it. What would be the consequence of our vessels going out armed for their protection? You might as well nail your embargo law to their masts, and suppose it will protect the merchant vessels, as to think of doing it by arming them. The situation of the world forbids the idea that we can force a trade against Great Britain. We must raise men and prepare to attack her where she is vulnerable; and when we have done this we may remain quiet, till it is time to commence operations. Another objection has been made to inserting so late a day as the first day of June. It is this: that we give notice to the belligerents, that on a certain day we mean to make war upon them. When we come to examine this objection, sir, it is nothing. Have not gentlemen declared in their places that Congress is to be convened to exchange war for embargo? Have they not made preparation for an extra session for the purpose? The British and French Government are as well convinced of our determination, as they can be by any resolution we may pass. It cannot be an offence, therefore, for the postponement till that day is evidence of a desire for peace. We have withdrawn from the ocean our commercial capital, and fifty thousand citizen mariners, from a desire for peace. Whenever then the embargo be repealed, it is war, if the obnoxious edicts be not repealed; and I am willing to postpone this change a few months, that we may not disgrace ourselves to the world, and make ourselves ridiculous at home, by going to war without men. And while I make this declaration I wish gentlemen distinctly to understand me, that I never will submit to the edicts of the belligerents; and also, that I will forever vote against the removal of the embargo during a continuance of the belligerent edicts, unless those who wish to remove it will substitute war for it. And this determination I

will maintain, even if it drive the whole country to rebellion. Even if driven from my seat at the point of the bayonet, I never will surrender the rights of my country by a removal of the embargo without an efficient substitute.

Mr. J. G. JACKSON said, that the mode of filling this blank must depend most materially on the course which the House should think proper to pursue. He said, he should be governed much in the vote which he should give by the supposition that the course would be such as should be consistent with the honor and dignity of the nation. He hoped gentlemen would not be diverted from the course which was proper by this or that publication, in any newspaper; that they would never vary their course in conformity with the suggestions of others, nor deviate from the course which they pursued, because newspapers had proposed a contrary one. I, said Mr. J., will not be influenced by newspaper publications, because our affairs are too important for us to suffer ourselves to be influenced by their attacks on the House, or on the Government; neither will I be influenced by a fear of exciting insurrection if our measures be not abandoned, believing that our course is correct, and that it is indispensable to maintain our course at all hazards, even at the point of the bayonet. And I beg of gentlemen not to be diverted from what has been declared the only course of honor and propriety, by the intimidating threats or inflammatory resolutions of a few popular meetings. I am convinced that the great mass of this people will pursue such a course, as will convince those opposed to the laws in force, that, if constitutionally enacted, they shall be enforced till they be constitutionally changed; and if we do subserve the views of those who are determined to put down the laws at all hazards, and change our course, we deserve not to remain in the councils of the nation, we ought to be supplanted by men who will do what is right, regardless of the consequences. If our measures be right, the people will support us; and if wrong, the elections will produce a change in the policy of the national Councils—a pacific one, not forced upon us at the point of the bayonet. I am of opinion that the first of June is the proper time with which to fill the blank in the resolution before you, for many substantial reasons, most of which have been urged by my friend, who last addressed you. It will be recollected that our last accounts from Europe are only down to the first of December. Important events are taking place there, having relation to our affairs, by the pressure of the belligerents upon each other, and perhaps upon ourselves. I know that an idea was advanced, and it could not have escaped the recollection of gentlemen, in the letter read yesterday, (Mr. Canning's answer to Mr. Pinkney,) that this Government had been influenced in its conduct towards Great Britain, by its negotiations with France. The Ministry of the former has been induced to believe the false charges originated from prostituted presses here, and wafted across the Atlantic, that there is a design in Government to subserve the views of France

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coincide in the views of the French Emperor. I believe, sir, that the perusal of the documents laid before the House at the commencement of the session, will induce them to entertain a different opinion. What would be said, were we to let loose our vessels to-morrow, with letters of marque and reprisal, if, before they were well launched on the ocean, the winds of March should waft to us a vessel bearing the olive branch in her prow? We should justly be accused of precipitation, for not giving time to the nations of Europe to consider what course they shall pursue towards us. It will be seen that my argument is predicated on the idea that war must follow a removal of the embargo. I cannot suppose, after an almost unanimous vote of this House, that they could not submit without a sacrifice of their rights, honor, and independence, that they will submit. I conceive that letters of marque and reprisal must unquestionably follow a removal of the embargo, because any other course would virtually amount to submission. Arming our vessels cannot possibly have any good effect. What would be the consequence of such a measure? We admit the right of search for contraband of war; and to resist it would be an act of war or piracy. If a belligerent vessel meets one of ours armed for neutral trade, and discovers that it is of inferior force, resistance would be ineffectual, and would completely seal the destruction of the vessel. If the force of our vessel were superior, which would not be the case perhaps one time out of ten, the cruiser would sheer off till it were reinforced with the assistance of another; arming our merchant vessels would produce no good effect then, and we must issue letters of marque and reprisal, if we would not submit. But, gentlemen say, let us fix on an earlier day, that we may catch the Northern speculators. The national net must not be spread and drawn, sir, for such petty purposes as crushing a few dishonest men, who in the pursuit of money have prostituted the honor of the country as far as depended upon a rigorous execution of its laws. If we listen to such policy, we shall change our opinions every day, as much as if we listened to newspaper abuse from that quarter. I concur heartily in saying that it would not be a threat to either nation to declare that the embargo shall be repealed, and letters of marque and reprisal issued. It will be a lure to both. Neither nation can consider it as a threat to itself, but to its enemy. And if they should choose to consider it as a threat, it has been said frequently, that another course could not be pursued; for were we to make this declaration with closed doors, many instances have proved that the precaution would be ineffectual. The declaration by the act for an extra session, that the month of June will be the limitation to the embargo, was as effectually notifying Great Britain that we would pursue a different course, as if we were now formally to declare it. I am therefore of opinion that the change of measures should not take place till the first of June; the interval between this time and that will give an opportunity to the European

Powers to say whether they will have war with us or do us justice; and as no man there has pretended to defend either the orders or decrees, on the ground of right or the laws of nations, I hope they will show that they have yet a little justice left—for they must see that the imputation that this Government is yielding to the influence of France, or that it is hostile to England, is the most shameless falsehood that can be conceived. The offer to repeal the embargo as to Great Britain if she would repeal her Orders in Council, was an offer to take sides with Great Britain. I hope that they will be convinced that it is their interest to change their policy towards us; I trust that their people will, as they have done heretofore, change their Ministry for the purpose of changing their measures. They will have seen that we ask but half justice at their hands; that the embargo law is but continued for the purpose of avoiding war with them; that we are willing to rescind our embargo if they will withdraw their orders, leaving to friendly adjustment the affair of the Chesapeake, and a thousand other acts, each of which might be cause for war. I think that I understood the gentleman from Massachusetts (Mr. Cook) to say, that the course which he suggested was not perhaps correct; but that the people pressed it upon him. Sir, I hope the House will not, like the gentleman from Massachusetts, be influenced by such considerations to do that which their judgment tells them is not correct; but will pursue the line of their duty, without being diverted from it by the wishes of any particular class of people.

Mr. NELSON said he rose to make a few, and very few, observations on this subject. Two or three different days had been mentioned with which to fill the blank. He had heard no reason which satisfied his mind that the period should be postponed until the first day of June. He said he was sorry that the resolutions had been introduced into the House. He knew not whether it was not proposed to give up the best system that could be adopted, to take up another which was totally untried. He objected to the introduction of the resolution, upon two grounds, one of which had been given as a reason for introducing the resolution, viz: that the embargo is at this time a dead letter, and could not be executed. I believe, said Mr. N., that it is not reduced to the situation of a dead letter yet; and I believe that it can be enforced without bloodshed, and that the honor of the Government is as much at stake on that point as on any point in contest with foreign nations. What is our situation, sir, according to the arguments of gentlemen? A law has been passed by the General Government, within its Constitutional power, which is acquiesced in by nineteen-twentieths of the people. But the remaining portion, perhaps not so large a portion as one-twentieth, have made opposition to it—have made a noise and clamor against it—and now we are called upon to give it up. The next general law we pass may operate severely on the Southern States; the people may make a noise; the walls of Charleston may be covered with can-

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non, and noisy demagogues may run up and down the streets, haranguing the people, and we might repeal it. The next law might operate on the people of the Western country. They might, perhaps, follow the precious example of the Eastern people, brush up their rifles, tell us this is a hard law, and therefore we must repeal it. Is this Government? Is a Government of this kind worthy of support? Away with it, sir, and let the people form a Government which is worthy of support, a Government which is capable of supporting itself: it is not come to this, sir; it is all mere idle declamation. If we adhere to our system, there is no doubt that it can be carried into effect. The fifty thousand volunteers which have been decreed as intended to enforce the embargo laws, were never calculated on for that purpose. No, sir; the people there are as strong as anywhere; and if it be necessary to put down a few traitors, the people of the country can do it. It is not necessary to march men from one State to another to put down rebellion or insurrection; the people will put it down. Every man of reflection in the Northeast would reason with himself in this way: "What are these people about to do? They are about to overturn all law, by undertaking to decide the constitutionality of laws which are undisputed by the proper authority. If these things are acquiesced in, what becomes of my property, which is only secured to me by law? If the people can put down one law, they have the same right to put down another." Would not every man of property, of rationality, argue thus? Surely he would; for that man must be a madman who would wish to see any law put down in this way. So long as a law is unrepealed, it is the law of the land; and while it is, every man will say it ought to be carried into effect until it is constitutionally repealed. Then, I ask, whether we are about to give up this system to do one of two things, viz: either to submit to Great Britain and France, or to enter into war? There is not an individual in the nation who would agree to submit. What will be the consequence of war, and what its results? No one can tell. Will it bring money into our pockets? I fear not. Will it redound to our honor? I fear not. Will it procure us the object we aim at? I fear not. What is there of the belligerents that we can get at? We can affect but one; all her territory on this Continent may be got. Is it worth retaining when in our possession? I believe not. Submission is out of the question; and however I deprecate war, I had rather go into it at once, than to repeal the embargo, and do nothing else; for, if we wage another war for seven years, and are unsuccessful, we can do no worse than submit at last. It is better to submit after resisting, than to submit without resistance. As a man acts a more honorable part who resists an insult, than the man who will take offence at nothing. We had better have our houses and property burnt forever, and involve ourselves in a national debt for ages, than submit to the belligerents. We are in a dangerous situation, such as we were never in before.

And I will ask another question. What reason have we to believe that those who will not support the embargo because it operates on a foreign nation, will go to war with us against that nation? Why, sir, when those people oppose our laws, constitutionally enacted, the evil is great; but if we enter into a war, and they will not go with us, but directly or indirectly aid the enemy, will not our situation be worse? Those very men who set your laws at defiance, if you go to war, will be against you. But let what will come, whatever may happen, is better than submission. If we give up the embargo system, the sooner we go into the other the better. Two reasons have been given why the repeal of the embargo should be postponed until the first day of June. It is said that, by so doing, we shall have time to raise men.

Sir, at the last session a law passed for raising troops. We find it not easy to get troops in this country, where the wages of the laborer are so high, and of the soldier so low. It is not to be expected that a man who can get ten dollars a month, be well fed, and sleep under a good cover, will put himself under the power of any officer, who has absolute sway over him, for five dollars a month, when he must sleep in the open air, and undergo all the hardships incidental to a state of war. Added to this, a man who enlists for a soldier is liable to have his brains blown out, and that is generally considered as an inconvenient circumstance, sir. Our soldiers, therefore, are generally enlisted from amongst that class who are too idle to work for their livelihood. There are not, thank God, a great many of that class of men in society; and there not being a great many, is the reason why recruiting goes on so slowly in this country. Between this day and the first of June you would scarcely be able to raise three thousand men. And would these men, in that time, be better soldiers than so many militia? No, sir; time and discipline alone can make soldiers. Raise men now, and by June they will know but very little more of discipline than our militia. If then, men could not be raised, or, if raised, could not be disciplined before the first of June, this argument in favor of postponing the repeal of the embargo until that time is done away. Another argument in favor of the first day of June is, that we will take the last chance of peace. I am tired of this, sir. We have taken at least thirty chances of this kind. If we must go to war at last, it would have been vastly better that we had gone to war immediately after the attack on the Chesapeake. It is taking a chance in a lottery which consists entirely of blanks and no prizes. In order to prevent our striking them the first blow on the first of June, either of the belligerents may strike us before that time. They will know that we cannot strike until the first day of June, and they may therefore take the first day of May. If the embargo is to be given up, I do not care how soon, if it be to-morrow. And I beg the House to understand me; I never will let go the embargo, unless, on the very same day on which we let go the embargo, we draw the sword.

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I shall vote for that part of the resolution relating to a repeal of the embargo, because I do not wish to check the wishes of the House on the subject; for, when the embargo is taken off, it should be done with a unanimous vote. As to the second part of the proposition, I shall also vote for drawing the sword; but, if I should be in the minority on that, when the subject comes into the House, I shall vote against every part of the proposition.

Mr. GARDENIER said that it seemed that the House was on the eve of commencing a new experiment; that they had declined the favorite one, which was promised to be so very effectual, the efficiency of which it had at one time been considered stupid for any man to doubt; that they were about to lay that by—and for once, he said, it seemed that he was likely to be in the majority. He was happy to compliment the wisdom of the House on the occasion. He was, however, unfortunately one of those whose confidence in the authors of experiments in this country had not been at all increased by the issue of that experiment which had been thirteen months in coming to an issue. He said he must therefore be permitted to doubt of any proposed experiment. In respect to the present proposition, sir, said he, I feel myself, as it were, walking in the dark, with a blind guide. Therefore I must exercise the humble privilege of judging for myself, of endeavoring to feel out for myself my own way, to the great conclusion. I have, however, made one reflection, on what I have heard on this subject—that on this occasion we are not overwhelmed with a profusion of promises of any good effect to be derived from the measure proposed. It appears to me, and I take it as a happy omen, that no gentleman has ventured to say that war would obtain the objects for which alone war ought to be waged. I recollect, sir, that you were told, when the embargo was laid, that it would have the best effect. There were many who believed it; a majority of this House believed it. And for myself, when I looked whence this encouragement, this prophecy proceeded, I was almost inclined to doubt whether it would not work well. But now no one appears to believe that the proposed measure will bring us to any issue whatever, to any determination of the distresses of the country; and yet, because it is spirited, brave and manly, we are to plunge the nation into a war, and sacrifice all that the embargo has left us. No one tells you that such a course would be productive of any advantage. I cannot go into a measure, sir, from which even the friends of it do not hope any good. I do not like fighting merely for the sake of fighting, when there is no object in view. It is exhausting the nation when it is growing to be powerful. I will engage in no Quixotic expeditions. I will go to fight no windmills. I will, as was said by a gentleman from Kentucky, (Mr. LYON,) who says many sensible things in this House, sir, let the nation grow. The nation has not arrived to that state of manhood in which it can claim superiority. If the policy of the present day be pursued, it will be a rickety infant; it may be a spunky spiteful child, but will

have no strength, and will never command respect. I therefore say again, with the gentleman from Kentucky, let the nation grow; let that be the policy of the Government, and we shall be respectable for that policy. Everything which derogates from our strength, tends to render us unimportant as a nation.

It is with sensations of the deepest regret that I have heard gentlemen on this floor make use so frequently of the term rebellion, and apply it to a portion of the country in which, I venture to say, no spirit of rebellion exists. If the consciousness of their rights, and, among those rights, of the right of pursuing their own happiness, be rebellion, you have rebellion enough in that country, sir. Have we come to this already, that when a people are ground down into dust, when all their fair prospect of prosperity is blasted, when they have no hope even for existence, when the comforts of life are even taken away from them, when they experience nothing but suffering—when such a people, convinced (as I think all reasonable people must be convinced) that this is to produce no good purpose, rise up and say that they cannot consent to be martyred thus, that it shall be called rebellion? It is too much for human nature; they have borne sufferings of a most unexampled character for months, but, in hopes that the speculations of our political theorists might be realized, they have submitted to them, and vented their dispositions only in memorials to the President before the commencement of Congress, for they conceived that when Congress met there could be no doubt of their being relieved. When Congress met nothing was done. What would you have of freemen? They have intelligence; the very form of our Government supposes that they have intelligence, and that they are capable of judging of their own interest. This people, so intelligent, so wise, (and after this at least I hope I shall be considered as a good Republican,) see with a great many others, that this embargo, however, it may operate on one of the belligerents—I believe it is not pretended that it operates on the other—cannot possibly operate to such an extent on the former as to bring that nation to terms. Then, say they, all this excessive suffering to which we are subjected, is to no purpose; we must still go on supporting this state of things, without being encouraged by the slightest glimmering of hope. Can you ask it, sir? Can you expect it? Recollect that if on the one hand the Government is entitled to respect, there is a people for whose benefit that Government was instituted; and it cannot be expected, whatever may be said here, when the Government does not do good for them, that they will say that they will support it. No people ever did say so. You are too theoretic; you cannot expect it. But to call this decision of the people, to whom it rightfully belongs to make it—to call this decision, when expressed in the deep-toned language of indignant patriotism, rebellion—sir, I cannot find a word to express my ideas at hearing the majesty of the people assailed in this way; and, as a Representative of the people, I will not endure it; it is abominable.

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But, how do gentlemen make out rebellion in this case? Does any gentleman suppose the town meetings in New England are to rise up and make rebellion or unregulated resistance to the laws? Indeed, let me assure gentlemen that there is not the slightest ground for apprehension of this kind. You must recollect, sir, that the General Government was originally formed by free and independent States; and when the causes which produced the Union ceased, it is not to be wondered at that the Union should cease with it. And it is the duty of this body to take care that the causes which produced it shall be kept in full and complete existence. It is by employing proper means only that you can ever hope to produce a desired effect. The Government was instituted for certain purposes: when those purposes cease, the Government must cease also. All free people know this: history is full of examples of it. Instead, then, of telling the people that they are in a state of rebellion, make your laws such that they will like them—as that they shall be happy under them—and then, sir, you never need talk to the people from this House. You have evidence of it under the present Administration. The people felt obliged to it that they were happy, because the sun shone upon them, but the system pursued is at an end, because it was not calculated for the storm and tempest: it could not endure turbulent times. Because it has fallen to pieces, the Administration has become more unpopular. The President himself has said, that when laws please the people, they will rally round the standard of the law. It would seem, sir, as if a degree of pleasure was felt by some gentlemen in the House, in supposing the people of the East and North to be a people inclined to be restless. Suppose that the people of the South could not believe that the embargo would answer the purpose for which it was designed; suppose that they were satisfied that it would bring them to no happy result; is there that disposition in the people of the South that they would sit quiet and bless the hand that put these useless burdens upon them? Is that the character of the South? I have a much better opinion of the people of the South than to believe it. If, notwithstanding, the embargo has produced no effect, their great confidence induces them to go on supporting this thing, they act very patriotically in so doing. The North and East oppose it from motives equally patriotic; and it is strange to me, that, as to that point, thirteen months should not have brought all men to the same mind. When the people of the South, under a former Administration, felt themselves aggrieved; when they thought that the public liberty was in danger; when they were told that the alien and sedition laws were about to ruin them; did they sit still under them? Was there a quiet submission to the Government? No, sir; the Legislature of the State of Virginia did what they thought to be their duty: they thought themselves right and the Government wrong, and took a great and commanding stand for the liberty (as they thought) of Virginia. Why should not Massachusetts, too, take the same stand, when she thinks

herself about to be destroyed; not because she differs with you on mere points of theory; it is their very bread which is attempted to be taken from the people there, without which they cannot enjoy the liberty of the press and speech—a pressure infinitely more severe than that caused by the alien and sedition laws. And I am rather surprised that gentlemen, whose hearts no doubt glowed with patriotism when they saw their own State take a stand, cannot endure the same stand when taken by another State.

I do not make these remarks by way of casting a reflection on the State of Virginia; I do it to show that human nature is the same throughout the United States. Make your people believe that they are imposed upon and suffering without cause, and they will every where manifest the same disposition. Let the people of the South be but once convinced, as the people of the North are, that this embargo is but a weak and feeble expedient, and they will join the people of the North against it. But it seems that in one point at least gentlemen show a proper practical disposition, and I give them most sincere thanks for it. They start at last at pursuing a system which might in the end produce consequences which I tremble to think of. But it seems at last that the embargo is to be repealed, and, in behalf of the suffering country which I in part represent, I give gentlemen my most sincere thanks for it. But I beg of them, having made up their minds to relieve us from one calamity, that they will not in the manner of doing it bring a still greater calamity upon us; that they will not, when we ask them for bread, give us a stone. The resolution, taken altogether, is no removal of the embargo. It is a continuance of the embargo in its worst shape, in its most distressing form; though I believe, if gentlemen who are disposed to relieve us from the embargo could see the substitute for it in the same light in which it appears to my mind, that there would be no difficulty in rejecting the latter part of the amendment, proposing the issuing of letters of marque and reprisal. In that case vessels may go out; but where will they go? You will in that case be at war with both France and Great Britain. Is there any one that believes that we can enjoy any commerce under such a state of things? Do you affect to tell us that we shall be restored to the navigation of the ocean, and at the same time create dangers which did not exist before, by adopting such measures as will utterly prevent the practical enjoyment of liberty? You tell a merchant to go out to sea, and there he will be captured. It is trifling with the impatience of the people, trifling with their interests; it is giving them nothing. It is strange, sir, that the Government of the United States, when there was little real danger in navigating the ocean, should have thought it necessary for the purpose of “keeping in safety our essential resources” to lay an embargo; and that when they have by their measures made a safe navigation so impracticable that scarcely one in twenty can escape the clutches of the enemy, they should say to the merchants “now you may go.” Depend

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upon it, sir, that you cannot deceive the people of the commercial States in this way. If you would comply with their requests, and obviate the further progress of the ruin which like a blast has spread over them, restore them their commerce. They will thank you. You will strengthen the bonds of union, which should never be relaxed. Let them be the bonds of a great and high-spirited people, and they will endure forever. But do not give them this boon, which, in the moment of giving it, you prevent them from enjoying. An act which shall say that the embargo shall be repealed by prohibiting commerce more effectually by another mode than the embargo could do, will not and ought not to satisfy the people. There is nothing in it. I protest to you, sir, that I feel no little affliction that, at a moment when I thought that there was a probability that the embargo was to be removed, the liberty of the seas should be wholly taken away by the proposed system, which will produce war with Great Britain. The only difference between the two systems is, that now you enforce the embargo, and if this resolution take effect, Great Britain will enforce it for you. The impossibility of carrying on a practical navigation will be precisely what it was before. I do not know, in point of expense, that it might not be better that Britain should keep on the embargo than that we should do it ourselves. If blood is to be spilt in keeping on the embargo, I had rather it should be British blood than American. Let us know what we have to depend on, sir. If you mean to repeal the embargo, do repeal it. But remember that if in doing it you do not restore us the use of the ocean, you do not repeal it for that purpose for which its repeal is necessary. Remember that, sir; and let your acts be such as shall spread harmony and happiness through the country. But the people are too wise to suppose that any sincere disposition exists to restore commerce, when you yourselves say that it shall be at an end in the same breath that you profess to restore its wonted activity.

I was in hopes, when the first resolution on this subject was proposed by the gentleman from Virginia, that some compassion was to be manifested to the people of the East, but that hope declined with that day's sun. The same system is still to be persevered in. Can gentlemen hope that they can restore the confidence of the people by this sort of conduct? Let the Government either enforce the embargo, or remove it. Let them either permit our citizens to go on the ocean, or let them say that they shall not go on it. Let not gentlemen suppose that the people of the East will take such a present as that proposed. They will, by-and-by, shrink from your presents, and will not touch them. We beg for nothing but to be dealt fairly with, to be told, in plain terms, what you will do. If you do that which is right, and go to work and restore the prosperity of the country, we will join with you heart and hand; but we are not to be brought into unanimity, because a course is pursued which all reflection tells us is visionary. I was pleased yesterday, sir, with the impassioned eloquence of the gentleman from

South Carolina, (Mr. D. R. WILLIAMS,) as honest a man as God ever formed. He told us, if we removed the embargo, we must go to war. It is in vain for gentlemen to expect us to go to war, when we can see no object for war. We value too highly, for that, the prosperity of our people, their wives and children. We go amongst them and see their situation, they are a people fond of money, if you please; and when we find that a man can support life comfortably, we think there is really more honor in seeing the families in our cottages well fed and decently clothed, than in sending them out to fight, when no man can tell what it is for. It is not so spirited, sir, but there is much more happiness in it. When I have done my duty in keeping the people in a state of happiness, I can go home and place my head on my pillow with a safe conscience; but I should not, if I were to plunge this country into a war which, on the one hand, is unnecessary, and on the other, can produce no good. If we even have real ground for going to war with Great Britain and France, if, by going to war, we could only be worsted, I would smother my resentment a while, and do as boys at school often do, wait till I am big enough to fight. I would, at least, have the instinctive wisdom of children. I know not what to add on this subject. My mind is exceedingly distressed by the course which it strikes me is now contemplated. I wish to see gentlemen less theoretical and more practical; to see them abandon theory, and consider for a while the means of promoting the plain honest comforts of the people.

Mr. DANA said, he rose at this time, principally, to protest, in the name of the people of the State of Connecticut, against the supposition that it could be necessary for them, for a moment, to vindicate their character against any insinuation of the editor of a newspaper, printed at the seat of Government, however the editor might suppose it to be gratifying to those whom he wished to please. When gentlemen talk of New England, said Mr. D., and of Connecticut, as comprised in it, I would observe one thing; that the people of Connecticut have confided the management of their affairs here, to their Representatives in Congress; that they are not in the habit of petitioning this House. If they wish laws repealed, they do not address memorials to you on the subject; but if you believe, because they do not, that they approve of the laws, you are totally ignorant of the country. Whatever may be imagined about that State's being managed in a peculiar way, you know but very little about the people, if you imagine that they are not actuated by sentiments of liberty, if you imagine that the sentiment of liberty is not one of the most inextinguishable, or that their attachment to Republican principles is not of the strongest cast. Their love of liberty is characterized by a high and sacred regard to order. The liberty which they wish is a rational liberty, one in which wisdom and justice reign supreme, which secures to every man his right, and protects every man against aggression.

As to the idea of a rebellion in the northern

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portion of the Union, I say that no such thing exists. I have heard it spoken of as if there did. It is strange that gentlemen can hesitate one moment if they believe that rebellion exists. If it does, let not one day pass over before you array your battalions and order them forward. If you will not do this, you are bound not to consider any agitation as rebellion. If it be rebellion you do not do your duty if you do not suppress it. You are compelled to decide whether you will denominate it rebellion or dissatisfaction. If it be rebellion, crush it. If it be only an expression of dissatisfaction at your measures, respect it. Gentlemen speak very freely of that country; they cannot touch it too lightly, especially when they speak of the bayonet as applied to it. Sir, gentlemen must beware how they touch on this topic, especially when it is viewed as arraying one great portion of the Union against another, especially when you load with terms of opprobrium a large portion of the Union, when it is represented as being the hot-bed of faction, as the nursery of torism, as the residence of "British agents and persons corrupted with British gold." When gentlemen talk on this subject, let them recollect one thing. The inhabitants of that part of the country are not ignorant of their own strength; and no threat of vengeance will make them obey you for a moment. It is a moral force, and that only, which controls them. Of one thing, sir, gentlemen cannot be ignorant, neither are we. The physical strength of the different portions of the Union, is not according to the ratio of representation on the floor of this House. When, therefore, gentlemen talk of engaging the authority of the Government, let them appeal to sentiments more worthy, more honorable; and when we talk of our acts, let us recollect that a power superior to ourselves has set limits to our authority, and said, "thus far shall you go, and no further." [Mr. EPPES asked to whom the gentleman particularly referred in the observations which he made.] Mr. DANA said, he did recollect particularly, but he was remarking on the general current of observations, which had been made in the House for two or three months past. He could only say, that though he felt the observations at the time, he had not particularly noted by whom they were made, and they had left only a general impression. And there is one other thing, said he, which I have felt very strongly—the habit or example of denouncing, of covering with terms of opprobrium a portion of the people of the United States, who may not approve all the measures of the Government. I have felt these things because they are grossly misconstrued as an encouragement to that ferocious yell of denunciation, to that savage war whoop of vengeance which is excited out of this House in certain portions of the Union. It is of the utmost moment that that spirit should be repressed in various parts of the country. If in the moment of peril instead of arraying on this floor the petty passions of party, we were to combine to suppress it, we should more consult the interests of our country.

A committee appointed to consider our foreign relations, has presented us three alternatives—submission, embargo, or war with Great Britain and France. They conceive it to be necessary to take one of these. For myself, sir, I declare that I do not wish to take either. As to war with Great Britain and France, I should wish to delay that till I could understand how it was to be made. As to this going to war with two nations at war with each other, I should like first to make some inquiry on the subject. I wish to know if any gentleman of military talents has drawn up any system of fighting three armies together. One against two on the same side, is no new thing, sir; but three against each other is a perfect novelty. I really do not know they could draw up their troops in order of battle, supposing three armies to meet. They could not be drawn up in parallel lines, for each army must be opposed to two others. It is a sort of prismatic or triangular thing; for I cannot take three lines and form a square of them, or any other regular body. How would they form a line of reserve? The only way that I could think of arranging an army on this principle, was to draw up the three armies in a triangular form, the angles at 120 degrees, the whole making 360 degrees, or a whole circle; but in this case you must keep them there, not let them move, or you destroy the principle. This is a new thing which I wish to have explained. It is not the old-fashioned way of fighting at all, nor was it ever known in ancient or modern war. When we go to sea, how will the system stand? Three frigates, British, French, and American, all at war with each other, meet. Now if any two of them were on the same side I could understand it; but I cannot understand this. I have read an account of an English ship-of-the-line going out and running between two enemies' ships-of-the-line in the night, and a heavy fire commencing on each side, backing with considerable address, and leaving them to fire on each other. But really, sir, I cannot imagine how ships of three belligerents are to go to work. They cannot lay along side, forward, or aft; and yet I do not mean to deny that this thing cannot be done. For myself I have no suspicion that any man who has nautical skill enough to command a frigate, or any man who can give the order of battle for a brigade, could think of engaging at the same time with two enemies. If on this principle you go to war, therefore, you must trust the command to persons totally unworthy of command.

Mr. EPPES.—I am glad that the gentleman from Connecticut has exhausted in debate the feelings with which he commenced; that he has concluded his remarks in perfect good humor I have no doubt. His dissertation on triangles, although ingenious enough, does not appear to me entirely new. The gentleman might add much to his stock of information on the uses of the triangle by perusing a luminous pamphlet recently printed on this subject, called the "Trial of Alexander Whistelo." It is a book containing much curious learning, and I am certain the gen-

tleman from Connecticut will receive amusement and instruction from its perusal. I regret extremely some of the observations which have fallen from the gentleman, and am happy that he did not intend to apply any part of them to me. I disclaim having ever reflected on the people of any part of the United States. When, on a former day, in debate, I declared that the tory principle had assumed in this country an official form, I referred to a sentiment which I read from the Essex resolutions, containing what I at that time considered, and still consider, a tory principle.

We are told that we are now about to abandon the embargo and make a new experiment. What is the new experiment? Letters of marque and reprisal. The trial of force after every other remedy has failed is not a new experiment. It always has been, and ever will be the last resort in contests between nations. When every other mode of adjusting a difference has failed there is nothing left but to give up the contest or fight. Sir, from the period at which the United States, under the auspices of the Federal Government assumed its rank among the independent nations of the earth, we have been the object of suspicion and jealousy to the present great belligerent nations of Europe. Attached to peace, and anxious to preserve it, all our efforts have been directed to this object. Our habits are not warlike. The glory of conquest and the splendor of conquerors, are spectacles unknown to this happy country. The sympathy excited in this country towards France by the American Revolution, first roused the jealousy of Great Britain. To this jealous feeling we may attribute many of the wrongs inflicted on us by Great Britain from the year 1783 to the year 1795, when our differences were adjusted by treaty. The conclusion of this treaty roused the jealousy of France. The sympathy produced by the American Revolution had been weakened by time, and was totally lost during the sanguinary period of the French Revolution. From the conclusion of the treaty with Great Britain our peace with France was in danger. Various acts of injustice and violence, on the part of that Government, brought us almost into a state of actual war. Our differences were adjusted by treaty; but the suspicion and jealousy of both these Powers remain. To that unfounded suspicion and jealousy we owe many of our present difficulties. The demon of jealousy alone could induce either of these Powers to believe that this nation is disposed to attach its destinies either to France or Great Britain. Nothing will satisfy Great Britain but involving us in her contest with France; nothing will satisfy France but involving us in her contest with Great Britain. Everything short of this is represented by each as partiality towards her enemy. Each Power, on the pretext of our being partial to the other, has offered us injuries, to which we must either oppose effectual resistance, or surrender our independence. Shall we fold our arms and sit down content under all the wrongs that we have received, or shall we try our strength? It is no longer a political delusion.

We are about to remove the embargo. This precautionary measure is to be abandoned; our vessels are no longer to be chained to the docks; they are to be employed on the ocean, and American seamen will find active employment in avenging the wrongs and vindicating the rights of their country. In this important object I had hoped we should all unite. It seems, however, that this new experiment of fighting is considered rather worse than the embargo. I have been astonished to hear gentlemen get up and speak on the old worn-out subject of the embargo. They tell us that the people must find their way to the ocean. Can they go on it without arms? Take letters of marque—fight your way? No, this is war; it will prevent their going on the ocean at all. It will wholly destroy commerce. Nothing but resistance to Great Britain and France, effectual resistance, can ever restore commerce. It is gone, and with it agriculture, if these decrees and orders are not opposed by all the energies of the nation.

What is our present situation? It is not my intention to occupy the time of the House in reading documents; from these documents I consider as established, beyond a possibility of denial, the following positions:

1. That Great Britain has violated our territory, murdered our citizens, committed enormous depredations on our commerce, impressed our seamen, excluded from market seventy millions of dollars of our exports, and subjected to tribute, to the following amount, the great staples of our country, viz: tobacco, three dollars per 100 lbs.; cotton, sixteen cents per pound; corn, sixteen cents per bushel; flour, two dollars per barrel; fish, ninety cents per 100 lbs.; pork, six dollars and eighty-six cents per barrel; beef, three dollars and thirty-three cents per barrel.

2. That France has violated her treaty, committed enormous depredations on our commerce, burnt our vessels on the high seas, subjected them to capture for causes over which we have no control, and subjected to capture our commerce with Britain, its islands and dependencies, amounting to thirty-three millions of dollars.

3. That both these Powers have attempted to mark out the course which the United States ought to pursue towards its enemy; and, under the pretext of retaliating on us for supposed submission, have carried their injustice and violence so far as to leave to the United States no commerce which can be pursued with safety or honor.

4. That negotiation has been tried with both these Powers in every possible form, and has failed.

Will any gentleman come forward and deny any one of these positions? He cannot. Documents on the table demonstrate their truth. These injuries cannot be submitted to. They must be resisted. The last appeal to the justice of these nations has been made. Whenever the embargo is removed we must fight. Whether we fight on the triangle, the square, or the form called rough roll and tumble, I care not. Fight we must, unless we are destitute of principle and of courage.

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I would not submit without a struggle to the unjust pretensions of either of these Powers. The causes which produced the American Revolution were trifling compared with the present monstrous pretensions of the belligerents.

Will the people, who spurned a paltry tax on tea, when united under the same Government with Great Britain, submit to a tax on the most valuable staples of their country, and hold the right to carry them to market at the will of a foreign Power? It is impossible; our ancestors gave up a country affording everything to gratify avarice and pride. They placed themselves under the goddess of liberty, in a forest filled with howling savages, and destitute of the comforts of life. Shall we, the descendants of that people, shrink from maintaining our independence? Shall we, to avoid the evil of war, take the greatest of all evils, a base submission to foreign Powers?

We are told that the alien and sedition laws, which called forth all the energies of Virginia, were mere *sauce* compared with the embargo. They were bitter pills, never to be swallowed; they were clear, open, and manifest violations of the Constitution, and the reasoning of the committee of the Virginia Legislature against these laws remains unanswered to this day. Whenever the people of Massachusetts, or any other State, shall come forward and show me that a law is unconstitutional, and in the same firm and Constitutional form, and that I have violated their rights, I am willing to retrace my steps. But when they tell me that they cannot live but by a base submission to a foreign Power, I will say to them "starve." Whenever the people of this country cannot live without crouching to a foreign Power, let them starve. I cannot consent to surrender, as a dessert, or for a whole dinner, the rights of this country.

We are told we cannot maintain our rights; that we must grow before we fight. We cannot grow under base submission to foreign despotism. Look at the history of the world, and see whether any nation has grown up under oppression. It is tyranny which produces ill-formed and rickety children, and not an adherence to the rights of men. But the gentleman from New York has told us that this attempt to assert the rights of the nation by war, is worse than insult! I have shown you, sir, that the people are excluded from the ocean by the decrees of Great Britain and France, and if we raise the embargo, war must be the consequence. Why, sir, if we take off from the list of places to which we usually trade, those places affected by the decrees and orders, we have, as has been repeatedly shown, but a commerce of seven millions and a half. Will you take this? If you do and prohibit intercourse with the places affected by the decrees, it is submission.

Take the second project which has been offered, viz: to arm our merchant vessels, and allow them to trade. If our differences were with France alone, this would be an effectual and honorable provision. We could force a trade against France. Our situation would permit it. But will any gen-

tleman say that we can carry tobacco, or rice, or cotton, or fish, to market on the Continent of Europe, and protect it with cannon against Great Britain? No, sir; arming the merchant vessels will give only a commerce with Great Britain. It is consigning to individuals the destinies of the nation. Issuing letters of marque and reprisal is a fair, manly, and open resistance on the part of the nation. It will afford to our citizens a chance to get back some of the property of which they have been plundered. It will give neither Power a monopoly of our commerce. We can assail both belligerents and fight them both at triangles, squares, or oblongs, or in every possible form in which we can meet with them. If our arms can be employed with effect on water, our vessels must not be encumbered with cargoes. Letters of marque and reprisal will be effectual resistance to both these Powers—arming our merchant vessels is not resistance in the present state of the world. It can be followed only with disgrace to the nation and ruin to the individual. It will give to Great Britain the exclusive monopoly of our commerce and destroy the value of all the great staples of our country. Having already stated to the House once to-day the reasons why I think that the embargo should not be continued beyond the first day of June, I shall trespass no longer on your attention.

—
WEDNESDAY, February 1.

On motion of Mr. BURWELL, that the House do come to the following resolution:

Resolved, That the Clerk of this House be instructed to furnish the Librarian of Congress with two complete sets of all documents laid before Congress at each session:

The resolution was ordered to lie on the table.

Mr. HOLMES, from the Committee of Claims, to whom was referred, on the fifteenth of December last, a letter and representation of Thomas Paine, presented to this House on the fourth of February, one thousand eight hundred and eight, made a report thereon; which was read, and ordered to lie on the table.

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The House again went into Committee of the Whole on Mr. NICHOLAS and Mr. BACON's resolutions—the proposition for filling the blank with the first day of June being still under consideration.

Mr. BACON said, that perhaps the almost interminable debates to which this subject of embargo in whatever shape it was presented to us always gives rise, might justly be esteemed not the least amongst those many inconveniences which were imputed to it. Sure he was, that it was by no means an evil so entirely imaginary as were many of those which both in and out of this House had been laid to its charge. It had cost us a most vehement and impassioned debate to get into it; had been the theme of an almost perpetual debate during its continuance, and it now seemed that we could get out of it only by the same course. For himself he should have been

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willing to have met the present question by a silent vote, if a similar disposition had been generally evinced on either side of the House.

From present appearances, said Mr. B., I am sorry to be obliged to realize, that in my vote on both parts of the resolution under consideration, I shall probably be compelled to differ with many, though I trust not a majority of those with whom it has usually been my pleasure and my pride to unite on most questions of a public nature. In the observations which have fallen from some of those gentlemen, there has appeared to me to have been intermingled at least some indirect thrusts at those of us who on this question might be thought disposed to differ with them in opinion, in relation to the propositions now pending before us. This is a state of things which it was perhaps very natural to expect, and we may probably as well now as ever give a free vent to those transient feelings which it is calculated to excite, and settle the account at the outset.

On this head it was intimated yesterday by a gentleman from Virginia (Mr. JACKSON) that the popular clamors which were at present so loud in some quarters of our country might perhaps deter some gentlemen from adhering to that course of policy to which they might otherwise assent; cautioning them at the same time that they might be hurled from their seats by the people, if through a defect of the nerves they should shrink from a rigid performance of that duty which the crisis called upon them to perform. Mr. Chairman, with respect to political nerves, we have probably, most of us, as good an opinion of the strength of our own as they deserve; but to judge of this particular working upon the system of others, is at once a difficult and delicate undertaking. So much does the nervous system vary, according to the different habits and constitution of politicians, that it is impossible precisely to ascertain its operation, or the different results to which it sometimes conducts us. With some, it undoubtedly operates to create a sort of instinctive horror at the prospect of popular disapprobation, and a peculiar sensibility to popular clamor. With others, its tendency is to foster a confirmed repugnance against differing, in any essential point, from those enlightened few whose opinions we have been habituated to reverence, and whose general principles we have been accustomed to respect. Its influence upon our public conduct should, unquestionably, in both respects, be sedulously guarded against. For if, in one case, it degrades the legislator into the variable and unstable demagogue, in the other, it sinks him into the levee politician, or the accommodating courtier. For one I can truly declare, that I know of no public situation in which the firmness of the nerves can be so severely tested, as that in which we are forced to differ from the opinions of those in whom we are accustomed to confide as politicians, and sincerely to respect as men. My present situation enables me to speak with a most feeling sense of the truth of this remark. But, as on the one hand, I feel it my duty not to be driven, or, as the expression has been,

not to be kicked into any course which I cannot approve, by the rudeness of my political adversaries, so, on the other, would I be careful not to be seduced into it by any overweening deference to the opinions of my friends, however respectable in their private characters, or exalted in their public standing.

With respect to the present question, Mr. B. said, he was compelled, from the best consideration which he could bestow upon it, to differ from the very respectable mover of the resolution on both parts of his proposition; on the first, as to the time at which he proposed to give it effect, and on the second, as to the extent of the measure itself. The proposition now was, to fill the blank with the first day of June. So far as this applies to the repeal of the embargo, what beneficial ends can be answered by deferring it to so late a period? There were certainly many positive benefits to be calculated upon from its early repeal; amongst these, was the consideration that it would more effectually quiet those public jealousies and discontents which had been so assiduously excited and promoted in some parts of the Union. Most of these, to be sure, he well knew to be unreasonable and unfounded; many of them, he had no doubt, were wicked and perverse. Still, if by any measure, not otherwise exceptionable, they could be effectually allayed, it was certainly not an undesirable object. It surely could not be sound policy, by adhering to this system beyond the measure of absolute necessity, to risk in the hands of any faction which might be disposed to wield it, an instrument by which they may endanger the Union of our country, and raise themselves to power on the ruins of liberty and the Constitution. There were many other advantages, in a commercial view, which we should derive from a speedy repeal, and which would be very much lost by deferring it to so distant a period; these had been urged by others, and he would not enlarge upon them.

What, then, are the advantages expected to be derived from a protraction of this measure four months longer? As to any coercive operation which it may have upon foreign nations, when the utmost period of its continuance is once declared by law, no gentleman expects anything of that sort from it—from the moment that a limitation is fixed, its coercive force is allowed to be gone. It is only, then, as a measure calculated for the preservation of peace with foreign Powers, that the protraction of its repeal for so long a period can be thought desirable. That this is an object of the highest moment, and for the attainment of which we should cheerfully submit to very great sacrifices, cannot be denied; it is for this, and this alone, that we have so long consented to them; but, as we may sometimes even buy gold too dear, so the chance of an honorable peace, and, under the present aspects, it is at best but a chance, may be purchased too high. It will be too high if it even expose to hazard and interruption the continuance of our internal union and our national tranquillity. Sir, when I speak of an interruption of tranquillity, I beg not to be

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understood as being intimidated myself, or impressing others with any apprehensions of domestic insurrection, or, as it has been denominated sometimes on this floor, rebellion against your laws in any part of this nation.

Though no such idea can be entertained by those of us who are well acquainted with the people of New England, yet in justice to those gentlemen from other quarters, who have in their remarks here alluded to such a state of things, I must say that the outrageous and intemperate language which is daily held forth in most of the principal papers of a certain character in that section of the country, and the direct and open justification of forcible resistance to our laws, which they frequently inculcate, have an inevitable tendency to create in the minds of the public here, a belief that New England is vast verging to such a lamentable and disgraceful state. Sir, I have said heretofore, and shall continue to say, that all such suggestions, from whatever quarter they may come, are a libel upon the good people of New England; and however much disposed the conductors or patrons of these prostituted papers may be to plunge their fellow-citizens into acts of insubordination and open resistance to the laws of the nation, they will never succeed. The known and established character of that people is a sure pledge of their incapacity to be driven into any such desperate attempts by the arts of a few ambitious and insatuated partisans, and for the subserviency only of their selfish purposes. It is not therefore from the fear of having to meet any such state of things that I should be desirous of shaping any public measure. But there may perhaps arise a state of public feeling, through the influence of prejudice and delusions, which, though very far from either open resistance or insurrection against law, may yet be very different from that state of public tranquillity and national union which at a period of threatened hostility from foreign Powers, it is extremely desirable to cherish and preserve, when it can be done without the sacrifice of any material object on the part of the nation; and as no material object can in my view be calculated upon by a continuation of the embargo to the first day of June, which we shall not be at least as likely to attain by placing it at an earlier day, I cannot but allow some weight to the consideration which I have alluded to. If by means of the embargo we are to obtain our object with foreign Powers, of which we are not without hope, it has probably before this time had its effect, and if not, no effect can be hoped from it after its limitation shall be known, whether the period of its repeal be fixed either one month or three months distant.

So much, sir, as to the day with which it is proposed to fill the blanks, so far as it applies to that part of the resolution touching the repeal of the embargo laws. As it affects that part of it which goes to authorize general reprisals against either or both of the aggressing nations, I would remark, that even were I satisfied with the character of the measure proposed, in the present peculiar state of our affairs, I could by no means

consent to this mode of taking it. In every point of view, the policy of declaring offensive war against any nation four months in advance, is to me wholly objectionable. In the first place, it is taking upon ourselves to judge of the fitness of a measure at a future time, which our successors in the next Congress can, when the time arrives, determine the expediency of, under all the circumstances which may then present themselves to them, much better than we can; and it ought to be remembered, that if the contest is then entered upon, it is our successors, and not we, who have got to carry the country through the struggle.

It is further objectionable, as its effect must be to throw the advantage of the game out of our hands and into those of our adversary; and after being formally notified, that we are determined to strike on the first of June, and not before, they must be poor calculators indeed, if they do not take advantage of us and strike first. Such a step is also eminently calculated to defeat the very object which is usually and principally intended by the measure of reprisals; which object is, as I have ever understood, to enable the citizens of an injured country to indemnify themselves for the losses which they may have sustained through the aggressions of the injuring country, or those of its subjects, out of the property and effects of the latter wherever found. It ought, therefore, from its very nature and objects, to be an operation of the moment. The blow should be struck at once, while the effects of the adversary are within our reach; but by giving public notice of our intention so long before hand, can anything else be expected than that the latter will either withdraw his property, or so protect and secure it, that the great object of our reprisals will be in a great measure defeated? Surely not.

But, in addition to these objections, as to the time proposed for the execution of this measure, I am by no means convinced that the measure itself is the next best which can be presented to us, by which to resist the aggressions of our adversaries, upon removing the embargo. It has very often been urged upon us, that the idea of a war on our part with two nations, each of whom was at the same time at war with the other, was utterly absurd and impracticable, and could not be seriously thought of; that the difficulties of such a state of things were great and serious, as it related to a direct offensive war, could not be doubted, though no one could say that the situation of a nation might not be such as to render it her duty to meet and risk it, at every hazard. At any rate, the objection to it could only be considered as having any force when applied to an offensive state of hostilities. As to defensive resistance, or a war of defence merely, it could surely be no objection to it, that it would have to be exercised against two or more nations, who might be aggressing upon either our territorial or maritime rights. These it would be our duty at all hazards to defend, as well as they could, should they be assailed by all the nations of Christendom. If all the warring tribes of savages beyond the Mississippi should

at once invade our territory, in different directions, we must meet them; and whether we fought by any rules of either ancient or modern warfare or not, repel them by our utmost means. Our maritime rights might not be capable of the same effectual defence, but, if attacked, we must resist and defend them, in some shape or other, be the assailants as numerous as they might. Such is, in some measure, the peculiarity of our present situation, and it furnished a weighty consideration why we should avoid waging an offensive war as long as possible, seeing that we could not well select our single adversary, with honor to ourselves, or without seeming to do it by compulsion of the other. But this furnished no reason why we should not resist, defensively, the aggressions of both, in the manner proposed in the resolution which I had the honor a few days since to lay on the table, and which is now regularly before this Committee. It is in fact for the reasons before suggested, that I should prefer this as the first step to hostilities, and the next best mode of interposing our resistance to our enemies. Another reason is, that it affords us another and a much more probable chance of escaping an open and general war, the calamities of which have been so feelingly described; the horrors of which, at this extraordinary period, no tongue perhaps can describe, and the end of which no man can, with any precision, calculate. If we at once issue general reprisals, (which is only another name for direct war,) the die is from this moment cast, the last hope of peace is fled, and we have nothing to do but to make the best of the contest we can. On the other hand, if we take the intermediate step—authorize defensive resistance and special reprisals, only when first assailed—we do not thereby put both the belligerent Powers up to their mettle, and place them on that point of pride from which they may fancy they cannot, consistent with their honor, recede. Such will not be the situation in which a measure of mere defensive hostilities will place the relations between us. So far from it, that, if we are at liberty to entertain any hope of a returning sense of justice from either of them, it may, I flatter myself, be calculated upon from a course of this sort. From which of them it should first be expected, it is impossible to undertake to calculate. In relation to what may be expected from one of them, no one can perhaps conjecture. But I will say, that if those who govern the Councils of Great Britain are not yet utterly overcome with a spirit of madness and infatuation, they must recede from the execution of the system which they have levelled against us, when they see that after so long a forbearance we are at length determined to risk open collisions, if they see fit to force them upon us any further. Should they then recede, there can be little doubt that France will do the same in a very short period. But, if she shall not, I think that I may safely pledge myself (for all those at least with whom I have usually acted) that they will unite as one in avenging, in the best practicable mode, those outrages upon the national honor, interest, and independence, which we have unan-

imously declared are not to be submitted to from any Power on earth; and which (whatever may be pretended by Great Britain) this Government has always been ready and anxious to vindicate our country against, could we have been suffered to do it with honor to ourselves, and without a seeming compulsion at least on her part towards us. The fact is, that as it respects both those Powers, their conduct has on both sides, hitherto been so utterly wanton, capricious, and thwarting towards us, that they have contrived (in the expressive language of our Minister at the Court of Great Britain) to embarrass, perplex, and confound all those measures of resistance to the aggressions of either, which they have been continually requiring us to take against each other. We choose not to take measures any more than "to give reasons upon compulsion," and we will not so take them. We will, however, I trust, defend ourselves against the depredations of both; and if they both, or either, choose to persevere in the execution of their lawless aggressions, we shall, it is hoped, become more united in our determination and our efforts to vindicate our rights, if they shall continue to be assailed.

At any rate, I am for leaving it to the wisdom of the ensuing Congress, which is to meet at an early day, to determine upon that position which the nation shall take in relation to such a state of things as may grow out of the course which I propose. They may very probably choose to enter a step further into the contest, should no accommodation of our difficulties be effected before they shall assemble. As one of that body, I shall not, at present, any further pledge myself to what extent I would then go for the protection of commercial rights, and for the interests of commercial men. After the sample which they have too generally afforded of their principles, and the treatment which this Government have received for the difficulties in which they have involved themselves, at their request, and in the vindication of those interests which these men claim as peculiarly their own, it is to be hoped every future Administration will very cautiously commit the fortunes of the country at their instigation. Like most of the members on this floor, I represent only an agricultural population. That people, though having no peculiar interest in the pursuit of foreign commerce, have been willing, hitherto, to contribute their most effectual aid in assisting their commercial brethren in maintaining their peculiar rights. But, after what has so lately passed on the part of these gentlemen, I should hardly advise my constituents that it was their duty not only to insist upon fighting all the world for the assertion of commercial rights, but even to fight the merchants themselves, as it seems they must, in order to make them also fight for their own interests. In the management and regulation of the concerns of these people, there really appears to be something which renders it at least unsafe for a legislator to pledge himself to anything specific in their behalf. In regard to the noble animal who traverses the land or roams in the forest, there is something steady upon which we may

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with some safety calculate; but with respect to the wayward motions and tortuous windings of the slimy and slippery eel, who squirms in the ocean, it is impossible to calculate where or how we may best lay hold of him, or the most effectually regulate his course. On all these points, without pledging ourselves any further, I am disposed to leave it to the wisdom of our successors to put the nation in such an attitude as the circumstances then presenting shall render it most expedient.

Mr. TROUP said, he wished to postpone the consideration of this subject, for, the more he reflected the more strongly was he confirmed in the opinion that, if the resolutions were adopted in any shape, they could only operate as an empty menace on foreign nations. It would not be a binding declaration on the next Congress, and could only be considered, in relation to foreign nations, as a dishonorable concession. Under what circumstances, said he, were these resolutions brought into the House? The House has solemnly resolved not to submit: has resolved to place the country in a posture of defence; has resolved on a further execution of the embargo laws; it has passed a bill for an extra session of Congress in June; and yet, having done all these acts, the course of measures is suddenly changed, and under what circumstances? Why, sir, at a moment when we are threatened with internal commotion, after gentlemen on the opposite side of the House have told you that you would not go into a war, however seriously you threatened it; after you have been told that your resolutions were nothing but paper resolutions; after gentlemen have told you that your embargo laws could not and would not be executed; we hear of insurrections in the Eastern section of the Union; we hear of what is called Constitutional opposition to the laws, of Constitutional and unconstitutional bodies for the express purpose of declaring the unconstitutionality of the laws and encouraging violent resistance and opposition to them; and yet, sir, you determine to repeal your embargo. It is not, therefore, at the foreign hostility with which we are menaced, nor yet the disturbance of domestic tranquillity with which we are threatened, that I feel the least uneasiness. I am only seriously concerned for fear that this yielding, this concession (if it be only conjectured to be a concession) to a domestic faction of any description, will end in the destruction of our Constitution and the ruin of your Government. It will be evident and incontestable, and it must grieve any man to think of it who values the liberties of his country, that your Constitution is not strong enough to stand the rude shock of faction. Gentlemen will not give themselves time to think seriously, sir. They will not divest themselves of local feeling as they ought to do. I am ready to acknowledge that this Government has been heretofore wisely administered; it has exclusively governed by the mild virtues—prudence, moderation, clemency, forbearance, and economy. These are the principles which have heretofore characterized your Administration; but, as your condition changes,

will not the principles of your Government change also? When you are threatened with foreign and domestic war, does it not become you to put away your peace principles and put on the habiliments of war? In such case, will not firmness and decision of action and liberality in the expenditure of public money characterize your conduct. Certainly. If you are threatened with war, at home and abroad, the best mode of avoiding both is a vigorous repression of opposition at home, and a direct resistance of hostility from abroad. If gentlemen consider this Government in the nature of it to be a weak Government, they are mistaken. It is the strongest Government on earth both for peace or for war. The great fundamental principle on which all political institutions are built is that of obedience to law: it is the fundamental principle of your Government that the will of the majority shall govern; and that this will, when expressed, shall be executed, even at the expense of all the minority who stand up in opposition to the law, is as fundamental a principle as any. And, if the Executive fail in the execution of the law, he fails in his duty to his country. He never will fail, I am sure, and the execution of the law, I will leave to him. If he wants the ways and means give it to him; but be it your province to make the law and his to execute it. And if rebellion actually existed, it would not be for you to look to it. It ought to have no effect on your deliberations any further than you are concerned in granting ways and means for the energetic execution of the laws. I speak with deference on this subject, sir, when I recommend any specific course to be adopted in preference to any other mode; but it appears to me to adhere to the course heretofore marked out by yourselves—to go on in the course of right and justice and policy, without turning to the right or left to inquire who approves or disapproves. It is not possible that you can consent to exchange your course for the purpose of avoiding the clamor of a party. It would be the height of extravagance and folly in us to proceed in such a manner as to forfeit the esteem of a large portion of the people to oblige a minority. If nine-tenths of the people are ready to enforce a measure, you will not abandon it because one-tenth threaten to rebel against it. And what better pledge could you give of your determination to raise the embargo on the first of June than the act for an extra session, accompanied with the declarations which were made on its passage? These are the reasons—and, sir, I am sorry to make such desultory observations on so important a subject—why I would determine to continue in the old course till June, to make preparations for war in the meantime, and in June to declare that war under all the circumstances of the times.

Mr. BURWELL said, as he intended to vote to fill the blank in the resolution with the first of June, he thought it proper to make some remarks on the policy which would govern his vote, and the effects which he conceived it would produce. With respect to the embargo laws, said Mr. B., I always have understood that they were to cease

in the Spring or early in the Summer. From that fact having been understood, the observation of my friend from Georgia, that we are compelled, by the state of things in the Eastern country, to take off the embargo, does not apply. The course now proposed would be pursued if those circumstances had not produced anxiety. I perfectly agree with the gentleman from Georgia that it would be improper for this House to give up a wise and just measure, because an opposition to it exists in any particular portion of the country. But, sir, the embargo will certainly produce no effect as a coercive measure as soon as it is understood that the opposition to it has become so serious as to endanger the public tranquillity. Where we enter into a contest with the Governments of Europe, which consists in patience and forbearance, it is not to be expected, when they find that a change of things is probable, that they will not persevere. They will hold out when they conceive that the measures of the Government will be changed. Nothing is, to my mind, more clear than that this will be the effect produced on foreign Governments, and that its coercive effect can only be calculated on while we have union in its support. It is a fact, owing to certain things, which have taken place in a part of the United States, that its beneficial effects have, in a great measure, been destroyed by evasions which have heretofore taken place, and which will again take place, where the people are disposed to connive at violations of the law. The effect of the measure must be destroyed, unless the Government take measures to enforce it. If the House give a pledge that it shall expire at a certain time, I feel satisfied that every man will sit down quietly and encourage the execution of the law. As to violations of the law, produced from actual suffering or pressure, I cannot bring my mind to a belief of it. I believe that the uneasiness in the Eastern country proceeds entirely from an idea that the embargo originated in an intention to destroy commerce, and to favor one foreign nation in preference to another; and that, if they had not their feelings excited by this perversion of fact, they would bear the measure as well as other citizens. This has produced this restlessness; and when a course is pursued which will do away the anxiety on this subject, I believe they will bear the measure with patience. As I am decidedly of opinion that, when the embargo ceases, if the causes which produced it do not cease, this nation must go to war, not in defence of petty commercial rights, but of rights which involve the sovereignty of the nation, I am disposed to put off the period at which it shall commence, that we may have another opportunity to appeal to the interests (not to the justice) of the belligerents, which, in my opinion, will produce a beneficial effect. What will be the effect of passing the latter part of the resolution offered by my colleague? Why, that if the orders and decrees be not withdrawn before a certain day, letters of marque and reprisal will be issued against both belligerents, or against the one which perseveres. How will this affect our

disputes abroad? If France recedes from her decrees, and Great Britain rescinds her orders, of course, we shall then be at peace with both. Suppose France were to refuse, and Great Britain were to think proper to withdraw her Orders in Council, what would then be the state of things? You stand involved in a war with France, because you have pledged yourself, and you are the only branch of the Government who can make such a pledge. Mr. Canning, in his letter of the 23d of September, seems to have founded an objection to a proposition made by Mr. Pinkney, because he did not make it directly and officially from his Government, but as an expression of his opinion, that it would be agreed to by his Government. I repeat, then, that if this House will take the ground proposed, the assurance is strong that they will withdraw their Orders in Council; they certainly will, if they choose to see the United States involved in the prosecution of the war against France. I submit it to gentlemen whether it be not of sufficient importance that we should bear this embargo till the first of June, to leave to the Government power to make that sort of offer, and present that result to the European belligerents. Our Administration has heretofore had no power to make such a pledge; but if the measures of Congress would authorize the President to make such an offer of alternatives, I think it would produce an adjustment.

But it is objected to as pledging the next Congress, as passing a law now to govern them when they meet. If anything should happen between now and the next meeting of Congress, would it not be perfectly competent to them to repeal the law in whole or in part? Nothing can be more clear or evident than that you will not embarrass the succeeding Congress or mark out for them a course which they will be compelled to pursue. I should be the last man in this House who would intimate anything like a new proposition to either of the belligerents, were it not for the last letter of Mr. Canning, in which he expresses a hope to Mr. Pinkney, that they shall still be able to settle the differences between the two nations on amicable terms. When they express a desire of that kind, I should always be ready to meet them. Whether the desire be sincere or not, it is not for me to say; but I am disposed to accommodate them with an opportunity of proving their sincerity. It would unite us; and this state of things, in my opinion, aided by the events taking place in Europe, will induce them to accommodate with us. Everybody knows how the hopes of the British Government and people were elated by the events taking place in Spain. In proportion as their hopes from that quarter diminish, they will feel more disposed to enjoy that commerce which they have lost by their own imprudence and illiberality. It is objected that, by this course, you will apprise the belligerents of the time when you will commence hostilities, and, by that means, will enable them to benefit of your intended measures of hostility. But, sir, it is well known that it was expressly understood that Congress is to meet here in May; and that when-

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ever the measure of embargo is removed, some stand will be taken to avenge the injuries of this country. I will ask, if the act for an extra session is not evidence sufficiently strong of this determination? But, how could you surprise them, sir? They have no property in this country, for they have already withdrawn it. Their merchantmen are generally armed, and commence operations when you may, you will find no material change in the preparations of the belligerents.

The proposition of the gentleman from Massachusetts for arming our merchant vessels, and permitting them to wage a defensive warfare, appears to me to be the most unfortunate of all courses, if you mean seriously to defend your maritime rights. If you permit your merchant vessels to arm, they will all go out incapable of resistance; and even if they are bound to some neutral port, if any occurrence shall take place which shall compel you to involve yourself in war, the whole of your property abroad is within the reach of the British navy, and she might take a step to secure the whole floating property of the United States. That war will be the consequence, I cannot doubt, and you will commence it under every disadvantage. After your property is taken, you will fight in vain for its recovery. I think that we should either defend these rights, or give them up. If we maintain them, let us rely upon our own resources, and upon our own exertions. This will completely defeat one motive for laying the embargo, which has so far secured our property and rendered us invulnerable to the attacks of the enemy.

A gentleman from New York, (Mr. GARDNER,) who spoke on the subject yesterday, observed that you were about to take a course to deceive the people; that you were about but to continue the embargo under a different name. Now I am much mistaken, sir, if that be a fair inference from the state of things which would exist even in case of a war with Great Britain. Is it not known by every gentleman that we had a commerce even during the Revolutionary war? To be sure it was not as extensive or as lucrative as in a state of peace. But can any gentleman believe now, when our enterprise is at least as great and our opportunity greater, that our merchants could not carry on commerce better than they could then? Certainly. Notwithstanding all the exertions of Great Britain in guarding your coast you may carry on commerce. But what does that argument amount to? Does the gentleman from New York wish, because a particular portion of the country could carry on a lucrative commerce, notwithstanding the Orders in Council, by selling their product in the British markets, that the whole interest of every other section of the Union should be given up? Are the great interests of the country to be completely given up, because one class of people would receive relief from it? Of what consequence is it to us to cultivate the soil, if we are restricted to a particular market, which, it has been shown, does not consume one-seventh of our product?

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Is this the policy which gentlemen think we ought to pursue? As for legislating for a particular section of the Union, the doctrine is so novel, so inconsistent with the very object of Government, that I am astonished that any gentleman on this floor should advance opinions of this sort. If we are to yield to these Orders in Council, to permit the external commerce of the United States to be taxed by Great Britain, let us go the whole length. It is not to be expected that those regulations which now exist to favor the carrying trade of a particular class of the people can be persevered in, if we are obliged by them to submit to taxation. If we are forced to submit, at least let us have our produce carried to market as cheap as we can, and not in addition to foreign taxes pay a tax at home, by way of bounty to the shipping of the Eastern States.

It has been asked by some gentlemen, what are you going to war for? A gentleman from Connecticut asks if you are going to war for the principle that free ships make free goods? Is that a candid question, sir? The United States have given up that principle as far back as Jay's Treaty. It was abandoned in the correspondence of the Secretary of State with Genet in 1794. How then can the gentleman justify it to himself in holding out to the nation that we are going to war for a principle formally abdicated? I put it to the gentleman, whether the cause of quarrel between us should be made to rest on a principle not at all in contest? Another gentleman from Connecticut says he will go as far as any gentleman in defending the honor of his country. I have no doubt of it, sir; for the gentleman by an honorable service in the Revolutionary war has already proved it. No doubt, if the gentleman from Connecticut could, like myself, believe that the independence of the nation is prostrated if we submit to these edicts, he would be as little disposed to submit to them as I am. But, sir, when he placed the question on commercial ground altogether, and left it to the calculation of the merchant whether he would pay taxes or not, I am not surprised that we differ. It is no new thing to differ about the seat of honor. But I cannot bring myself to believe that the affairs of this nation are totally absorbed in the interest of the merchant. It is immaterial to the merchant what is his situation. The risk is always added to the value of the merchandise in the sale, and subtracted in the purchase; it is always so managed as to give the merchant a profit in the end. If the whole commerce of the United States was restricted to a traffic between Philadelphia and New Orleans or Mobile, the merchant would find his profit in carrying on that commerce. But that is not a reason why the agricultural part of the community should be rendered subservient to the commercial, or that we should be saddled with a system which will be ruinous to agriculture forever, because merchants cannot now make money. I conceive the interest of agriculture to be materially connected with that of commerce—I mean free, unrestricted commerce; but I do not conceive that

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it will be promoted by permitting the merchant to trade, and submitting agriculture to ruinous taxation.

Another question has been asked by the other side of the House, which deserves some answer. It is asked, what we should gain by a war with Great Britain. I do not expect, sir, that we should destroy the British navy, or invade the island of Great Britain. But we shall be very fortunate if by war we save our honor, our standing as a free nation. Let us not submit, and lose everything in a pecuniary point of view, and our honor besides; for that must be the consequence of submission. We shall be in a worse situation than Francis, after the battle of Pavia, everything will be lost. But gentlemen say, why go to war, when you have no way of operating on the belligerents? Because we will not submit to an abandonment of our rights. I do contend that we have the means. The gentleman from Connecticut (Mr. PIRKIN) used a strong argument the other day to prove it. He said that your embargo, so far as it operated on the British West Indies, was a nullity, because Canada and Nova Scotia furnish them with everything they want; that the British northern provinces were the means of feeding the West India islands, notwithstanding your regulations. Now, if by getting possession of Canada, you could in that way affect other possessions and interests of Great Britain, it is important to have possession of it. The gentleman from Connecticut gave strong reasons why we ought to dispossess Great Britain of Canada, proving how we could in that way operate on her interests. It is well known, too, that the possession of that Government gives her an opportunity to operate against you, to excite not only the Indians out of our limits to direct warfare if necessary, but by merchandise and intrigue, to excite them within our own country. And though I would not risk the peace of the country to free us from evils of that kind, yet if we were forced into war by more irresistible causes, I should certainly consider this collateral advantage gained by it important. Have we not already seen the peace and internal tranquillity of the country disturbed by their influence amongst the Indians? Certainly we have, and I wish to see an end to it.

There is another reason, sir, why the United States should view with extreme uneasiness the proximity of that country in possession of a foreign Power. It gives them means of interfering in our political concerns; and, as has been said in another part of this building, they have exerted those means in our country. To them is owing the unfortunate belief in a part of this country, that the majority of this House is actuated by improper motives. The expulsion of the British from Canada has always been deemed an object of first importance to the peace of the United States, and their security against the inroads of an enemy; however for party purposes its importance may be now depreciated. [See Journals of old Congress, June 1775, and WASHINGTON's instructions to Arnold,—*Marshall's Life*

of Washington, page 315.] And, sir, whilst on this subject, I will observe, that when I hear gentlemen on the other side of the House complain of their motives being assailed, I am tempted to ask them why they are not more tender of our motives? Can they point out any individuals in the majority who are not as firmly bound to their country's good by the ties of kindred, property, and everything dear to man, as they are? I presume not; and whilst they exclaim against irritation, why do they not observe the course which they recommend to us, toward their political opponents, men who have as strong claims to courage or to patriotism as themselves? What have we been told by gentlemen on the opposition side of the House, who have charged you so repeatedly with a desire to involve the nation in a war with Great Britain? Why, sir, that you could not be driven into a war. Was it to have been expected, that after all the irritation and all the sensibility produced in certain sections of the Union by a charge that you were endeavoring to plunge the people into war with Great Britain, that a declaration of this kind would be made? I confess I was not prepared for it. Is the House disposed to verify the prediction of the gentleman from Massachusetts, that we "cannot be kicked into a war with Great Britain," or with any other nation? This is assigning the nation a low station in the ranks of honor; they are put out of them altogether. For I do from my soul believe that the course proposed in the resolution, if adopted, will terminate in a settlement of our differences with Great Britain; and in the present course of the world, when we have received from France so little justice and liberality, we are only restrained from renewing intercourse with Great Britain, because a renewal, under present circumstances, would not comport with our honor, certainly not with our interest. If she would enable us to renew our intercourse with her on terms which would not disgrace an independent nation, I would certainly renew intercourse with her; but I cannot do it with a nation which affects to treat us as one of her acknowledged colonies. The gentleman from Connecticut, (Mr. PIRKIN,) who spoke of this subject a few days ago, furnished, I think, one of the strongest reasons why we should not for a moment admit the plea of retaliation in justification of the British orders. He told you, supposing the Emperor of China were to issue a decree declaring the British islands in a state of blockade, it would be a mere nullity. The argument is correct. And I ask in return, whether a menace so perfectly empty, so merely *brutum fulmen*, (to use an expression of a gentleman from Maryland, Mr. KEY,) would justify so ruinous a retaliation as that adopted by Great Britain? It has been said that the French decree of Berlin was not of more effect than a similar decree of the Emperor of China would be. If this be the fact, and I do not contest it, how is it possible that the British Government could justify the right for that reason to take a measure so ruinous to this country? The gentleman went

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on to quote the opinion of the Secretary of State and others, to prove that his position in relation to the harmlessness of the French decree is correct. I admit it, sir; and it furnishes the strongest possible reason why the claim of Great Britain should not be acquiesced in, and proves to my mind that the pretence of the necessity of retaliating was an insincere and artful profession intended to gull us, and disguise her own injustice.

The gentleman from Connecticut (Mr. PRIN) gave us a most glowing description of the power of France; told us that all the world was prostrate at her feet, and Spain was about to be overrun by her arms. Sir, if I am not much mistaken in the view which I have taken on the subject, France is weaker now than she was before the Spanish revolution; nor, if she succeeds in the conquest of Spain, do I believe that she will be more powerful, because she formerly not only actually commanded that Government, but the Spanish colonies. The French have not received from the Spanish colonies in South America less than from twenty to thirty millions of dollars annually. As for Portugal, she was under the necessity of purchasing her neutrality at the price of six millions of dollars annually. France has lost not only that, but the Portuguese colonies also; and if we judge of the importance of these colonies by the measures pursued in England to get their commerce, we should be induced to suppose that the resources of France are seriously impaired by losing them. But granting all the gentleman's premises, what does his argument amount to? Is there any man who doubts the disposition of France to use all the influence in her power over us? Is there any doubt that if we were near France we should be attempted to be reduced under her dominion? There can be no doubt of it. We have seen such a system pursued to her neighbors, that no man can doubt it. Is not the happiness of this people sufficient to tempt this conqueror in the fulness of his power to blot from the history of the world an example which must set in the most odious colors the present situation and past history of France? There can be no doubt that every European Government must feel a hostility to this Government. It is a standing reproach to their policy, and a dangerous example to their people; though I fear, sir, that scarcely one-tenth of the population of the extensive continent of Europe know that such a continent as this exists. Yet the existence of this Government operates to produce jealousy and alarm in those Governments. Admit, I repeat, that France is so powerful, are we in any danger from France? I believe not. How could she operate on you? What has become of her West India islands? Has she been able to preserve even those from the hands of her enemy? She has not secured them, and can it be believed that she could transport a force here? I beg gentlemen to put this question to themselves: Is it possible to believe that if there was any effort made in France to attack us, we should not with

one heart and hand unite against her? If there be a gentleman who feels a doubt, his reason must be under the dominion of a suspicion I do not envy, and which I should be sorry to feel for any portion of the people of my country. If this country should be engaged in a contest with France at this time, what would be the consequence of our relative situation? Every one knows that our population is increasing so rapidly as will soon give us a force sufficient to resist any effort, even the combined efforts of all Europe.

Here the gentleman's argument comes properly into view. He considers the safety of the United States as depending on the British navy, which presents a barrier to the transportation of French troops. Admit for a moment that our security against invasion does, in some degree, depend on the British navy. Does that operate as a reason why we should not resist that nation when attacked in a vital manner? Certainly not. Have we any object in view in resisting British aggression which will weaken the naval force of Great Britain? I believe not. There is not a principle which we ask of her that can affect her prosperity or interests, unless it be to make her re-engage the revenue she has collected from our commerce. And are gentlemen willing to contribute to the support of the British navy, by submitting to fiscal regulations of this sort? Certainly not. Admitting, then, that the British navy is the barrier between us and France, our wishes do not go to impair the strength of her navy. They will add an additional strength to it, by giving her markets of infinite importance, and give her supplies, which will increase rather than depreciate her system of defence. But let us admit, for a moment, that the effect of our opposition to the extortion of Great Britain would be to destroy or weaken her navy. Is it possible that gentlemen could, to avoid a contingent evil from a foreign nation which injures us, consent to sacrifice the independence of our nation, and submit to present, for fear of future domination? No, sir. You would have nothing worth keeping if you lost your independence. Then let us maintain it as long as we have the means. But why should gentlemen urge that argument upon you—an argument intended to prevent anything like resistance to Great Britain at the very moment when they tell you that a war with her would be ruinous to you? They laugh at the idea of affecting Great Britain, and say she will crush you in a moment; and yet you are called upon not to resist her, lest, by so doing, you overturn or jeopardize her at pleasure, and destroy the barrier between you and France. I ask gentlemen if these arguments do not destroy each other? I really have listened to arguments of this sort with astonishment; that gentlemen, in one breath, should say that you can do nothing to injure Great Britain, and, in the next breath, caution you against proceeding in your operations against her, lest you should create a degree of pressure which shall destroy that invincible Power whom you cannot touch. But it has appeared to

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me that this very argument which has had a great deal of weight in the nation; which has cooled many who would be disposed under other views of the subject, to defend the rights of the nation, is utterly out of the question. The gentleman says, that commercial restriction is useless; that if you prevent foreign nations from coming to your custom-house, they will smuggle. Sir, the only means by which Great Britain can be vitally attacked or destroyed, is by this sort of regulation, which the gentleman says is nothing. The mode in which the commerce of Great Britain is attacked on the continent of Europe, is by excluding her commerce from the ports of that country. If so—and the gentleman says it is harmless—how is the existence of Great Britain endangered by this formidable combination on the Continent? And yet, sir, I understood that to be the drift of the gentleman's whole argument. As for the commercial resources, capital, and money, which that nation has to sustain itself against any other nation, nothing is more clear to me than that she possesses them now as much as ever she did. I consider her more safe, infinitely more safe, than she ever has been; that she is in no sort of danger. That argument may be retorted on me, and I may be asked why would I contend with a nation which I admit to be so strong. I shall certainly admit that we could not destroy the British navy, or coerce her to any terms that would be degrading to herself; nor would I ever wish it. While I feel for the honor of my own Government, I should never wish that any Government should commit its rights to any demand of the United States.

The gentleman from Connecticut, (Mr. DANA.) yesterday seemed to be much at a loss to conceive how the United States could enter into the triple war. The gentleman placed the subject in a laughable point of view, and I was certainly amused by his wit, though not convinced by his arguments. But, sir, if we were to commence hostilities against both these nations, would any man believe that the war against both would continue for any length of time? Certainly not; there can be no doubt that one of them would meet you on such terms as to enable you to carry on the combat against the other till your rights were acknowledged. The gentleman ought to have recollected, when he combatted this idea of fighting neutrally, that it originated on that side of the House. What has been the complaint on that side of the House? Why that we did not maintain our neutrality by making our commercial measures operate with strict impartiality against both of the belligerents. If our measures operate equally on both, it will have proved that we were not more hostile to one than to the other, and thus one strong source of objection to our measures will be removed.

I do call upon gentlemen on the other side of the House most seriously to consider this proposition, and to view it in the aspect in which I have presented it. If I know myself I am sincerely anxious to preserve peace with both these belligerents. I do believe that the result which I

have mentioned would follow the course proposed to the House; that if France would recede from her decrees your peace would be settled with both; that England would then revoke her orders of course, as the only ground on which she has ever placed them would be removed. If France refuses, it will enable the British Government to accommodate with you, to make you her friend, and throw you in the scale against her enemy. If gentlemen view the subject as I do, they will conceive that there is but one course proper to be pursued; to persevere in the embargo till this intelligence of our determination can have reached Europe, and an answer be received. For, if you take off the embargo to-morrow, whether the House determine to defend its rights by defensive war, or enforce them by offensive war, the effect which I propose will be destroyed; because, if you take off the embargo, I shall be egregiously mistaken if we are not involved in war in six weeks or two months, and a war too in which you will lose all your property on the seas at one sweep. I think, therefore, that gentlemen seriously disposed to cultivate peace with those nations will enforce the embargo; for, if it be not enforced, I too shall be for taking it off. The state of things in Europe now is particularly favorable to this appeal; and I am convinced that such is the respect which gentlemen owe to the people whom they represent, some course must be taken to support our rights, and not by submission endanger the peace and independence of this country forever. I have expressed my views, sir, of the subject. The House will decide for themselves, and take the course which they think best. If they determine to take off the embargo on the 15th February, or any other day before the first of June, however I may lament it, I will co-operate in taking other measures.

Mr. VAN DYKE.—I am in favor of that part of the resolution now under consideration, which relates to the repeal of the embargo. It is probably known to most gentlemen in the House that I was not originally an advocate for the system of retiring from the ocean. It so happened that I was not present when the vote on the first embargo law was taken, and of course the Journals do not record my disapprobation of the measure; but I do not hesitate to declare that such a law, without any limitation as to its duration, would never have been sanctioned by my voice. However, after Congress, in their wisdom, had adopted it, my sincere wish was that it should receive a fair and satisfactory experiment, and I was willing to give my support to the full and honest execution of the measure, in the hope that some good might result from it. To me and to my constituents it would have been grateful if our wrongs could have been redressed, and our rights secured by a plan of operation so pacific. To the proposition, therefore, submitted at the last session for amending the original law, on the ground that such amendment was necessary to insure a fair trial of the experiment, I did not oppose my vote.

During the present session, there has been in-

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troduced into this House from the Senate, and passed, a bill, for enforcing the embargo, many provisions of which, in my opinion, far exceeded the limits of our Constitutional powers, and against which I was obliged by a sense of duty to raise my feeble voice. That bill, however, was approved by a majority, and is now in operation, and under these circumstances it is submitted to the wisdom of Congress to decide whether the system shall be continued, or repealed on the first day of June next, or at an earlier period. From the best consideration which I have been able to give the subject, I am satisfied that a postponement of its repeal until the first day of June next will be opposed to the best interests of the nation. I am not going upon the principle that any part of the Union is in a state of rebellion, as some gentlemen have intimated, nor upon the ground that it will be necessary to send an armed force to shed the blood of our brethren, in order to execute the law, (as some seem to apprehend,) but upon the broad principle that the embargo system has effected all the good that its warmest friends can ever rationally expect to reap from it. That its pressure upon the people of the United States is unequal and partial; that the hope of coercing the belligerents by it is vain; and that its further continuance will operate wholly to the injury and oppression of our own citizens. Sir, if we credit intelligence stated by gentlemen on this floor to be received, as well from the Southern as from the Northern and Eastern sections of the Union, we cannot doubt that the measure has already become so extremely unpopular, that the law is eluded and violated in such a manner, that our produce is daily exported, and the nation whom you expected to coerce and bring to your feet by the embargo is, in despite of all your vigilance and all your penalties, reaping at this moment a rich harvest from your commerce, by the agency of many of your own citizens. In truth, sir, if we look at home, we see the honest, the conscientious man, who obeys the law, suffering a very heavy loss, while the man who disregards and violates it, cannot fail to be rewarded with a rapid increase of wealth. If we extend our view across the Atlantic, we find the Emperor of France applauds our magnanimity in abandoning the ocean, and Great Britain laughs at the imbecility of the measure. My judgment therefore tells me that it is time to remove such a system; and I should cheerfully concur in a proposition for its immediate repeal; but as that course does not meet the sentiment of the majority, I am compelled to choose between the first day of June and fourth of March. The same reasons which weigh in favor of an immediate repeal, will induce me to give my vote for the earliest day that is proposed.

I must now claim the indulgence of the committee while I examine the second branch of the resolution, proposing to issue letters of marque and reprisal against Britain and France on the first day of June next, unless they revoke their orders and decrees. This proposition involves a question still more deeply interesting to the

nation than that which I have just noticed; a question of no less magnitude than that of peace or war. No honorable gentleman will deny that issuing letters of marque and reprisal is an unequivocal act of hostility, leading directly to war, and usually its immediate precursor. This is extremely different from authorizing our merchants to arm their vessels and defend themselves when engaged in lawful commerce, against the unjust attacks or illegal restraints of the belligerents, for it is the employment of a hostile force, with express authority from the Government to capture and make prize of any property of those nations that may happen to come within the power of the person bearing such a commission. It is in effect tantamount to a declaration of war, and will never be adopted by prudent statesmen, unless they are prepared to meet the last appeal, for you have no reason to calculate upon the forbearance of your opponents, a moment after they are apprized of your taking such a course. If actual war is resolved on, I should deem it much more politic to begin seriously that active, efficient preparation which ought to precede it, and when we are ready for the contest, tell the nation and the world, that war exists, and thus let every man in the country know what he has to depend upon.

What is our present condition? Without an army; without ships; with a scanty supply of ordnance and military stores; our cities and towns, on the seaboard, naked and unprotected, and the National Treasury all but empty. Will it be wise, will it be prudent in this situation, on the first day of February, to give formal notice to your adversaries, the two greatest Powers upon earth, that you mean to go to war with them on the first day of June next? Sir, we ought to calculate well the effect of such a proceeding; for in my view it is placing the nation in the worst possible situation. This Congress will be dissolved on the fourth of March; you can take no further warlike measure from that day, until the next Congress shall assemble late in May, and in the mean time your enemy, apprized of your intention, is invited by the certain prospect of gaining an advantage, to make the first stroke. The course is equally novel and extraordinary. You are bound; but your adversary is free to act whenever his inclination or interest may dictate. You will place everything at hazard without the possibility of reaping any benefit, for I cannot believe that such a threat will aid negotiation, by alarming the belligerents, or that they will be inclined to lend a more favorable ear to our just remonstrances, under the influence of such a measure. Sir, the question is not whether we have just cause of war against those nations; for every American will agree that the conduct of both has long furnished ample cause for an appeal to arms; but the true question is, whether, having so long forborne, it will be most advisable at this moment to declare our intention to wage war at a future day? In my opinion we shall act more like wise politicians, by not making such declaration at present, and by leaving our suc-

cessors at liberty to act in May next, as their wisdom and judgment shall direct, from a full view of our foreign relations, as they may then exist.

When the subject of war is presented for deliberation, it cannot be improper to inquire a little more particularly into the state of our foreign relations than has yet been done, in the discussion which has taken place. We have become so habituated to rail against the French Decrees and British Orders, violating our lawful commerce and neutral rights, that we seem in a great measure to have lost sight of our situation with respect to the belligerents, prior to the adoption of those unjust measures, under the immediate pressure of which we are now suffering. The history of those decrees and orders is concise and easily understood. With France we were at peace, and our commercial rights were guaranteed by a solemn treaty, in full force, when His Imperial and Royal Majesty, trampling under foot the law of nations, and setting at defiance the national compact, undertook by his famous Berlin Decree of 21st November, 1806, "to declare the British islands in a state of blockade," "to prohibit all commerce and correspondence 'with them,' and "to make all merchandise belonging to England or coming from its manufactures and colonies lawful prize." Thus attacked, Britain claims the right of retaliation against her enemy, and by her Orders in Council undertakes to counteract his decrees; and thus, although each declares that the blow is aimed only at the enemy, our rights as a neutral nation are violated and our commerce is destroyed; and we are brought into a state of collision with both belligerents. In this situation it seems natural to review the diplomatic scenes which were acting between the British Government and the Administration of this country, prior to the date of the Berlin Decree, and impartially to consider whether we have not omitted to take advantage of the most favorable moment for adjusting many important subjects of negotiation, or committed some errors which now tend to increase our difficulties and embarrassments with that Government, and whether there was no honorable course by which we might have avoided the present collision. Such a review, when taken with candor, may be useful, and cannot, I trust, produce any evil consequence in our foreign relations.

With a sincere desire of ascertaining truth on this point, I have bestowed some attention upon the documents which the President was pleased to lay before us during the last session, and which we are to presume contain, a correct and authentic history of those transactions. I have not examined them with a jaundiced eye, nor shall I attempt in any point to magnify or extenuate the facts that have presented themselves to my mind, as worthy of the attention of the Committee, in connexion with the subject of our foreign relations. The motives of the Executive make no part of this inquiry; it is the public act, and the consequences flowing from such act, to which as statesmen we should direct our eyes.

As infallibility is not an attribute of our nature, I shall certainly not surpass the limits of my representative duty, when I state that it is not only possible, but very probable, that our Administration may have committed some errors, and if we look carefully into those documents, perhaps we may discover that a part of our embarrassments are the consequence of such errors. In advertent to the facts to which I refer, I shall, to avoid any mistake of language or sentiment, read a few extracts from the documents themselves.

It will be recollected by the Committee that the Treaty of 1794, with Great Britain, so far as it relates to commerce, expired on the first day of October, 1803, by which the commercial intercourse of the two countries was left to the regulations which the parties separately might think fit to establish. On the fifth of January succeeding we find a letter addressed by the Secretary of State to Mr. Monroe, our then Minister at London, accompanied by the plan of a convention between the United States and Great Britain. On 5th March, 1804, we read the extract of a letter in which the Secretary, after noticing the expiration of the commercial part of the Treaty of 1794, and making some observations on the state of commerce between the two countries, proceeds in these words: "These observations are 'made not with a view to any negotiation whatever, leading at the present moment to a treaty 'on those or any other commercial points,' &c.; as a reason for not pressing which the particularly delicate situation of Great Britain at that critical moment is assigned. From this letter, I understand the Executive forbade our Minister from negotiating any treaty until further orders; and it is not discoverable that any other communication was made upon the subject until the sixth of March, 1805; under which date we find the extract of a letter from the Secretary containing these words: "The experience of every day 'shows more and more the obligation on both 'sides to enter seriously on the means of guarding 'the harmony of the two countries,' &c. By this letter an injunction is laid on Mr. Monroe to enter seriously upon the subject of negotiation, and we find Mr. Monroe did accordingly engage seriously in that important trust. By advertent to a letter from him of date April 5th, 1804, we discover that, at the first interview between Lord Hawkesbury and himself, his Lordship "went so far as to express a wish that the principles of our Treaty of 1794 might be adopted in the proposed convention, where they applied;" but Mr. Monroe "gave him to understand he could not, according to his instructions, accede to the idea." In perusing the next document, Mr. Monroe's letter of 7th August, in the same year, we are expressly informed that Lord Harrowby unequivocally offered to renew the Treaty of 1794. What says that letter?

"He asked how far it would be agreeable to our Government to stipulate that the Treaty of 1794 should remain in force until two years should expire after the conclusion of the present war? I told his Lordship that I had no power to agree to such a proposal."

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As the negotiation proceeded, and it was discovered that obstacles and difficulties more serious than had been at first apprehended arose, we discover that the British Commissioners, in August, 1806, repeat the offer which had been previously made, for, in the letter of Messrs. Monroe and Pinkney, dated September 11, in that year, they state in these words:

"In the course of this conference Lord Auckland renewed a proposal which he had glanced at in our first interview, that the Treaty of 1794 should be made the basis of the present negotiation."

This was rejected. I am, therefore, authorized to assume the fact that, during the negotiation, an explicit offer was repeatedly made by the British Government to renew the Treaty of 1794, and that offer was as often rejected by our Executive; and we may well pause and consider whether in rejecting that, without being sure of making another at least as good, a very serious mistake has not been committed? What were the insurmountable objections to that treaty, which induced the Executive to put everything at stake between the two countries rather than continue it during the war in Europe? It is true, the claim of the British Government to take British seamen and deserters from our merchant vessels is not abandoned by that treaty; but the renewal of it did not prevent us from pressing that subject by negotiation, for we shall see, in the further examination of the documents, that the British Commissioners were willing to proceed with the discussion of a plan which should have for its object satisfactory regulations effectually to secure American seamen. Had our experience of the operation of that treaty alarmed us? Was our country ruined, or in danger of being ruined by it? No, sir; we reaped many and important advantages from it; and our country flourished beyond all example. Let experience, the only true test of merit, answer. If we look back to the years 1793-'94, we shall discover that our country was then threatened with war; the treaty was formed, and, notwithstanding all the noise and clamor against it, which assailed the Administration, the wisdom of the Senate and the intelligence and firmness of WASHINGTON secured to the people, by its adoption, many years of unparalleled prosperity and happiness. Yes, sir, under the auspices of that treaty were laid, by the Father of his Country, the foundations of the Temple of Peace, which was erected by his patriotic hands, and whose magnificent dome was supported by the sound pillars of national faith. At its entrance were seen the cheering emblems of plenty; and within you beheld the Genius of Liberty, in majesty, dignity, and resistless power, guarding the choicest gift of Heaven to a free people, "the Constitution," yet unviolated by the ruffian hand of military force. In this fair temple the arts and sciences, commerce and agriculture greeted each other, and worshipped in harmony together. Thus stood the splendid edifice, surrounded by a band of brothers, united by mutual confidence and affection, the pride and glory of America, exciting the admiration and

commanding the respect of the world. Under the protecting influence of that treaty commerce unfurled her sails in every quarter of the globe, and brought to our shores the rich reward of industry and enterprise. Agriculture flourished, giving a happier aspect to our country by its progress in improvement. Then, indeed, the husbandman hailed with joy his golden harvest; for each succeeding harvest insured to him a golden reward for his labor. Individual wealth increased, and the national treasure was greatly augmented. Is the picture, which I have drawn, too highly colored? I believe not; consult the history of those times, and you will be convinced that all those advantages were enjoyed by this happy country under that treaty, and it is not less evident that those blessings have been gradually disappearing ever since the day that it expired. Mark the contrast which the history of this day presents, and judge whether very serious consequences have not followed from the refusal to renew that treaty. What is our present situation? You behold commerce palsied, agriculture drooping, distress and ruin stalking over the land, and civil discord raising her fiery head, more terrific than all the hosts of Europe. The foundations of the Temple of Peace are sapped, the building totters on the brink of destruction, and, from the present prospect, I shall think the nation fortunate, if we can save the Constitution from being buried under its ruins.

It is true that, in a certain event, the refusal to renew the Treaty of 1794 would not have been injurious to the nation; that is, if the Executive had succeeded in making a more beneficial bargain; but in this, unfortunately, his hope and expectation failed. I grant you, sir, that no preceding Administration ever enjoyed so promising a season for favorable negotiation; for, sir, we had the opportunity of addressing the ear of the patriotic Mr. Fox, united with a Ministry of similar political sentiments, composing just such a cabinet as we should have elected to treat with; a Ministry who, Mr. Monroe and Mr. Pinkney inform you in every letter, profess the most friendly disposition, and are sincerely desirous to settle all matters in difference between the two countries upon fair and just principles. The opportunity, I repeat, was the most auspicious; the prospect the most flattering that we ever enjoyed for such a purpose. Let us trace from the same authentic source the history, the progress, and the issue of the business.

It is well known to every man in the nation that ever since the acknowledgment of our independence, our Government has, at every opportunity, pressed upon the cabinet of Great Britain the abandonment of a practice which is certainly embarrassing to our commerce, and from its abuse has been in many cases extremely injurious to our own citizens. I mean the right which that Government claims of taking from the merchant vessels of other nations British seamen and deserters, and which has always been tenaciously insisted upon by Great Britain on the ground as she alleges of self preservation. It is true that

during the present Administration, in the year 1802, Mr. King, our then Minister at London, succeeded so far as to obtain a relinquishment of the practice on the high seas, but could not obtain an extension of it to the narrow seas, and of course the project of arrangement then failed. This fact is stated in the letter of the Secretary of State of 3d February, 1807. By recurring to the instruction sent to Mr. Monroe for opening a negotiation with the British Cabinet in 1804, the first and most prominent feature is the same long controverted point, which is not to be made the subject of regulation or arrangement, for the broad principle of that Government, abandoning altogether the right of taking even her own seamen or deserters from our merchant vessels, is insisted on as the great ultimatum or *sine qua non* of any treaty. I agree, sir, that if this point could have been obtained, it would have been a very brilliant victory in the field of negotiation, at which the nation would have rejoiced, and with which no man would have been more gratified than myself. But such a victory was not to be expected. For the correspondence of your Ministers inform you, that notwithstanding all their exertions and their skill to gain that point, they found it beyond the reach of negotiation, and they disclose to you the reason which is frankly avowed by the British Cabinet, and which is stated in the letter of Messrs Monroe and Pinkney of November 11, 1806, in these words: "At our meeting the next day the British Commissioners stated, explicitly, but in a very conciliating manner, that it was not in their power to adopt an article in the spirit of our project; that the Board of Admiralty had been consulted on the subject as had also been the Crown officers in Doctors' Commons, who all united without exception in the opinion that the right of their Government in the case in question was well founded, and ought not to be relinquished. They added, that under such circumstances the relinquishment of it was a measure which the Government could not adopt without taking on itself a responsibility which no Ministry would be willing to meet, however pressing the emergency might be." The result, sir, is known; an informal arrangement was made, by which our Commissioners say, "we place the business almost, if not altogether, on as good a footing as we should have done by treaty, had the project which we offered them been adopted." This informal arrangement on the subject of impressment being thus made, a treaty is concluded and signed by our Commissioners, 31st December, 1806, and transmitted to the President with their explanatory letter of January 3d, 1807. In that letter our Commissioners again speak of the informal arrangement for the protection of our seamen, and declare their opinion, "that although the British Government did not feel itself at liberty to relinquish formally its claim to search our merchant vessels for British seamen, its practice would nevertheless be essentially, if not completely abandoned."

These, sir, are the observations of our own

Ministers, from which it is plainly to be inferred, that no talents, no exertion of diplomatic skill, no ingenuity of argument whatever, could induce the British Government to submit to an abandonment of their claim. It is the same answer which has been invariably given to all our applications on that subject. That Government always declares its willingness to enter into any regulations for the full and effectual security of our seamen, but at the same time candidly informs you that no Ministry could survive the surrender to you of the principle or right of taking their own; and of this our Administration have for a number of years had pretty strong evidence, derived from actual experiment. The treaty thus concluded, and thus explained by our Commissioners, is received by the President, examined and rejected, because the claim of impressment is not formally relinquished, and because in other particulars it does not come up to his sanguine expectations. Sir, in the observations which accompany its return to our Commissioners, it is acknowledged that "the change made by the third article in the provisions of the Treaty of 1794, relative to the British possessions in India" is not as favorable as it stood in that treaty. By referring to the explanatory letter of our Commissioners, we discover why that change was made; because the British Government will not consent to grant us in the new treaty as favorable terms of trading to their India possessions as we enjoyed under the Treaty of 1794, which they had so repeatedly offered to renew. This is full and satisfactory evidence that, after rejecting the Treaty of 1794, our Administration have not been able to make as good a bargain in a very important point, the India trade, even under circumstances most propitiously favoring their attempts.

Does the Executive charge our Ministers with a want of skill, exertion, or fidelity, in the discharge of their important trust? No, sir; read his declaration in the letter which the Secretary addressed to them on returning the treaty: "The President has seen in your exertions to accomplish the great objects of your instructions ample proofs of that zeal and patriotism in which he confided, and feels deep regret that your success has not corresponded with the reasonableness of your propositions and the ability with which they were supported." And yet in the same letter we find again expressed the fixed determination of the President "to decline any arrangement, formal or informal, which does not comprise a provision against impressments from American vessels on the high seas." Thus repeating and insisting upon that point as the ultimatum in any treaty arrangement.

In this manner the Treaty of 1806 was rejected by the President, without condescending to advise with his great Constitutional Council. What would have been the result of the negotiation had the treaty been submitted to the consideration of the Senate it is impossible to divine; whether the united wisdom of the President and Senate would have been able to effect such a compromise

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and arrangement of the points in controversy as to be mutually satisfactory must remain forever unknown; but one fact may be assumed, that the advice of the Senate upon a subject so deeply interesting to the people, could not have placed the nation in a situation more embarrassing than our present. The history of the ratification of the Treaty of 1794 furnishes an example of the suspension of an objectionable article and the acquiescence of Great Britain in the adoption of the residue, and shows that a spirit of conciliation in that instance produced the happiest result. But if the great ultimatum broadly insisted upon by our Executive, be adhered to, probably no Administration can ever make a treaty with that nation. The British Government tells you that it cannot surrender the point in controversy without endangering its very existence, and that no Ministry can abandon it in the latitude that we require. How then can you calculate upon better success while that Government is able to defend itself? Can you rationally expect more than what is offered? "to adopt some liberal and equitable plan for reconciling the exercise of what that Government deems a right essential to its existence with the just claims of the United States and for removing from it all cause of complaint and irritation." The object which we have in view is the security and protection of our own citizens; this it is the duty of our Government most strenuously to insist upon, and if negotiation will not effect it, an appeal may safely be made to the spirit and feeling of the nation to defend it. But if that object can be obtained by honorable negotiation, I am much deceived if the people will consent to stake their peace and happiness in a contest to protect British seamen and British deserters, who may be employed on board our merchant vessels on the high seas. But, sir, was the security and protection of our own seamen abandoned by our Ministers in the late negotiation? If we credit them, they never lost sight of that object. It is true there appears no stipulation in the treaty upon that point, because they were bound by their instructions not to treat formally, but on the principle of an unqualified abandonment by the British Government. But the explanatory letter of our Ministers and the subsequent letter of Mr. Monroe of 28th February, 1808, gives us reason to believe that the arrangement was at least worthy of experiment; especially as that point (as well as our claim for illegal captures) was left open to future discussion, and was placed, as Mr. Monroe informs, upon such a footing as to give our Government the command of the subject. His words are these: "We were therefore decidedly of the opinion that the paper of the British Commissioners placed the interest of impressment on ground which it was both safe and honorable for the United States to admit; that in short it gave their government the command of the subject for every necessary and useful purpose." If his opinion be correct; if that question was placed upon ground both safe and honorable, and left in such a situation that our Government had the command of the subject,

would not such an arrangement be satisfactory to the nation? Would it not have been wise at least to try whether the practice would correspond with the theory? In my opinion, sir, it did merit the united deliberation of the Senate and President before the determination was taken to reject that treaty, and attempt to renew negotiation upon points so long and so ably discussed. The issue of the affair corroborates this opinion, for when the treaty was returned, a change of Ministry having taken place, so far from acceding to the proposition of proceeding again to discuss the points to which the President objected, Mr. Canning readily acquiesces in the rejection, and informs us, that as we had not accepted the convention, the whole subject must be resumed when leisure may permit. It therefore yet remains uncertain whether a more favorable treaty will ever be obtained.

But, sir, suppose either the Treaty of 1794 had been renewed or the late negotiation had been conducted to an amicable issue, and we had with promptness and energy resisted the Berlin decree, which outraged the law of nations and trampled upon a solemn treaty, is it probable that our country would, at this time, have been reduced to the dilemma stated in the report of your committee, of submitting to a ruinous embargo, or waging war with two powerful nations? Sir, in my opinion, we should not have been engaged in war with either, for the mode of resisting that decree was plain and easy, by authorizing your merchantmen to arm and resist any unlawful attacks upon your commerce. This plan would have prevented war, and protected our lawful trade, without embarrassing our Government, or compelling it to take part with either of the belligerents.

From this review of the history of our negotiation since 1803, it appears to me that we have committed errors of no small importance as they regarded the interest of the nation. Should the Orders in Council be repealed to-morrow, our commercial intercourse with Britain would be in the same situation as in 1804, and the whole ground of negotiation must be again travelled over. Connected as we are by commerce with Great Britain, it is impossible for us to continue friends long without some commercial regulations; the sources of controversy are too numerous; the points of collision are too prominent. Such is our situation with respect to that Government—and what is the remedy prescribed by our political doctors? Nothing less than war. Yes, sir, we are called upon to indulge our passions and resentment in idle menaces, by declaring to-day that we will go to war in June next. I hope, however, while we indulge our feelings, we shall not forget our want of preparation, or lose sight of the principles of our Government. Ours, sir, is a peace Government, and is not well calculated for offensive war. Its spirit, like the benign spirit of Christianity, breathes peace and good will to all men. Whenever the occasion for trying its energies may happen, it will be found weak or strong, according to circumstances.

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I will illustrate my idea. In a war of defence against attack or invasion, the whole strength and force of the nation will be spontaneously exerted, and every man becoming identified with the Government, the impulse will be irresistible, and we shall then want only a skilful commander-in-chief, to direct with judgment the physical force of an united people. In a war of enterprise or offence, our Government will be weak, unless the cause of war addresses itself strongly to the feelings of the great majority of the people, and the necessity of it to vindicate the essential rights and honor of the nation is plainly discerned; and for this obvious reason, you cannot raise a regiment, or man a gunboat, without voluntary enlistment, or provide money, (the very sinews of war,) without the consent of a majority of the people, expressed by their Representatives. Before we declare war, or adopt a measure which leads directly to that event, we ought to be well assured that the great majority of the nation are ready and willing to unite in the contest; a fact of which, at present, I really entertain strong doubts, excited by the language of memorials on your table, and information daily received from different parts of the Union. I know we can conceal our errors from the view of the people for a season by a declaration of war. The still small voice in which they address the understanding will be unheard amid the din of arms, or drowned amidst the groans of the hapless victims of war. They will be lost in the blaze of our burning villages, or obscured by clouds of smoke ascending from the funeral piles of our devoted cities. But let me ask this House, or rather let me ask the nation, whether they are prepared to bring their peace, their happiness, their treasure, and their blood, and present them all as an offering to atone for the errors of the Administration? Will nothing less than such a sacrifice expiate those errors? I trust some other equally honorable and infinitely less costly will yet be found. Sir, I am convinced that no honorable gentleman within these walls would advocate war to cover those errors, and therefore I cannot impute to any one such a motive.

Perhaps, sir, when I state my unwillingness at this moment to declare war against Great Britain and France, or to adopt the plan of *marque* and reprisal, I shall be asked if I mean to submit to their unjust orders and decrees? I answer no. I hope the idea of submission has never been entertained in this House. I trust, sir, that the term "submission" is not found in the vocabulary of an American statesman. It is true that the Committee of Foreign Relations, in a detailed report, after reciting our wrongs, has informed us that we have only to choose submission, embargo, or war with both nations. With all due deference to the superior judgment of that honorable committee, I must beg leave to enter my protest against their inference; and as they have given us the premises, I shall probably be pardoned, if I venture to consult my own understanding and draw my own conclusions. I cannot perceive how it can well be called submission

for our merchants if they please to trade with Great Britain, or France, or any other part of the world, notwithstanding those orders and decrees.

By submission, is understood the doing under coercion that which is commanded, or the refraining from doing that which is forbidden. France says, we shall not trade with Great Britain, and Britain, in return, says, we shall not trade with France.

The whole tenor of the orders and decrees, as applicable to this question, is negative or prohibitory. If, then, our merchants being at liberty to stay at home, or to go to France, do actually go there, that act is clearly not submission to the decree of the Emperor, and being contrary to the British orders, certainly is not submission to them. And, on the other hand, the voluntary trade to Great Britain is not produced by the British orders, and is against the French decree; and equally clear it is, that our trade to India, Spain, Portugal, and many other places, might be carried on without the least imputation of submitting to the will of the belligerents. As to embargo, that, in my view, savors more strongly of submission; the nation, however, is weary of it, and I trust the wisdom of Congress will grant them seasonable relief from its pressure, without adopting the third alternative insisted on by the committee.

If the embargo is raised on the 4th of March, its full force will, by that time, be felt by the belligerents, and they may probably then be inclined to do us justice, and our trade be permitted to resume its natural channels. The British Government, moved by the impulse of its own interest, and taught, by our patriotic submission to embargo for fifteen months, to appreciate the value of our friendship and commerce, may yet listen to the voice of reason, and yield to an honorable adjustment of our differences; and of such a disposition, Mr. Canning's last letter gives a pledge. As we have forborne so long, and endured so much to preserve our young and growing nation from being drawn into the vortex of European wars, I hope we shall not close the door of negotiation at this moment, but leave the succeeding President at liberty to use such means as his wisdom and patriotism may suggest to secure the rights and honor of his country. The object is at least worth the experiment. Should he succeed in the attempt, his reward will be great—no less than the grateful applause of his fellow-citizens. I would, therefore, do no act which may tend to increase the difficulties with which the interesting subject of our foreign relations is already embarrassed. Sir, a very important consequence will, in any event, result from this course—for, if justice is denied us, the nation will be convinced that war is necessary. It will tend to harmonize the public sentiment, and unite all in the common cause. For my constituents I can answer with confidence, that whenever Congress shall declare that war is necessary to protect our rights, or vindicate our national honor, they will rally around the standard of the Government, and present their breasts as a bulwark for their country. The report of the com-

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mittee to which I have referred, speaks of war with both the belligerents; this proposition has more of sound than substance; it deserves some attention, and a few remarks will show its fallacy. No man will say that we can come into contact with France, and perhaps that is for us a most fortunate circumstance. As it regards her, therefore, the declaration of war would be merely nominal. But with Great Britain we might have a real and a serious warfare. Mark the consequence. The Emperor, by his decrees, wishes to reduce Britain by cutting off her commerce. We declare war against Britain, and thus the object which he aimed at will be accomplished. Do you doubt, sir, after reading Mr. Champagny's letter, in which the Emperor not only tells us we ought to go to war with Great Britain, but even ventures to declare war for us, that such a state would be extremely gratifying to him? Sir, we know well that such is his wish, and it becomes us to act with caution and circumspection; but we may be taken in his toils. From every view, therefore, which I can take of the subject, my mind is fully convinced that we ought not, at this time, to adopt the second branch of the resolution.

When Mr. VAN DYKE had concluded—

Mr. DAWSON moved to postpone the farther consideration of the subject indefinitely. The House adjourned without coming to a decision on the motion.

THURSDAY, February 2.

On motion of Mr. BURWELL, the House proceeded to consider a resolution proposed by him, and ordered to lie on the table, on the first instant; and the same being amended on the several motions of Mr. MACON and Mr. MARION, to read as follows:

Resolved, That the Clerk of this House be instructed to furnish the Librarian of Congress with two complete sets of the Journals and all Documents and Reports laid before Congress at each session:

A motion was made by Mr. DURELL, farther to amend the said resolution, by adding, to the end thereof, the words following: "and to transmit to the Secretary of each of the States in the Union, and of the Territories thereof, one such set for the use of said States and Territories, respectively."

And on the question that the House do agree to the said proposed amendment, it passed in the negative.

A motion was then made by Mr. STANFORD, that the said resolution, as amended, and herein before recited, be referred to a select committee, to consider and report thereon to the House: and the question being put thereupon, it was resolved in the affirmative.

Ordered, That Mr. BURWELL, Mr. STANFORD, and Mr. ELY, be appointed a committee, pursuant to the said resolution.

A message from the Senate informed the House that the Senate have passed the bill, entitled "An

act making appropriations to complete the fortifications commenced for the security of the seaport towns and harbors of the United States, and to defray the expense of deepening and extending to the river Mississippi the canal of Carondelet," with an amendment; to which they desire the concurrence of this House. The Senate have also passed a bill, entitled "An act to provide for the incorporation of religious societies in the District of Columbia;" to which they desire the concurrence of this House.

PRESIDENTIAL ELECTION.

Mr. BACON called for the consideration of the resolution offered by him on Monday, for appointing a joint committee to examine the subject of the petitions against the mode in which the late election of Electors of President and Vice President of the United States, by the Legislature of the State of Massachusetts, was conducted.

Mr. RANDOLPH wished the resolution to lie on the table, that the members of the House might have an opportunity to take it into their most serious consideration. He said it appeared to him that, under color of a redress of grievances, the resolution might go in a very alarming and dangerous manner to enlarge the sphere of action of the General Government, at the expense of the dearest rights of the States. In what manner, asked he, is the General Government constituted? We, as one of the branches of the Legislature, are unquestionably the judges of our own qualifications and returns. The Senate, the other branch of the Legislature, is in like manner the judge, without appeal, of the qualifications of its own members. But with respect to the appointment of President—on whom is that authority devolved in the first instance? On the Electors, who are to all intents and purposes, according to my apprehension, as much the judges of their own qualifications as we are of ours; and it appears to me as competent to the people of any part of this country, to prefer a petition to the Electoral College to set aside the returns of any members of Congress, as to prefer petitions to this House to set aside the qualifications of Electors. True it is, sir, that for the convenience of the thing, and also for the prevention of cabals and intrigue—such, however, was the intention of this provision; how far it has answered that purpose is another question—the Electors assemble in separate divisions in the respective States; but they are to be considered, to all intents and purposes, as a body of men equal in number to the Senate and House of Representatives, charged with the election of the President and Vice President of the United States, and judges in the last resort of their own qualifications and returns. If not, they are a mere nullity. Sir, when I rose I had no intention of saying thus much on the subject; I did not dream that it would be called up, and, to be candid, I did not know that the resolution was on the table. The manner of doing business in the House is so strange and anomalous, that it is impossible for any person to know what will be the subject of debate on any particular day. But it

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is perfectly in my recollection, and, sir, it must be in yours, the extreme sensation which was produced in this House and throughout the Union by a bill introduced into the other House by a member from Pennsylvania (Mr. Ross) touching the election of President and Vice President of the United States. This is a delicate subject; one which it is agreed on all hands there is no occasion to touch. The election is not only undisputed but indisputable. The Constitution has said that each State is entitled to a number of Electors equal to the number of its Senators and Representatives, who shall be appointed in such manner as the Legislatures shall prescribe; and if we attempt to put our hands on this power, we might as well, in my apprehension, arrogate to ourselves the appointment of President and Vice President. If we do away the decision of the Electoral body, which is as independent of us as we are of them, the Constitution is in my opinion verging to its dissolution.

Mr. BACON said he certainly should consent that the resolution should lie on the table. He said he was himself by no means certain that this House or both Houses had the power of acting on the subject; but he thought it an attention due to the memorials to give them a reference to a select committee. He did not wish to commit himself or the House on the subject, for, he repeated, he was by no means certain of the propriety of the proceeding.

The resolution was ordered to lie on the table.

REPEAL OF THE EMBARGO.

The SPEAKER declared the motion pending (for indefinite postponement) when the House yesterday adjourned to be out of order.

The House then went into Committee of the Whole on Mr. NICHOLAS's resolution for repealing the embargo, and issuing letters of marque and reprisal, on the — day of —. The question pending on filling the blank with the first day of June, the fourth day of March, or the fifteenth of February.

Mr. W. ALSTON said that for himself he would prefer the course which the gentleman from Georgia (Mr. TROUP) had pointed out; and, if the gentleman from Delaware had not declared that he wished the embargo to be removed, he should have inferred that also to be his idea, because he had set out with declaring that he had wished that the embargo laws should have a fair experiment. And Mr. A. asked the gentleman and the House whether they had received a fair experiment? Certainly not; for the violations had been such heretofore that the embargo had not by any means had that experiment which it ought to have had. No one could tell what would be its effects if it were permitted to have that trial which the honorable gentleman from Delaware wished it to have had. Mr. A. could not decide how to fill up the blank in the part of the resolution under consideration, until he knew what other measure was to be adopted in place of the embargo. If we were to have war, he cared not whether it was declared to-morrow, or

in March or in June. If further time was to be allowed for negotiation, he thought that things had better remain as they were, more especially as there was now a probability that the embargo would be carried into effect. Notwithstanding the frequent assertions which he had heard, he believed there was no such thing as rebellion in Massachusetts. He believed from his heart that the good sense of the people of that State would carry the laws into execution. If things should be left as they now stood, our enemies would not officially know what the Government intended to do; though they might judge for themselves by declarations made on the floor, which he hoped to see substantiated by action when the proper time came.

Mr. TALLMADGE said that it did appear to him that the nation was placed in such a position that it became imperiously the duty of this Committee to decide some very important question relative to the embargo. I am sorry, said he, that the gentleman who introduced the resolution (Mr. NICHOLAS) is unable to attend, from indisposition, and to maintain and defend the principles of his resolution; and I am glad that the resolution is so worded as to admit of a division as to the two great questions of a continuance of the embargo and a commencement of hostilities, so that they may be distinctly presented to the minds of the members of this House. I am very free to declare as to the first question, which is the only one now pending, that my mind is completely made up; and although I should rather fill the blank for the time of its repeal with the word "immediately," yet I am perfectly willing to meet gentlemen who wish for the longest period, on the middle ground, and fix on the fourth of March for its repeal. I do conceive it to be a duty highly incumbent on this Committee to decide this question emphatically and at once; and there are several reasons which I will offer to the House, which have induced me to form this opinion. The first reason is a respect for ourselves and for the Government of the United States. What will be the opinion of our constituents, when they see resolutions offered to repeal the embargo, postponed from day to day, without obtaining a decision on them; and, after that, when they see a resolution offered for repealing the embargo, annexed to which is a proposition tantamount to a declaration of war? I am afraid that the people will think either that we do not understand the business for which we came here, or that our conduct amounts to direct trifling. I am, therefore, for deciding the question abstractedly whether we will repeal the embargo or not. When that question is once decided, the people will know what to depend upon. When, sir, I review the present condition of this country I feel alarmed. We all must read the public papers and know the events now daily occurring, some of which cannot have escaped your observation. Into one of the Northern States (Vermont) the President sent his proclamation in April last, making it known that combinations were forming, and an

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insurrection about to take place, and calling upon all officers civil and military to aid in suppressing the same. The grand jury of one of the counties in that State have really made a presentment of it as a grievance, although the proclamation has not been specially named. This must be disagreeable to every gentleman on this floor, and is one of the evils which I wish to remedy. To me it appears to be a serious circumstance that the measures of the Government should be thus treated, and it is a state of things which I would take all proper measures to avoid. Another circumstance I will mention: Since the passage of the last supplementary embargo law, the Governor of the State of Rhode Island directed some of the military officers to call out a portion of the military force. Several companies were accordingly called out, and when they came upon the ground they determined that they would not obey the instructions of a revenue officer. They did not refuse to obey their own officers, but they said they knew no such officer over them as a revenue officer. This is another disagreeable circumstance, and I am very unwilling to see the laws in such a situation that either civil or military officers shall refuse to execute them with impunity. In another State, the large and respectable State of Massachusetts, the citizens, where they have felt the effects of the last embargo law bearing hard upon them, have resorted to the law of the State under which they live to obtain redress. The consequence is, sir, that your revenue officers are, from the nature of the case, unable to execute your laws. Such heavy bonds are required of them by the State courts, that they cannot readily procure them, and must decline the execution of the law or go to prison. This is another evil which I am anxious to see remedied, and therefore I do not wish a law of the United States to remain in this situation.

I have another reason which induces me to urge a speedy decision. I wish to see an end put to all speculations arising out of the laws or proceedings of this Government? What will be the effect of the resolution on the table? I will venture to predict that the price of articles proper for export will be raised ten, twenty, or even fifty per cent., under a belief that the embargo will be raised. What will be the effect of postponing the repeal until the period proposed? That speculation will be prolonged, and I wish to see an end to it.

I have another reason, sir: I feel unwilling that the dignity of this nation should be prostrated in the view of foreign Governments. We seem to be resolving and re-resolving without doing anything, until we become indeed the laughing-stock of the European world. I wish to see the Government respected at home and abroad. For these reasons I am for filling the blank with the earliest period, but am willing to compound with gentlemen, and take the fourth of March as a middle day.

Mr. SOUTHWARD commenced his observations by referring to the sad spectacle which the gen-

tleman from Connecticut (Mr. TALLMADGE) who had preceded him had given of the state of the nation, which, if true, must cast an everlasting stigma upon this country, which had been boasted of for its independence and forbearance. Obedience to the laws was characteristic of a good citizen, and to this principle he believed it was always safe to appeal first. Now had this been so strongly evinced as was desirable to the northward? It was true that there were a number of petitions on the table for the repeal of the embargo laws, but there was very little evidence that they waited for the desirable redress. If he was not much misinformed, very great pains had been taken in the New England States to sour and irritate the minds of the inhabitants against the embargo system of laws, particularly by gentlemen of the law; and circular letters had been sent from town to town to inflame the people on a subject with which they were perhaps but too little acquainted of the real causes for which the restrictions were laid on commerce, having been concealed from them as much as possible.

The proposition now under consideration is very important indeed. The subject to which it relates has produced more agitation in the nation, and occasioned more debate and discussion in this House, than any subject I have ever seen brought before the National Legislature since I have had the honor of a seat in it. It has always been an unpleasant and disagreeable subject to act upon, and a hard and difficult question for me to decide, and therefore I have generally given what is called a silent vote. I have voted in favor of the embargo with reluctance; but the measure was imperiously called for by the situation of our country, and the disposition of the belligerent nations of Europe. I voted for it on three accounts: First, to secure the property of the United States, against the depredations of the rulers of the ocean. Necessity seemed to impose those restraints upon us, even though they were irksome; but however irksome, they ought to be preferred to the prostration of our national rights and interest to the decrees of the belligerents. Secondly, I voted for it as the best measure which I could perceive our Government had in its power to preserve peace, and to use against those nations who had deprived other nations as well as ours of their property, their rights, and their Government. From such nations I wish to withdraw as much as possible all connexion, lest they might injure us as they have all others that have been connected with them. Thirdly, I thought that by such a disavowment our manufactures might be the more encouraged, and thus our true independence be rendered more firm. This advantage I considered of great importance, and such circumstances, if no other, might promote the growth of so desirable an object, without which we can never be said to be truly independent.

Mr. S. expressed himself decidedly a friend to commerce, but at the same time did not believe that the existence of the country depended, as had been said, solely upon commerce. He would venture to say, that if this country would maintain

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its independence, in fact as well as in name, it must resort to manufactures. This doctrine would by some be considered as treason against England, and importing merchants; but it was nevertheless true. We cannot, said he, have a stronger evidence of this fact, and of the necessity of encouraging our own manufactures, than by a circumstance which took place about two years since. The President of the United States had entered into a contract with a person for a supply of thirty thousand stand of arms, which were to be shipped from Holland. The Emperor of France, being informed of this contract, immediately prevented the shipment of the arms. We were disappointed—but this proved to be a fortunate circumstance. The Government was convinced of the necessity of manufacturing in our own country this important article. I hold it to be a correct principle, that this country should manufacture for itself every necessary of life. The bowels of the earth are full of riches, and the face of the country abounds with every raw material, sufficient not only for the necessities, but also for the luxuries of life.

The seed is sown—the germ is already sprung. By means of the embargo we shall reap a permanent good. Many infant manufactories are already established throughout the country, and are rapidly progressing to perfection. Another great advantage will arise by inducing domestic industry. Families will provide themselves with the necessities and conveniences of life, which heretofore they have procured at a great expense, and which manufactures he believed would render the country more independent of foreign nations than anything else which could be devised.

Mr. S. had some faint hope that the embargo would have operated as a coercive measure upon the belligerents. But in this hope he was in some measure disappointed, because either the law was not observed, or not enforced. He solemnly believed that the law would have answered every valuable purpose for which it was intended, if it had been obeyed. He blamed members of this House, as well as other persons, for the long continuance of this measure. There have been written, not only during the last, but also during the present session, seditious and inflammatory letters, calculated and intended to excite the people to rise in opposition to the law; and, at the same time giving encouragement to the belligerents to continue their destructive measures towards us.

He was persuaded that, if members had acted as good citizens, the embargo laws would have been repealed six months after their passage. Mr. S. believed that, various as were the views and calculations of gentlemen who advocated, or voted for the embargo, and of the effects which it would produce on ourselves, and upon the Powers against whose injustice and avarice it was intended to guard us, no man of sense, he was confident, ever believed the measure was intended to be permanent; but only as a temporary and precautionary means, whereby to save our property and seamen from the depredations of those Powers whose only rule of right is the extent of their

power, and who regard neither the laws of justice, nor of nations. The doctrine of necessity, which they so strenuously advocate, to which no bounds can be prescribed, is pleaded by them to justify the greatest enormities.

Notwithstanding all that had been said and written against the embargo, Mr. S. did not regret that he gave his vote in its favor. It had produced much good; it had saved to the country an immense amount of property; and, so far, it had preserved us from war. The principal difference of opinion in that House appeared to be in this, whether the blank should be filled with the first day of June, or fourth day of March next. He was in favor of the latter day, and was ready to join a majority of the House in such other measures as should better secure and maintain the honor and independence of the country.

The opponents of the embargo have told the House a great deal of the unparalleled sufferings which this measure has produced. Can this be a correct representation of facts? No, sir, it cannot be. The ruin and distress which gentlemen say this measure has inflicted upon the people of the Eastern States, has again and again been depicted by them, in such strong and glowing colors that all the sufferings of the Revolutionary war, all the sufferings of our impressed seamen on board British ships of war, from the year 1794 to the present day, have been lost, and swallowed up in this ideal mass of misery. And, sir, it is only ideal, when contrasted with the sufferings endured during a seven years' war; or, the sufferings of our impressed seamen, groaning under the lash of a tyrant, who has deprived them of liberty, and of every comfort of life. Our slaves are infinitely better circumstanced than these men. I would ask what has become of the spirit of sympathy which appeared to actuate gentlemen who used to describe the real sufferings of our seamen in such impassioned language? We were then told that every wave and wind that crossed the Atlantic, wafted the groans of our fellow-citizens into the bosom of their native country. Their tongues are now mute, or employed only to traduce the Government.

There are members on this floor, said Mr. S., who have seen more real suffering in one day, than what could possibly be produced by the restriction on trade since the passage of the law so much complained of. For one, I have seen towns and villages wrapped in flames; the country desolated; helpless women and children turned out of their houses by the near approach of a cruel and vindictive enemy—and fleeing for their lives, destitute of every comfort; men slaughtered in defence of their natural rights, property, and families; and yet, we are to believe, that a partial privation of a few of the luxuries of life, is more ruinous and destructive than all the calamities of war. The whole blame which our situation produces is thrown on our Government, while all the injuries which we have sustained from foreign nations, are covered under a mass of prejudice against the Administration. The injustice of one of one of the belligerents is either wholly

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overlooked, or palliated, while every supposed error of our Government is exaggerated. The gentleman from New York, (Mr. GARDENIER.) calls for a free trade. "Give to us," said he, "a right to the ocean." Why does he demand of this House a free commerce? Let him turn to the orders and decrees, and see whether it can be obtained. But, these destructive measures of the belligerents are considered by some members as mere trifles—innocent things—growing out of mere necessity. However innocent and harmless some gentlemen may consider these orders and decrees, the belligerents consider them as very ruinous to neutral commerce. Mr. S. referred to the letter from Champagny to Mr. Armstrong, and read a paragraph from the letter of Mr. Erskine to Mr. Madison, of the 12th March, 1807, in the following words: "But, though this right of retaliation would unquestionably accrue to His Majesty, yet His Majesty is unwilling, except in the last extremity, to have recourse to measures which must prove so distressing to all nations not engaged in the war with France."

Mr. S. lamented that members of Congress, to whom were confided the best and dearest interests of the country, were found palliating the impositions of foreign Powers, that they might thereby inflict the deeper wounds on their own Government. Restore, said the gentleman from New York, the confidence of the people in their Government. Mr. S. despaired of so desirable an object ever being accomplished whilst there were in the national councils men leagued with the British Cabinet, and hiring printers laboring with all their might to detach the people from the Government. This, sir, is no new thing, said he. Look back for more than seven years and you will find a systematic opposition against the Administration. With them, nothing is right; everything is wrong; every act of consequence has been denounced; great pains taken in various parts of the Union to stir up the people to opposition; the laws represented as unconstitutional, cruel, and oppressive.

The same gentleman from New York, now declares against war, and paints its horrors in the most glowing colors. I also, said Mr. S., deprecate war. Let not him that putteth on the harness boast, but him that taketh it off. It is not long since that gentleman told this House and the nation, "that the salvation of this country depended on war"—"Ally yourself with England and declare war against France." Sir, for one, I differ with that gentleman. Ally yourself with either of these Powers and on the day you sign such alliance, you sign the death-warrant of the liberties of this country. It would be infinitely better to fight these Powers single handed than to be allied with either; because when you had fought by yourself, you may negotiate by yourself and make peace without asking leave of your ally. What has become, asked Mr. S., of all those nations who have allied themselves with Great Britain, or been subsidized by her? British gold has corrupted and ruined almost all the nations of Europe. She has destroyed their com-

merce, and France has deprived them of their liberty.

The gentleman from New York regretted that hard words should have been used by the majority, calculated to wound the feelings of the minority. Can the gentleman imagine that the majority have no feelings—the Government no sensibility? Who first began to use hard words and opprobrious language, but the minority? Let me, said Mr. S., remind those gentlemen of an old adage—let those who live in glass houses beware how they throw stones. In order to relieve this country from its present embarrassments, we are called upon to retrace our steps, to turn back to the policy of a former administration, and undo all we have done. Sir, should the gentleman himself take a sober review of the measures pursued and the cruel and unjust policy adopted in those happy days of which he speaks, the recollection of the actual situation of our country might cause a blush—but I forbear to pursue so disagreeable a subject. It was said that there ought to be more time given in order to favor negotiation. If it was probable that by that day they could be effected by negotiation, it would be best to take the most distant day; but I believe there is but little prospect at present of our differences being settled by treaty. Be that as it may, as soon as you pass the resolution now on your table, the embargo laws will cease to have any effect on foreign nations, and will only operate to the injury of our citizens. If the embargo laws are to be repealed, so as to take effect either in March or June, the earliest day will be the best. It will afford sufficient time to the honest and virtuous citizen, who has obeyed your laws, to be ready to take advantage of foreign markets as soon as the man whose cupidity has induced him to prepare to violate every sacred obligation which he owes to society.

Mr. S. said that under existing circumstances he had but very little hope or expectation that much advantage would be derived from commerce, and he feared some men might be base enough to pay tribute, or sail under British license. Perhaps, sir, said he, I may be too much prejudiced against such license and protection, owing to what took place, somewhat of a similar nature, during the Revolutionary war with Great Britain. Was there an instance of a man who went voluntarily into the enemies' lines and took his Majesty's protection, who has not proved an injury to his country? The man who, for the sake of gain, would pay tribute to a foreign Government, ought forever to lose the protection of his own.

He thought it his duty to make these observations in vindication of his own conduct in voting for the embargo law, and also in support of the Government, against which the tongue of calumny had been so long aimed. If these laws are repealed, he hoped and trusted that others would be substituted in their stead better calculated to maintain the independence of the United States.

With respect to a resort to war as a remedy for

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the evils experienced at present, Mr. S. would only observe that war was in itself so great an evil that the United States had wisely considered peace and an honest neutrality as the best foundation of their general policy. It was not for him to say, under what degree of aggravated injuries and sufferings, a departure from such policy would become a duty. The most pacific nation on earth might find itself compelled to exchange for the calamities of war, the greater distresses of longer forbearance. Should imperious circumstances require the United States to enter into war to defend and maintain their liberties, Mr. S. pledged his life that his fellow-citizens of New Jersey would cheerfully rally round the standard of their Government, and, as in 1776, rather see their hills and their plains smoking with the blood of her sons, than tamely submit to the dictates of France, or degradingly pay tribute to England.

Mr. UPHAM said a few words expressive of astonishment that the gentleman from New Jersey (Mr. SOUTHARD) should have taken exception at the statement of facts made by his colleague (Mr. TALLMADGE) in relation to the execution of the embargo laws, and the impression which they produced in some parts of the country. So far from producing irritation in the House, Mr. U. conceived it to be the bounden duty of every man who knew of such facts to state them to the House. He was surprised that gentlemen should object to hearing facts.

Mr. DURELL said, although in forming an opinion upon the subject more immediately under discussion, it may not be necessary to go over the whole field of argument, in relation to the great questions of war or embargo, yet there is such a connexion between these subjects and the question of filling the blank in the resolution upon your table, that I must beg the indulgence of the Committee while I enter into such a view of the case as seems to be necessary, in order to understand the precise point of the question before us.

The resolution upon your table proposes a repeal of the embargo, and hostilities against Great Britain and France. There appears to be a strong sentiment in favor of the first proposition, viz: a repeal of the embargo. And if the sentiment in favor of war is not so strong, it is not for the want of provocation—this, God knows, we have in abundance—but because war would be putting too much at hazard, and at best, would be assuming a new and positive evil, for no better reason than to get rid of an old one, although of a negative and very doubtful quality. To exchange the embargo for war would (to indulge in the homely style of our forefathers) be but stepping out of the frying-pan into the fire. However, sir, if war is to be substituted for the embargo, and is to begin where that ends, then in filling the blank upon your table, the question, instead of being, when shall the embargo be raised? should be, when shall hostilities be commenced? The former, considered singly, and unconnected with the latter, would be of very little moment—in settling it we should merely take into view the

convenience of our merchants in the several seaports in the Union; but in considering the latter we should exclusively calculate upon the convenience of the State. The precise time for removing the embargo, in this case, is merged in that when it would be most proper to commence hostilities. The one may be done at almost any time without much hazard, but the other requires great deliberation, and should not be adventured upon too precipitately—surely not till we are prepared for it. If then war must begin where embargo ends, the question is not when shall embargo end, but, when shall war begin.

There are two reasons why war should be postponed to the longest day that has been mentioned; first that we might be the better prepared to meet it; and secondly, to give us further chance for negotiation.

Sir, we propose commencing hostilities against two of the most warlike and powerful nations the world has ever witnessed in arms. With no less than the master of the continent of Europe, and the mistress of the ocean. And are we prepared to meet the shock? I am aware it may be said—indeed, it already has been said—that a war with France would be merely nominal. But, are your strong points fortified in a manner to resist the attacks, even of Britain, from the side of the ocean, with her thousand ships of war? Or are you exposed, from Maine to Georgia, not only to the thunder of her ships-of-the-line, but, even to the pitiless peltings of her vile picaroons?

Again. It is understood, sir, that despatches from your Government are on the point of sailing for your Ministers at Paris and London. It is also rumored, that a further attempt at adjustment is to be tried, by a new offer to negotiate; and, for my part, I have no objection to this ultimatum of experiment, this last appeal to interest, (for reason and justice are quite out of the question,) before there is an appeal to the sword. I should have said, "*ultima ratio regum*," for that, I think, sir, is the courtly phrase with politicians; and, although the success of this new overture will, probably, depend upon the mere chances of the war upon the Continent, yet, I am willing that the last chapter of accidents should be turned over leaf by leaf, so long as there is the chance of an issue in our favor. Thus much, I have thought it my duty to say, in favor of putting far away the evil day. But, if war is to commence so early as June, I must confess there are very strong reasons why it should begin at an earlier period.

Any measure we may adopt which will carry with it a repeal of the embargo, would, in a very great degree, relieve the public anxiety. The people have so long complained of restrictions imposed by the embargo, that, like one laboring under the hysterics, from an imaginary, they have fallen into a real disorder; from which, nothing will restore them but an entirely new course of regimen. And, whenever this new course should be administered, the body politic has so long labored under this disease that it would cheerfully submit to any other course the Government may choose to prescribe. I do not,

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myself, consider this as a very overwhelming argument, yet, when we reflect that ours is peculiarly a Government of the people, made by themselves, and for their sole use and benefit, and that we, their Representatives, have been selected by them to execute their will, it cannot be considered as a very weak one. On the whole, it appears to me that the very caprices of the people must sometimes be gratified, even at the expense of their interest. They appear very solicitous to barter away the embargo for something else, and, for one, I am for gratifying them, even if this something else were to be an immediate declaration of war.

Again sir, if you go to war, your object, at least in *parolis*, indemnity for the past; and where is this to be found? Not entirely upon the ocean. It is true, you will harass and cut up the enemies' commerce; but, as this is to be done chiefly by privateers, the booty acquired will not belong to the Government, but to private individuals, whose valor has wrested it from the foe. This indemnity, then, must be sought, not upon the ocean, but upon the plains of Quebec, and at Halifax; in Canada, and Nova Scotia; in the fisheries of Newfoundland, and the rich soil and extensive forests bordering upon the lakes; and the St. Lawrence, whose ample waters are destined, one day, to waft the fruits of American enterprise and industry, from their very sources, to the ocean. If, then, Canada is to be attacked, your operations ought not to be delayed till June, because this would be giving the enemy time to fortify and intrench himself, as well as to receive reinforcements from Europe. The plan, sir, should be no sooner conceived than the blow should be struck, if you intend to conquer; but, if you intend to be foiled, and put to an unnecessary expense and delay, then take care to notify the world of your intentions; but be sure not to commence your operations till June, that the enemy may be on his guard.

Again, to delay hostilities till June, would protract the war at least a year, because it would then be too late to collect your army, march to Canada, make the necessary dispositions, conquer and garrison the country, and bring back the residue of your troops before the commencement of the inclement season. In this case you would be obliged to winter in the country, which, already desolated by the scourge of war, could afford you but very scanty supplies; and, if unsuccessful in the onset, you must either return to the States without effecting anything, or winter in the country, in the face of the enemy, under every disadvantage, both of shelter and climate.

On the whole, sir, if we must have war, between this and the first of June, and one of its objects is the conquest of Canada, it is high time we set ourselves about it in good earnest; and, in my opinion, the sooner the better.

Thus far, in considering this subject, I have supposed that war must necessarily and immediately follow a removal of the embargo. But, sir, there are many, very many, within these walls, and who belong to this Committee, who cannot

persuade themselves that war must necessarily be substituted for embargo. And if a measure so distressing, even to the victorious, can be honorably avoided, who is there in this honorable Assembly who will raise his voice in favor of a state of things so disastrous, I might say fatal, to society as war? Here then, Mr. Chairman, a very important question presents itself. Can the embargo be raised, consistently with the national honor and interest, without the hard necessity of recurring to war as a substitute? Let us examine this question fairly, and with candor, for, of all others, it is of the first importance to this nation.

In the discussion of this part of the subject, I shall be obliged to indulge in a wider range than I at first had intended. In order, sir, to cure a disease, it is often necessary to know its origin and causes; combat and subdue the cause, and the effect ceases, of course. The first inquiry, then, should be, what were the causes which produced the embargo? To this question, sir, I answer, without the fear of contradiction from any man; the British Orders in Council of November 11, 1807, and the French decree of November, 1806, or rather the practice under it, which began about the time the British Orders first made their appearance. I am aware that the British Orders had not been officially notified to the American Government, at the moment of laying the embargo; but the substance of them had appeared in the newspapers, and were publicly read in this Hall, a day or two before the President's Message recommending that measure was sent to the House; and although we might not know the precise details of those orders at the time of passing the embargo law, yet we knew enough of them to be satisfied that they were intended to fatten the British navy upon the ruin and spoils of American commerce. The orders of Britain and the decrees of France, then, were the true causes of laying the embargo; and to these edicts the nation must not, cannot, submit. Sir, we, its Representatives, in behalf of the people, have already pledged ourselves that we will not submit. This, then, is an axiom, a first principle, that the orders of Britain and the decrees of France cannot, and will not, be acquiesced in.

The bearing of those edicts, in relation to the American commerce, being anticipated by the embargo, their deleterious effects have hitherto, in a great measure, been prevented. Our object, then, in selecting a substitute should be, to adopt such measures as will meet them full in the face, and thereby prevent them from operating injuriously in future. Raise your embargo, and the bearing of those edicts upon your commerce must be prospective, and if we are to content ourselves for the present with security for the future, it will be sufficient, if your substitute has a prospective bearing too, capable of resisting the orders and decrees henceforward, and of preventing them from operating injuriously in future.

War, sir, in order to be justifiable, is always retrospective as well as prospective in its objects; it seeks indemnity for the past, as well as security

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for the future; and however Governments may pretend they are justifiable in making an unprovoked attack, for the purpose of averting a distant, and of course uncertain evil, as was the case with Great Britain in her assault upon Denmark, yet I think no nation can be justified in commencing hostilities, unless those hostilities are grounded upon injuries already received, for which it is intended by the war to seek indemnity. Let us, for a moment, examine the ground we have already taken in relation to the orders and decrees.

In pursuance of a law of the last Congress, the President of the United States did, some time in the month of June, propose to the British Cabinet to suspend the embargo, as to them, on condition that the Orders in Council should be rescinded as to us. This proposition did not consider indemnity for the numerous injuries we have received at the hands of the British nation, as a *sine qua non* to a repeal of the embargo; but, on the contrary, it was a consent, on our part, to waive all considerations of indemnity for the past, until a season more propitious for negotiation should present itself, and to content ourselves with a bare removal of the Orders in Council, as a pledge both of security for the future, and indemnity for the past.

On this point, then, the Government seems to be committed, for its language has been, give us a pledge of security for the future, and we consent to waive indemnity for the past until a more favorable and propitious moment for negotiation. As this friendly proposition was rejected by the British Cabinet, I acknowledge we are under no obligation to it to pursue a course which would have the same result of that proposal, had it been acceded to by Great Britain; yet, if that proposition was wise, and we can attain the end proposed by it, without recurring to the dreadful calamities of war, it is unquestionably our interest and our duty to do so.

The grand consideration, then, is to find a substitute for the embargo, which will meet the future operations of the orders and decrees full in the face, and will either secure us against their effects, or reduce the belligerents to the necessity of becoming aggressors anew. Such a course must assuredly be preferable to direct hostilities, because it would give you a chance of avoiding hostilities altogether; and because, if hostilities must follow, you will throw upon your enemy the odium of being the aggressor. Sir, I would not be understood as insinuating that Great Britain and France are not already the aggressors, but I am looking forward to a state of things subsequent to a repeal of the embargo. If, then, we are willing to postpone a consideration of the past to a season better adapted to a friendly discussion of the points in difference, and to regulate their conduct solely with a view to the future, then, I say, if we should be so unfortunate as to come again into collision with the belligerents, it will be all-important to us, that we should throw upon them the odium of aggression. It is to this source alone we are to look for that spirit

of union and manly resentment necessary to carry a Government like ours through a war successfully. It has been said, on a former occasion, that Kings go to war to gratify a favorite, or a mistress. This, thank God, is not the case with Republicans, who have no favorites but their country, nor mistresses but the laws. Republicans are rarely so intemperate as "to seek a quarrel in the cannon's mouth." They never go to war until the general sentiment, roused by some flagrant act of injustice against the State, demands it; and even then, if their resentment be suffered a little to cool, there is no way of bringing the public pulse back again to a war pitch but by new aggressions from the side of the enemy. We all know we have ample cause of war with Great Britain; and there was a time when the people of the United States, would, to a man, have dared every danger to meet it; but their resentments have been suffered to cool, and instead of making it a point of honor, they now consider it as a matter of deliberate calculation. If we have war, we all wish that war to be successful; but, in order to be successful, we must be united, and we shall not be united until we have received new indignities. But, it will be asked, What is this new course, this grand specific? I answer, to arm against the illegal and obnoxious orders and decrees of the belligerents. But, say gentlemen, will you arm against the British navy? Sir, I would arm against her tyrannical orders (not against her navy) for the purpose of bringing the subject fairly at issue. The project of arming against France no one will treat as chimerical; all sides of the House, and especially our friends in the opposition, suppose we are a full match for her upon the ocean. France, then, we may lay quite out of the reckoning. Thus, having happily got rid of France, we have only to contend with the navy of Britain; and how is this to be done? Sir, I have already observed that the object was not to fight the British navy, but to oppose the Orders in Council, and in such way as to bring their bearing upon our commerce fairly at issue. Let, then, your merchants arm in their own defence, and if they are suffered to proceed without molestation, (and verily, sir, I am almost ready to persuade myself they would be,) well; but, if they are captured and condemned, then we are at war; and, England being again the aggressor, the war will be popular. Either alternative would be preferable to the present state of things, and there could be no possibility of avoiding both of them. One or the other must be our condition immediately upon a removal of the embargo.

If, sir, I could persuade gentlemen to go with me in the belief that a state of things such as I have described would immediately follow removal of the embargo, no considerations could induce me to suppose they would hesitate for a moment to adopt the system I have proposed. A fear of having the reputation of abandoning a measure which had been unsuccessful could have no weight with the good sense and patriotism of this honorable body, if such an aspersion should

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be attempted; but as there could be no possibility of succeeding in the attempt, there can be no reason for alarm from that quarter. Let us examine this part of the subject a little more minutely, that we may not mistake its consequences.

If your merchants go out armed, and suffered to proceed to their ports of destination without being molested, we shall be perfectly secure both in point of interest and practical reputation, also; for who, in this case, would have the presumption to say, the embargo was not the cause of this security? Had not the embargo been laid, the edicts in question would not have been enforced, and your commerce would have been swept away. One hundred millions would have been sacrificed to glut the avarice of Britain or France. The embargo, then, will have saved this immense property to its rightful owners, and have given it a permanent security. But, sir, if your property should be arrested and condemned, what better evidence could you have of the importance of the embargo? This state of things would clearly demonstrate that it had not only saved your property from the devouring grasp of the belligerents, but had also hitherto preserved you from war. This state of things would also confute the arguments of our opponents, who have contended that there was no sort of danger in resuming the navigation of the high seas. All their logic upon this subject would be overthrown in an instant. The people would be satisfied that the Government was correct, and that themselves had been led into an error by the clamor of demagogues, and the sophistry of such as make a point of railing at every act of your Government. And what is more, sir, the spirit of impatience, too often manifested against the necessary restraints of the law, would give way to a just and fiery indignation against those freebooters who again had dared to rob you upon the common highway of nations.

Sir, we have been told by a gentleman from Virginia, (Mr. BURWELL,) that the embargo being a measure of precaution, by letting out your merchants before you are prepared to protect them by war, would be counteracting the principle you had assumed. This opposition must have been predicated on the idea that the property over which the precaution had been exercised, belongs to the State. Indeed, it belongs to the nation, or rather to the individuals who compose it, and, in this point of view alone, has the Government a right, under the Constitution, to exercise this sort of protection over it; but even this ceases the moment the property is in safety. The Government, then, has done its duty; like a faithful monitor it has given the warning, after which the individual should be left to manage his own property agreeable to his own discretion, unless weighty reasons of State should induce the Government to control him. So that, as a precaution operating solely with a view of securing the property of individuals from sudden danger, the Government has nothing farther to do with it. Again, the same gentleman has told us, if you will raise

the embargo, you would have war in less than six weeks. This, sir, would be bringing the thing to a point; it would unite the nation, and is precisely what we want.

These remarks, sir, have appeared to me to be pertinent to the subject before us. If, therefore, the principle of arming is to be adopted in filling the blank upon your table, we need not at all be governed by a consideration of war. All, then, that is necessary, is to consult the general convenience of our mercantile brethren. It will be recollected that some of our principal seaports are, at this moment, embargoed by the frost; such as Philadelphia, Baltimore, and Alexandria; and will probably remain so until the first of March. It would be unfair, then, to raise the embargo at a moment when the merchants of those cities could not find their way to the ocean. And, indeed, were it otherwise, some little time should be allowed in order that the citizens from one extremity of the Union to the other, might have an equal opportunity of finding a good market.

On the whole, I am of opinion that the fourth of March will be as generally accommodating as any other period that has been mentioned, and shall therefore vote for filling the blank with that day.

Mr. GHOLSON said, he considered the time at which the change of measures should take place to be equally important with the resolution itself. Not one month ago, said he, the House voted by a very audible and distinct majority that the embargo should be enforced and carried into effect, as the best policy to relieve the nation from the difficulties under which it labors. I have, therefore, felt a degree of surprise at hearing gentlemen who voted in the affirmative then, advocating now a sudden departure from the measure. Is not the consistency and dignity of the House involved in filling up the blank? Will the House of Representatives act like a parcel of school-boys? Determined to enforce the law, and then, without the happening of any circumstances to induce a change, suddenly depart from the measure they determine to enforce! Unless I was very much deceived, I heard all the friends of the present policy declare that their object was, that the measure should receive a fair experiment. If not, for what reason was the act for enforcing the embargo passed? For passing that act, Congress have been censured. The Federalists throughout the Union have denounced us for giving to custom-houses so much of what they call Legislative discretion. I ask them, again and again, was all this for nothing? If it is to be abdicated the fifteenth of this month, I do protest that the passage of the supplementary embargo law was a rash, hasty, and inconsiderate deed, unworthy of this Assembly. Whilst it was the opinion of most of the friends of the present system, and mine, distinctly expressed on a former occasion, that the embargo should have a fair trial; that it should be carried into execution, and that, for that purpose, the President should possess all the energies of the State; I wish it to be understood that I was not in favor of a protracted embargo, after the

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period should have arrived which would prove it to be inefficient, or after an act of even half justice to us. Let me ask, then, whether the first of June is more than a reasonable period? Will gentlemen say that five months' embargo (for, till the first of January it was little more than nominal, being daily violated) is more than a reasonable experiment? I humbly conceive not. A law has lately been passed requiring the National Councils to assemble on the fourth Monday in May. Now, upon a change of policy, (for it appears to be contemplated that we should have war of some kind; when a transition is made from a calm and pacific to a warlike attitude,) it will very possibly produce some convulsion that will render it necessary that Congress should be here. For what should Congress convene here, but to take advantage of circumstances as they may arise? I want not Congress to be here, if we are to take war on or before the fourth day of March. But, being in session, and a change of policy not taking place till after they meet, they will have it in their power to take advantage of any change in our relations. Another circumstance operates on my mind. If, as is generally expected, war must ensue a repeal of the embargo, I ask gentlemen whether we are at this time prepared for war? And I will refer the House to arguments already advanced on this subject. Have we an army already prepared? Would you expect to conduct a war with militia? On the contrary, are you certain that the militia are constitutionally qualified to embark in that kind of war in which we should, in all probability, be involved? It is a serious question, sir, whether the militia can be carried without the limits of the United States. There is another reason which weighs powerfully with me: it is a respect for the character of the Government itself. Your law has been wantonly and traitorously set at defiance. The hardy arm of rebellion has been raised against you. Amidst the feuds of the East, the law has been silent. I would sooner see the country spill its best blood, than I would yield to turbulence and faction the dominion of the law, and, with it, the very existence of your Government. Although my own constituents suffer as much as any other, they wait patiently under the laws which they partake in forming.

What an example will it be for future times, if an inconsiderable portion of your citizens are permitted to rise in opposition to the laws which are fairly and constitutionally enacted? If measures the most important be put at defiance by factious individuals, goaded on by avarice or worse passions, your Constitution is not worth having. I have already remarked that I consider it necessary, for the sake of consistency, putting aside motives of policy, that the embargo should be protracted at least till June. There is another consideration which perhaps is more powerful than all. It has been well said on both sides of the House that ours is a peaceable nation; that for it we would sacrifice any other considerations, than those of national honor. I hope the time never will arrive when we sacrifice national character for peace. Although the Governments

which have injured us have manifested little disposition to do us justice, I am willing, nay, I am anxious, whatever may be said of the cup of humiliation or of paper wars, to have another chance for the renewal of intercourse.

I have understood from the public prints that Government vessels are about to leave this country for France and Great Britain. If these nations are apprized that we are determined beyond a particular period no longer to endure their aggressions against us, that our forbearance will speedily have an end, they may give to the differences between us a more attentive consideration. Perhaps each may think it better to do us justice than that we shall be added to the list of their enemies. I attempt not to say, sir, that I have any confidence that such will be the case; but as there is at least a hope of it, I am willing to protract this measure till the first of June, that, if a disposition to friendly accommodation exists, we may avail ourselves of it. I suppose none of us would have an objection to peace with Great Britain, although I view her as our grand, natural and determined enemy—if she will respect our neutrality, there is not much doubt as to the other nation; it will be their interest to do so.

Sir, I have heard many arguments advanced at different times by a gentleman from New York, at which I have been astonished, particularly at his apologizing for those who violate our laws. He was told in debate that they could not consent to the present measure; that they could not endure it; that it could not be expected of them. When we hear language like this in this Hall, we are no longer astonished at circumstances which have occurred. Shall it be told to any portion of the people of the United States from this Hall, that the people will not consent to a law; that they will not endure it, and that it cannot be expected of them? If they cannot consent, I see no other inference but they may rebel. And is it not a doctrine which should be advocated by every one friendly to the Constitution, that every portion of the people ought to acquiesce in those rules of conduct in the enactment of which they have themselves participated? I should be very glad that gentlemen who hold and openly avow such doctrines, would reconsider their observations, and if compatible with their ideas of propriety would hereafter abstain from such excitements. Upon a calm and dispassionate review of such expressions, gentlemen must, and I am sure will feel sensible of their mischievous tendency, and I hope will cheerfully revoke them. But the gentleman from Connecticut (Mr. DANA) has introduced the example of Virginia as standing out in opposition to the sedition act. Sir, there never was a more splendid and memorable triumph of law over public feeling than in the trial of Callender. There, where every one around the court execrated the law, we saw its authority supported. The statute said that what was published was illegal and seditious, and the judge declared the law to be Constitutional. What did the people of Virginia do? They saw one of their citizens go into a dungeon by virtue of an act which they deemed

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to be oppressive and contrary to the spirit of the Constitution. They disdained to oppose the execution of a law Constitutionally passed, and declared by the judicial authority to be Constitutional.

When the vote was taken upon the resolution of the Committee of Exterior Relations which said that we could not consistently with our national dignity submit to the edicts of the belligerents, and the gentleman from New York answered in the negative, I thought he believed it to be a truism, but because it was an abstract proposition voted against it. Now I know not what to think, because he has admonished the House, if the embargo be repealed, not to bring on greater grievances. If we are to repeal the embargo and not to take any stronger measure, I beg of that honorable gentleman to point out what we are to do? If we take off the embargo and oppose nothing between us and taxation, we are to submit; and this doctrine tends to the most unequivocal and unconditional submission; and so far as gentlemen contend for the repeal of the embargo unconditionally, and the adoption of no other measure, do we hear downright and base submission advocated on this floor. I do not say that gentlemen mean to submit; but to me it is as clear as day, that the doctrine leads to a downright submission.

When the gentleman from Delaware (Mr. VAN DYKE) entered into a prolix review of the conduct of the Executive for the last five years, I did expect that the Chairman would have called him to order; but such a latitude has been throughout the session tolerated in discussion, that in future I shall scarcely expect any gentleman on any subject to be called to order. Sir, it would only require a very concise examination of the gentleman's doctrine to demonstrate most clearly that to admit his conclusions he must admit premises to which the people of the United States will never consent. You must in fact admit the British doctrines of impressments itself. He says that in January, 1804, the project of a treaty was transmitted from the Department of State to the Commissioner of the United States in London; that, although it was known to the American Government that the principle of impressment would never be abandoned, yet subsequently, in 1807, the same concession from Great Britain was insisted on as a *sine qua non* in negotiation. Now, sir, the gentleman and I are at issue as to the principle. If we had not a right at any time to deny the principle that Great Britain may impress American seamen when she pleases, the gentleman may be correct. [Mr. VAN DYKE said he had spoken only of the impressment of British seamen.] Mr. G. observed, that as he conceived this subject to have no relation to the question before the House, he would not persist in the discussion of it; but that, take it as the gentleman pleased, his argument was founded altogether on the surrender on our part of the right of impressment to Great Britain. A right which the American people will never recognise.

Mr. DANA rose with a view that his vote might

not be misunderstood, that he might not be supposed in voting for repealing the embargo on the first part of the proposition, to pledge himself as to any other measure. The only pledge for him, then, to give as a member of the House, was the fact, that a public trust was committed to him by freemen; and in executing the trust according to his best judgment, his mind should be left free as the air, with respect to any ulterior question. This however he was ready to say—if the alternatives presented to the House were to be only those stated in the report of the Committee of Foreign Relations—national occlusion, or national submission, or national war with the belligerent world, he was for neither of them. It was enough for him then, to say, that he did not agree to either of those propositions.

With respect to the general idea of going to war, I have had some doubts at least whether we should go to war very soon with France and Great Britain; for if it be difficult to fight one of those Powers, it must be peculiarly difficult to fight them both. Before we go to war, I have been of opinion that those charged with the affairs of the nation, or at least some of the leaders, must make one discovery. It is this—before we go to war we should be prepared for it. To go to war before being prepared for it would not become us as officers of the public, although an ardor of zeal even without preparation might be well enough for mere recruits. Before going to war, a number of things might be convenient for waging it to advantage; such as a military chest, because it is necessary to have some money, as well for the pay of troops as for various other expenditures, known to be requisite for the advantageous conduct of a war. Men, too, may be wanted. In case of undertaking an expedition to Halifax, I have thought that it might be proper to consider whether we should go by land or by water. If by water, I have rather supposed that we should not go in gunboats. If by land, I have been disposed to consider the distance, and to estimate how many leagues of forest in the province of New Brunswick would intervene, which have not been traversed by any considerable body of men, or in which a horse-track or foot-path could scarcely be found.

In travelling with an army, it might be proper to consider how long a time it would require to make a road through such a forest, and whether it was not probable that all the men who might be employed in cutting it would be cut to pieces before they could cut through the road. Baggage, and some provisions, too, must be transported; for, really, soldiers are such beings that they cannot live without eating. And I have been disposed to inquire, in case of undertaking to march through that province a military force, with baggage, provisions, military stores, wagons, field artillery, and battering cannon, what length of time would be requisite for an army of the best spirit, under commanders of the greatest talents, to accomplish it? Canada has also been mentioned; but the season for striking a blow there has certainly passed away during the embargo. The

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spirit of hostility which existed between the Northern parts of the nation and Canada is diminished. The boundary line is imaginary, passed daily by those who are in the habit of performing offices of friendship towards each other, or of transacting business; and thus the spirit of hostility is allayed. And, however once the inhabitants of Canada might have wished to be under the Government of the United States, that wish has ceased. For, however much we may extol the protection of the embargo, those who a year since perhaps were friendly to you, would now not accept your protection. For, whilst they pay but small or no taxes there, and enjoy various privileges of freemen, they will not take your taxes, and receive no privilege with them. If you were to go to war now, you would find that the zeal of the inhabitants of the United States, as to marching into Canada, is very much diminished. And, sir, when we come to consider the subject, the idea of marching to attack a foreign territory is not congenial with the habits of this country. How much would the invasion of Canada cost you? You would want an operating army of at least 25,000 well-disciplined men. Are you ready to appropriate ten millions of dollars for raising and supporting troops? With respect to marching the militia into Canada, you might order them, but I do not believe they will go, because I do not believe that the militia can be constitutionally required to march beyond the frontier. I do not believe that you can make a law requiring the march. For such reasons, among others, I think that you will not soon go to war; especially as you cannot seriously think of going to war merely for the sake of fighting, when there is no prospect of success. When you talk about going to war without any systematic plan, it is to be regarded as merely theroeitic.

On the question of enforcing the statutes of embargo, I shall not enter into a particular examination of the subject; but I agree with the gentleman from Virginia, (Mr. GHOLSON,) that if there be a rebellion against the laws, you ought to crush it. If you know of the existence of rebellion, put it down, or you are unworthy to hold the reins of empire. If you do not put it down, cease to call it rebellion. Take either alternative. What has been the doctrine of every Administration? That insurrection should be put down, if necessary, by arms. Was it not on the anniversary of the battle of Lexington, on the 19th April, 1808, that the President of the United States issued his Proclamation for quelling an insurrection near Lake Champlain? This, to be sure, was so small an insurrection or commotion that it was not seen by any one on the spot. Congress was then in session, and no information on the subject was laid before us. Indeed, I believe the Proclamation only states a probability of an insurrection. Now, it has been stated on the floor of Congress that there is rebellion in the land. And here, let me ask, what was intended or predicted by advocates of the embargo, as to the effects on a foreign country? Was it not this: that it would produce such effects, relative to some of the

foreign Powers, as to cause insurrections against Government, and thus compel an accession to your terms? The policy of your embargo was a policy of insurrection. And are you disposed to say that the bitter chalice of trouble, which was prepared for a foreign Government, is already commended to the lips of our own Administration? Are they even now drinking the ingredients which they had compounded for others?

Gentlemen should, in some degree, be cautious as to the language which they use on this floor. When animadversions are here made upon the people for want of patriotism, do such reproaches become this House? Can the history of the world exhibit the example of a free and active people bearing so long, and with so much patience, measures which affect them so severely—which produce so much suffering? And are we so little acquainted with human nature, that we expect our acts of Government to be enforced by patriotism alone?

In a population of six million of whites, are there to be none but patriots? More especially when many men in the country have but recently come into it. Do you expect all the people, without any exception, to be patriots? Do your Constitution and laws suppose this? If so, for what cause is the Executive Magistrate authorized to display the sword? No, sir; they have not been weak enough to trust to patriotism alone; they were more wise. Some persons may have felt indifference with respect to the policy of embargo; and some from principle, whatever they might think of the policy, would abstain from violating it. Some may have evaded it with impunity, while they were urged by the pressure of want on the one hand, and by the hope of profit on the other. Have you trusted to patriotism altogether? Wherefore, then, have your statutes been passed with such rigorous punishments? You might trust to the patriotism of a majority of the community; you might trust to the sentiments of the great mass of men who are interested in maintaining the rights of property, person, and character. But you may always expect there will be some bad men who will evade or violate the laws, although clearly Constitutional; and those you should calculate to put down.

Some questions, however, have arisen in relation to this subject, of a very serious and interesting nature. Perhaps the House might not be willing to hear me express all the sentiments which are familiar to my own reflection. Perhaps, too, my expressions might be liable to misconstruction, which, on such a subject, I should by no means wish. On one point, however, which has reference to the idea of the secession of any State from the Union, or a dismemberment of the Union, perhaps I ought to say something. All this doctrine, for myself, I utterly disclaim. The achievement of the independence of the thirteen original States, and the establishment of the Constitution, under which they are united, are connected with too many precious, too many proud recollections, to permit a man easily to think of realizing a dismemberment of the Union so

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achieved and so established. Whatever diversity of opinion, whatever rivalry of States, whatever jealousy of State ambition may exist, still one sentiment is to be recollected, and it is one on which, when I mention it, I need make no comment. The distinguished, the illustrious patriot, whose memory is cherished in the Northern portion of this Union, with a veneration next to idolatry, was a gentleman of Virginia. Independently of all those recollections which apply strongly to the heart, and which must so interest all honorable minds as not to be driven from them by any diversity of political opinion, for, among gentlemen, there are some sentiments of honor always recollected in relation to each other; independently of these, there are considerations so strongly applying to what I deem the interest of the State from which I am a Representative, against a separation of the States, and such is my confidence in the good sense, the strong practical intelligence, and the sound principles of my constituents, that, were every State near it to solicit a separation from the present Union, and desire the concurrence of Connecticut, supporting it with all the talents which those States possess, I do believe that, even myself, with my single talent, however small, could prevent the acceding to the proposition supposed. A reason for this opinion is, that, from the habit of education together, and my knowledge of the consequent uniformity of sentiment, I am very confident, on mature reflection, with respect to a subject of this nature, the people of Connecticut would generally adopt the same conclusion with myself. And, in saying this, sir, I request to be understood as relying not on any imaginary potency of my talent, but on the prevalent power of truth.

Yet, sir, be pleased to recollect that this Government, according to Constitutional principles, is not a consolidated Government. I have heard, in the course of the present session, an argument against the embargo as being a consolidating measure; and reference was made to the language of a celebrated orator of Virginia, (now deceased,) as to the danger of consolidation. Since that time, I have been almost astonished at the change produced in my own opinion; for the argument which then seemed to have more of eloquence and fertility of mind than of real solidity, the argument which then seemed but specious, has since appeared to be hardened into solidity by measures which have been adopted. It is well known that this is a Government of limited powers; when the members of the Government act without Constitutional authority, they act as unauthorized individuals. In case of questions arising, whether our acts are Constitutional or not, some, perhaps, might say that our decision should be regarded as infallible. But the Constitution does not proceed upon the supposition of the infallibility of Congress, or upon the supposition of Executive infallibility. The question, remains, with respect to our acts, whether others may not rightfully decide as to their constitutionality. Every member of Government, who is sworn to support the Constitution, has to perform

his public trust according to what he believes to be the true construction of the rule of duty to which he is bound by oath. According to this principle, judges have doubted the constitutionality of legislative acts, and have considered themselves not bound to give effect to any legislative provision when clearly unconstitutional.

The elective franchise is of great use as well to prevent the adoption of unconstitutional measures, as to guard against the abuse of powers unquestionably delegated by the Constitution. If, however, unconstitutional acts be adopted, are they not acts of usurpation? Such acts, whether adopted from patriotic motives, or otherwise, are not in pursuance of the trust committed to the Government; and the members of independent authorities, who are sworn expressly to support the Constitution, are not to be considered as sworn to give effect to such measures. When, therefore, a deliberative body is called upon to act in aid of the statutes not Constitutional, they are at liberty to refuse. Thus the judges of courts of the United States are considered as not bound to afford any agency or aid toward carrying into effect a legislative provision, which is unconstitutional. The Legislatures of individual States are also deliberative bodies. And some acts might be required from them for giving complete effect to some of the acts of Congress. I will cite an example. The act relative to the militia could not be carried into its intended effect without some legislative provisions on the part of the State Governments. Such provisions have been made, and the act has gone into general operation. But if any State Legislature had believed the act to be unconstitutional, would it have been their duty to comply with its unconstitutional provisions? One State, I think, did omit, for a time, to pass any act conformable to that act of Congress, although not from doubts about constitutionality, but from some other cause. I consider, therefore, that the State Legislatures, whose members are sworn to support the Constitution, may refuse assistance, aid, or co-operation, as to an act of Congress which they sincerely believe to be unconstitutional. And one step, further, I think, may be admitted. They may refuse the co-operation of persons holding offices as agents under the State; for the agency of such persons is the agency of a part of the State itself.

If we admit all these principles, gentlemen need not suppose that they in the least endanger the Constitution of the Union; not in the least, sir. But, if measures were pursued tending to alienate large portions of the people by giving effect to unconstitutional principles, this might expose the Union to the hazard of division, or to the hazard of being consolidated by arbitrary power into one Government. The Legislatures of individual States have motives of policy and interest to decide in favor of acts of the General Government, because it is a common cause to maintain legislative authority. Of consequence, when a question is raised by a respectable portion of the community as to the constitutionality of a statute, it should be regarded as warning the

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General Government to review the subject with serious deliberation.

Perhaps gentlemen are not perfectly acquainted with the nature of some proceedings which have taken place in the Commonwealth of Massachusetts, or with the nature of their town meetings. Those primary assemblies of the people exhibit the great force of the principles of free Government. They are bodies legally constituted, with the power of making local regulations, and of imposing taxes upon themselves; they are meetings convened in strict form of law, as much so as when the President of the United States issues his Proclamation for a meeting of Congress. When assembled they proceed to choose a person to preside in a manner as conformable to law as the choice of Speaker of this House; and order may be maintained there with as absolute certainty as it is here, for the officer who presides may require the assistance of peace officers. In those places, their military men assemble; the men and officers there meet on even floor, and deliberate freely. Thus the meetings may exhibit what is resolved upon by the mass of fighting men. They are assemblies to which the people are perfectly accustomed, to which all legally qualified to vote are admitted, and in which they all may express their sentiments on their common concerns. They are seen proceeding with much deliberation and with much caution to judge and decide on what they believe to be proper for them according to the Constitutional law of the land. Instead of thinking them scarcely worthy of notice they should rather be regarded with peculiar attention.

Much has been said as to the example of Virginia in relation to a trial under the statute of the United States, called the sedition act. That was a case, sir, in which a statute could not go into effect but through the medium of a court. The court gave its aid, pronouncing the act in question to be Constitutional. If, however, an act were never to come before the court, and the State officers were called upon to execute it, it would present a very different case. There was an insurrection of unauthorized individuals in Pennsylvania against a law of the United States which was certainly Constitutional. I recollect that much was heard from Virginia about the trial alluded to. Resolutions and addresses of the Virginia Legislature were passed about legislative or judicial usurpation.

Mr. GHOLSON asked leave to correct Mr. DANA as to facts. The resolutions of the Legislature of Virginia were antecedent to the trial of Callender.

Mr. DANA would mention some other trials for supposed libels or sedition. There is a case now coming up to the Supreme Court of the United States. It is the case of a prosecution at common law for supposed libel, or sedition, or slander, instituted before a circuit court of the United States, conducted by an officer appointed by the present President of the United States. There have been instituted before the circuit court of the United States in the district of Con-

necticut, within about three or four years past, seven or eight prosecutions at common law for libellous publications, or seditious or slanderous words against either the President or Congress, or some portion of the Government of the United States. Some of the prosecutions have been attempted to be carried at common law beyond anything contained in that sedition act of which so much has been said. These are facts well known. The district attorney of the United States has conducted the prosecutions. To be sure, no persons have ever been punished under them, because it always so happened that there has been some error in the business, some defect of skill or attention in the attempt to bring up the question which it was wished to have decided by jury. I do not mean to charge the public prosecutor with purposely leaving a deficiency in these cases so as to liberate the persons prosecuted. You may judge of the nature of the prosecutions, when I observe that a judge of the highest court of law has been prosecuted in the name of the United States for a supposed libel—a man eminent for his personal worth, professional talents, and literary acquirements. One of our most distinguished clergymen has been indicted, and another clerical gentleman has, I think, been committed to prison. Two or three of the editors of newspapers have also been indicted. All these prosecutions have been had in a court of the United States. Yet the people had made no noise whatever about them abroad. They suppose that the influence of the Executive administration of the United States, however great, was directed against that small State; but they have never complained to the other States, or asked aid of any other State about the affair. The judges of the court have both been appointed by the present Administration; they are, however, of distinguished professional talents, and I recollect no reproach cast upon them as to any decision in these prosecutions, even by those more opposed to them with respect to political opinion. The Lieutenant Governor of the State has been arraigned before the same circuit court. Although it was painful to see the second magistrate of the State subjected to such a prosecution, and although it was felt as an insult upon the State, yet, for this, no opprobrium was cast on the court. The prosecution was ultimately abandoned—unquestionably, it could not be sustained where law and justice were respected. When gentlemen say so much of one prosecution in Virginia under the sedition act, they are desired to reflect that the small State of Connecticut has borne all these prosecutions. It is a State which never has given a President to the United States, and perhaps never will. The prosecution now pending at common law for supposed libel or sedition, is suffered to proceed without disturbance.

When Mr. DANA had concluded, the question was taken on filling the blank with the first day of June, and negatived—73 to 40. The Committee then rose, without taking any other question, 58 to 56, and had leave to sit again.

And on motion the House adjourned.

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Disbursement of Public Moneys.

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FRIDAY, February 3.

The SPEAKER laid before the House a letter from the Governor of the State of Pennsylvania, accompanied with such returns as have been transmitted to him, of the election of members to serve in this House from the said State, for the term of two years, commencing the fourth of March next; also, the copy of a proclamation issued by the said Governor, relative thereto; which was read, and, together with the said returns and proclamation, ordered to lie on the table.

The SPEAKER laid before the House a letter from the Secretary of War, accompanying his report on the petition of William McLaland, referred to him by order of the House, on the thirtieth ultimo; which were read, and ordered to be referred to the Committee of Claims.

The SPEAKER presented to the House a memorial of sundry citizens of the county of Harrison, in the Indiana Territory, praying, for the reasons therein set forth, that the ordinance of Congress for the government of the said Territory, passed on the 13th of July, 1787, may be so revised and amended as to vest in the people of that Territory the power of electing their delegate in this House, for the same term of time, in the same manner, and by the same persons who elect the members in the House of Representatives for the Indiana Territory.—Referred to the Committee of the Whole to whom was committed on the twenty-sixth of December last, a bill extending the right of suffrage in the Indiana Territory, and for other purposes.

A message from the Senate informed the House that the Senate have passed a bill, entitled "An act authorizing the sale and grant of a certain quantity of public land to the Chesapeake and Delaware Canal Company;" to which they desire the concurrence of this House. The Senate have passed a resolution for the appointment of a committee on their part, jointly, with such committee as may be appointed on the part of this House, to ascertain and report a mode of examining the votes for President and Vice President, and of notifying the persons elected of their election, and for regulating the time, place, and manner of administering the oath of office to the President;" to which they desire the concurrence of this House.

Mr. VAN DYKE, after presenting a memorial on the subject, offered the following resolution:

Resolved, That the Secretary of War be directed to inquire and report to this House whether it be expedient to erect at or near Wilmington, at or near Newcastle, at or near Port Penn, in the county of Newcastle, and at or near Lewis, in the county of Sussex, in the State of Delaware, one or more batteries or fortifications, for the protection of the said towns, and the country adjacent. And, in case he be of opinion that it is expedient to erect such batteries or fortifications, that he report whether any, and what, additional appropriations be necessary for the purpose.

The resolution was supported by Messrs. VAN DYKE, PITKIN, and LYON, on the ground that it was only intended to bring the subject before the

Department of War, that it might receive the attention of the proper officers; and opposed by Messrs. MACON, D. R. WILLIAMS, and BLOUNT, because it was unusual to act on the subject of fortifications specially, as the subject had been always considered as a national one—the execution of the law on the subject resting solely with the Executive officers. The resolution was negatived—ayes 23.

THOMAS PAINE'S PETITION.

Mr. LYON rose and observed that he had seen in a morning paper, that the Committee of Claims had reported that Thomas Paine should have leave to withdraw his petition; and, on examination, he had found that that report was ordered to lie on the Clerk's table, without the usual order for printing the memorial and the accompanying documents. I confess, said Mr. L., I was astonished at the report. Shall it be said of this nation that Thomas Paine, the man to whom this nation is indebted for its independence more than to any living being; that its Legislature has been memorialized by this same Thomas Paine, intimating that he is in want, and that he is willing to accept of pecuniary aid on account of those inestimable services rendered the American people, when they were growing into a nation—shall it be said of this nation that they are as ungrateful to their benefactor as the Romans were to their Belisarius! I did not rise, sir, to express my feelings on this subject. I must reserve myself for a more proper opportunity, when I shall move, if no other gentleman does it, that the report of the Committee of Claims be recommitted, with instructions to that committee to report their opinion of what the justice and the honor of the nation requires to be done for Thomas Paine. In order to prepare the mind of the House for this question, I move that the report of that committee, together with the accompanying documents, be printed. Motion carried—ayes 58, nays 19.

DISBURSEMENT OF PUBLIC MONEYS.

Mr. RANDOLPH said, he rose for the purpose of making a motion which he had expected and wished should have come from some other quarter; but he said he could not reconcile it to himself to be wanting in what he conceived to be his duty as a member of the House, in the hope that that duty would be more zealously performed by others, especially when he perceived no prospect of its being, in relation to this particular object, performed at all. I believe, sir, said Mr. R., it will not be a new thing to you to be told that rumor—and something more than rumor, too—has gone abroad respecting the application of public moneys. Among the duties—and among the rights, too—of this House, there is perhaps none so important as the control which it constitutionally possesses over the public purse. To what purpose is that control? The mere form of appropriating public money, unless this House rigorously examine into the application of the money thus appropriated; unless the House examine if the amount of appropriation is exceeded by the expenditure; or if it be misapplied, that is, if money

appropriated for one object be expended for another; unless we do this, sir, our control over the public purse is a mere name—an empty shadow. I now rise, not only for the purpose of asserting this right on the part of the House, and exercising what I conceive to be my duty to it and to the people whom I represent, but also for the purpose of vindicating, in the only way in which it can be vindicated, the reputation of the Government under which we live—I mean the Administration. Whenever charges are brought against any Administration, the only way in which they can be repelled, is by a frank, full, and impartial inquiry into the matter constituting those charges. This is the only mode in which the honor of any Administration, in a Government like ours, can be vindicated. You must well recollect, sir, that in the first session of the sixth Congress of the United States—a period, sir, to which I delight to recur; it gives me pleasure to look back upon it as the era of a glorious reformation—an act was passed fixing the Military Peace Establishment of the United States. The fourth section of this act establishes the pay of the officers, non-commissioned officers, and privates. I will read it:

“That the monthly pay of the officers, non-commissioned officers, musicians, and privates, be as follows, to wit: To the brigadier general, two hundred and twenty-five dollars, which shall be his full and entire compensation, without a right to demand or receive any rations, forage, travelling expenses, or other perquisite or emolument whatever, except such stationery as may be requisite for the use of his department,” &c.

Never, perhaps, sir, were the words of a statute more explicit; and no one on this floor knows better than yourself why it was made thus explicit. It is said, (with what degree of truth remains for us now to investigate,) that, in the teeth of that statute, advances—and to a considerable amount beyond the emoluments thus provided by law, have been made by the War Department to the brigadier general. There is not a single department of this Government—not a man in the Administration—against whom I would credit a charge of this sort with greater diffidence than against the Secretary of War; so long have I been acquainted with his economy, regularity, and strict attention to keep the expenditure of his department within the annual appropriation made by this House. But this very circumstance—the high reputation of this officer for regularity and punctuality, renders his claim to investigation into this rumor but the more strong, and unites his interest with that of the American people and the duty of this House to induce the passage of the resolution which I now submit:

Resolved, That a committee be appointed to inquire whether any advances of money have been made to the Commander-in-Chief of the Army, by the Department of War, contrary to law; and, if any, to what amount.”

The resolution was adopted without debate—ayes 25—and Messrs RANDOLPH, SMILIE, JOHN MONTGOMERY, TAYLOR, and JOHNSON, were appointed the committee.

REPEAL OF THE EMBARGO.

Mr. D. R. WILLIAMS moved that the House again resolve itself into a Committee of the Whole on Mr. NICHOLS's resolution.

Mr. TROUP moved to postpone the further consideration of the subject indefinitely. [This motion was understood to contemplate putting the subject completely at rest.] Mr. TROUP's motion was negatived—yeas 26, nays 93, as follows:

YEAS—Willis Alston, jr., David Bard, Burwell Bassett, William W. Bibb, Thomas Blount, William Butler, Joseph Calhoun, Matthew Clay, John Clopton, John Dawson, Josiah Deane, Meshack Franklin, James Holland, John G. Jackson, William Kirkpatrick, Nathaniel Macon, John Morrow, John Porter, Benjamin Say, Ebenezer Seaver, John Smilie, Richard Stanford, John Taylor, George M. Troup, Jesse Wharton, Robert Whitehill, David R. Williams, Alexander Wilson, and Richard Winn.

NAYS—Lemuel J. Alston, Ezekiel Bacon, Joseph Barker, John Blake, jr., Adam Boyd, John Boyle, Robert Brown, William A. Burwell, Epaphroditus Champion, Martin Chittenden, Orchard Cook, John Culpeper, Richard Cutts, John Davenport, jr., Joseph Desha, Daniel M. Durell, William Ely, John W. Eppey, William Findley, James Fisk, Francis Gardner, James M. Garnett, Thomas Gholson, jr., Peterson Goodwyn, Isaiah L. Green, John Harris, John Heister, William Helms, William Hoge, Daniel Holmes, Benjamin Howard, Reuben Humphreys, Daniel Halsey, Richard Jackson, Robert Jenkins, Walter Jones, James Kelly, Thos. Kenan, Philip B. Key, John Lambert, Joseph Lewis, jr., Edward St. Loe Livermore, Edward Lloyd, John Love, Matthew Lyon, Robert Marion, Josiah Masters, William McCreery, William Milnor, Daniel Montgomery, jr., John Montgomery, Nicholas R. Moore, Thomas Moore, Jeremiah Morrow, Jonathan O. Mosely, Gurdon S. Mumford, Thomas Newbold, Thomas Newton, Wilson C. Nicholas, Timothy Pitkin, jr., John Pugh, Josiah Quincy, John Randolph, John Rea of Pennsylvania, John Rhea of Tennessee, Jacob Richards, Matthias Richards, Samuel Riker, John Rowan, John Russell, Lemuel Sawyer, Samuel Shaw, James Sloan, Dennis Smelt, Jedediah K. Smith, John Smith, Samuel Smith, William Stedman, Clement Storer, Lewis B. Sturges, Peter Swart, Samuel Taggart, Benjamin Tallmadge, John Thompson, Abram Trigg, Jabez Upham, James I. Van Alen, Philip Van Cortlandt, Nicholas Van Dyke, Archibald Van Horn, Killian K. Van Rensselaer, Isaac Wilbour, and Nathan Wilson.

The House then resolved itself into a Committee of the Whole on the subject.

The question being now on filling the blank in the resolution for repealing the embargo and issuing letters of marque and reprisal with the “fourth day of March”—

Mr. MOSELEY said he did not rise to detain the Committee with many remarks at this time. He could not but express the gratification he felt at the vote given in the Committee against filling the blank with so distant a day as the first of June. He said he should be in favor of the earliest day. Having begun a good work, he hoped they would go on with it; and, for himself, he could truly say, that every step they proceeded in it, he should go on rejoicing.

It did appear to him that the same reasons

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which induced gentlemen to consent to a repeal of the embargo at all must operate in favor of a speedy repeal. One powerful reason, and which he should suppose of itself sufficient, was, the multiplied evasions of the embargo acts, in defiance of every effort to enforce them. It is said by some that they are violated only by the worthless and unprincipled part of the community. If this be the fact, so much the worse. It proves, only, that some adventurers are growing rich by their transgressions of the embargo acts, while the regular and fair traders are suffering by their obedience to them.

On the subject of the violation of the embargo acts, he thought gentlemen had been in the habit of imputing the blame rather too much to the people of the Northern and Eastern States. Some gentlemen have seemed disposed to confine this charge almost exclusively to what they are pleased to term the Old Tories and Federalists of the North. They may, perhaps, be worse in theory; but, if reliance is to be placed upon statements which have been made, they are not much worse in practice than the Young Tories and Democrats of the South. These at least, it appears, are apt scholars; who, according to their opportunities, have not been behind their brethren in the North. The truth is, the violations of the embargo acts are not confined to any particular section of the country, or to any political party. They are known to be so general, and so numerous, as to render the embargo utterly nugatory and inefficacious, even in the estimation of those who have been most partial to it; and, if the remark made by his honorable colleague, (Mr. TALLMADGE,) "that the funeral of the embargo had already gone by," might not, by some, be considered as strictly correct, he would venture to assert that it could not long survive. It was, now, literally "dying of the doctor." The last prescriptions of its physicians had proved too powerful. They have had a most unfavorable operation. Some gentlemen imagine that a slight inflammation only has been excited, and that a little phlebotomy would at once allay it. He apprehended there would be greater difficulties in applying this remedy than gentlemen were aware of. But, as it might not be perfectly pleasant, nor, perhaps, proper, in this place, to dilate upon this subject, he should dismiss it. He could not, however, help noticing a remark of an honorable gentleman from Virginia, (Mr. GHOLSON,) that sooner than he would be deterred from enforcing these laws, "he would drench the nation in blood." Surely, the gentleman could not be serious in this declaration. Would he, or would any gentleman professing an attachment to a republican form of Government, a government of laws founded on the affections of the people, wish to have recourse to such an expedient as this, to embrace obedience to odious and unpopular measure?

But some gentlemen, who declare that they are not disposed to proceed to extremities and to attempt compelling obedience to the embargo acts at the point of the bayonet appear to be grieved and almost offended that the people, and espe-

cially the commercial class, should be so blind to their own interest. They declare that all they have done has been from motives the most friendly to commerce, and that hereafter they never would lift a finger for its protection.

He could not doubt the sincerity of their declaration; but in the opinion of those most interested they had taken rather a singular and unfortunate way of showing their friendship; and provided they should ever feel their affections for commerce rising again, he hoped they would not give her such another fraternal embrace as entirely to stop her breath; to stagnate her blood, and absolutely to kill her out of kindness.

Mr. M. said, now he was up, he would make a single remark upon the second branch of this resolution, authorizing letters of marque and reprisal. He should be utterly opposed to this, because he considered it as equivalent to a declaration of war, and he was by no means prepared to give his sanction to any hostile measures at this time. Before we resolve to rush into a war we ought coolly and dispassionately to consider the policy of such a step, to weigh well the probable advantages, our capacity of carrying it on with success, and the prospect of unanimity in the nation. He did not believe that a war at this time would be proper.

As to the embargo it had been fully tried. Experience had clearly evinced its impolicy and inefficacy. The nation were sick of it. And he considered that the most imperious reasons must present themselves to the minds of gentlemen in favor of an immediate repeal. Its longer continuance, he contended, could produce no possible good, and might be attended with the most calamitous consequences.

He hoped, therefore, that the embargo would be repealed without adopting the second clause of the resolution. What had already been done he had no doubt had excited the most pleasing hopes and joyful anticipations in the nation. Let us not disappoint them—let us not dash from their lips the cup of bliss which we have held out to them, unless they will receive it from our hands mixed with an ingredient, deadly and destructive!

The question was now taken on filling the blank with the fourth day of March, carried ayes 70.

The question then being about to be put on that clause of the resolution contemplating the repeal of the embargo—

Mr. RANDOLPH said, that he had voted against filling the blank in the resolution with the 4th day of March because, if possible, he could have wished an earlier day; reserving however, in his own mind the right, when the question should come before the House, of agreeing to that day, if an earlier could not be obtained. He hoped, and the prospect which presented itself that morning gave him good cause to hope, that the committee would agree to that member of the resolution which was then before them. For some time past he had been an inactive, though not an inattentive observer of the proceedings of Congress. He did not know whether he ought not to rejoice at the physical incapacity which had

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prevented him from taking a part in those proceedings. They had been such as (until now) to fill his mind with great apprehension and alarm, because they had hitherto indicated a great want of concern, not to say disunion, somewhere. He would have deemed it one of the most calamitous events that could have befallen the country, if, after the progress which had been made in the consideration of the motion of the gentleman from Virginia (Mr. NICHOLAS) the House could, that day, have refused further to consider it. And wherefore should he so have deemed it? Because it would have indicated not merely a want of concert and of union in the Cabinet and Councils of our country, but he feared it might have led to a state of things which he would not then attempt to anticipate. The plain, broad, open road for every Government to pursue was that of common sense and decision—common sense in theory; decision in execution. If, as they had been told, there existed dissatisfaction, murmuring, discontent; a spirit, if not of insurrection, at least leading to insurrection against the laws; wisdom and policy required either a prompt subdual of that spirit, or an immediate yielding to it—one, or the other. It was the halting between these extremes, an oscillating, hesitating, temporizing, tampering, patching-up policy, that brought ruin on every nation, so situated. The history of our own Revolution taught this. The conduct of the British Ministry to the American colonies, he supposed, would have impressed this principle on the mind of every man. What was that conduct? Marked by a spirit of irritation and indecision. While we were irritated on the one hand, we were uncontrolled by power on the other, and, after years of excitement and ill-blood, the event is known to all. He therefore congratulated the House and the nation that this system—if system it could be called—was about to be given up; that the hopes, the wishes, the fears, every strong passion of the public, were no longer to be sported with, that the example of Lord North was not so soon to be lost upon us. Sir, said he, if my voice will permit me, I will state another subject of congratulation to you and the Committee. It is, that during this period of general distraction—I hope no gentleman will attach any bad, or wrong sense to the word, but that it will be taken (as I utter it) to mean a difference, a contrariety of views and opinions—there being hitherto perhaps no ten men to be found in this House who could agree upon any affirmative proposition—amidst this public distraction, it is a subject of consolation to me that we have not, as yet, compromised the safety of the State; that during this long and tedious political malady under which we have been—and not without some shadow of reason—so extremely peevish and fretful, the body politic has sustained perhaps no radical injury; and that, now, by a happy determination to the surface, the disease is likely to be wholly thrown off.

By some it might be thought that in the wide, and perhaps wild range, which he should take upon the subject, he was violating the rules and orders of the House. On this subject he must be

permitted to say that there was not a single question; not even that of filling a blank in the resolution under consideration, that did not involve every foreign, and he might almost say every domestic relation of this Union. It was impossible to discuss a subject of that great and momentous national importance with the dry minuteness of a special pleader—not to travel out of the record, or to be tied down to the matter contained in the declaration. And permit me, sir, said Mr. R. to add that so long as I escape the correction of the Chair, I shall feel myself at liberty to proceed, whatsoever may be the opinions as to order of other gentlemen.

There are occasions in which to speak of any man to his face in a certain strain, ought to be reprobated and stamped as the vilest adulation; but there are other occasions in which not so to speak, to restrain the feelings of a full and overflowing heart, subjects perhaps to colder, but far bitterer censure. I shall dismiss this topic, then, by saying, that you, sir, have not so long presided in this assembly, with so much reputation to yourself and benefit to the State, to be now schooled in your duty by the youngling of yesterday. And I say it, because a Chairman of this Committee would certainly very grossly depart from rule and order were he to rise to vindicate his conduct in this assembly, from any argument of it by a member.

In the train of argument which he should pursue, Mr. R. really did not think it at all necessary, with his friend from South Carolina, (Mr. D. R. WILLIAMS,) or the learned gentleman from Connecticut (Mr. PITKIN,) to go into a minute calculation on the subject of the revenue or debt of Great Britain, or of the gross products of duties derived by her from the importation of West India commodities. Such calculations ought not to enter into any determination of that House; for, however he might be made to appear on paper, and whatever might have been said on the subject from the days of David Hume, and Dr. Price, to the present hour, the continental enemy of that Power had, for at least half a century, been deceived in his reckoning as to her time of bankruptcy. That subject had baffled all the calculation of political economists. And really, sir, said Mr. R., it is hardly worth our while, after Bonaparte, like Canute of old, has set down on the seashore at Boulogne, vainly waiting for the great tide of British wealth to recede, to take measures, here, bottomed upon calculations of her being unable to carry on the war for want of capacity to raise the supplies. It is a well established fact that the gross revenue of that Kingdom was for the year 1807 (exclusive of loans and the revenue derived from Ireland) sixty millions sterling; and that collected at an expense of £4 5s. per cent. This is answer enough to us, on the subject of her being unable to carry on the war for want of resources, particularly when we look back to our own revenue, the expense at which it is collected—and more especially when we look at the proposition of our Chancellor of the Exchequer, the Secretary of the Treasury, to carry on the

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war (should we engage in one) with loans, exclusively. It is an ample, a redundant answer. Shall we calculate upon the failure, for want of revenue, of a nation whose annual loans bear so small a proportion to her whole receipt, (in the year which I have quoted, about a fourth,) whilst we ourselves are told that loans must constitute nearly the whole of our revenue? There, then, can be no doubt that this subject not only ought not to enter into our views upon the great question of war, but perhaps had better not be stirred at all; that our measures ought to be taken in reference to our own capacity and disposition for exertions, and not grounded on flattering, perhaps delusive hopes, of our adversary's weakness. Another point it might be as well, in passing, to notice—the small proportion which the customs bear to the revenue of that State, and that proportion decreasing, although their aggregate amount be actually increasing; whilst the revenue from internal sources has been rapidly increasing every year, as well in proportion to the whole receipt as in aggregate amount.

But, sir, said Mr. RANDOLPH, amidst the various causes which I find for felicitating you and the nation, the recent change in the aspect of our affairs is not the least—that we are at last to settle upon some system; and I listened, I confess, with very great pleasure the other day, to the gentleman from Massachusetts (Mr. BACON) and my worthy colleague, (Mr. BURWELL,) although perhaps I may not have exactly agreed with either, certainly not with both of them. I listened to them because they held out to us the prospect of a happy termination of the present state of things—a state of things, which, after the vote of yesterday and to-day, I might almost be tempted to pronounce cannot last beyond the fourth of March. A great deal had been said about the patriotism of the country under the operation of this system. In Mr. R.'s opinion never did any people exhibit so striking an instance of patriotism as the people of the United States had done since December, 1807. He believed that their patriotism had in that period been put to a test more severe than during the Revolutionary war; because whatever of suffering the people then felt, they saw that it was inflicted by the immediate hand of the enemy; and it operated only to goad to a still higher pitch their fury against that enemy. But in this case, (whether right or wrong was perfectly immaterial,) the system had been such as to impress a great portion of the public with the opinion that their sufferings proceeded from the Government, and it ought not to be a matter of surprise that the popularity of the Government should have been diminished. It called for the exercise, by all classes and descriptions of men, of the rarest virtues—patience, forbearance, self-denial, and long suffering without repining. It presupposed the existence of a state of society in which there was no occasion for government itself. Was it wonderful that those who could not see wisdom in the measure should murmur, when suffering under it?—that men not strictly conscientious should violate its provisions?—that

under the severity of its operation the Administration should lose somewhat of their former popularity? Mr. R. was not, never had been, and he trusted never would be, in the habit of paying compliments to men who have much at their disposal, but he would declare his belief that the popularity of no man whom God ever made could have endured the test which that of the present President of the United States had not merely endured, but gone through with victory. There could not have been so strong a proof of the deep-seated love, and unqualified approbation of that man as his having been politically able to support the weight of that experiment. It was a trophy of which he never could be divested, let him die when he would—whatsoever might be the course of his future life. Yes, sir, said Mr. R., after the vote of this committee, I do consider the embargo as substantially repealed. It is something like a vote of credit; it has not gone through all the forms of law, but no banker would hesitate to advance money upon it. Gentlemen shake their heads, sir, and heads of such weight, too, that I despair of shaking them myself. I had supposed that the embargo was all but repealed; in point of fact I believe that it is already repealed. A member of this House has cited the embargo as a strong proof of the stamina of this infant Hercules, who had been so long able to bear what would have crushed, as he says, any other nation in six months. I believe, sir, that it would have crushed the popularity of any Ministry of any other nation than this in less than six months, supposing that nation to have half the pretensions to freedom that we have. He remembered to have read a great while ago in an extremely beautiful epic poem that the natives of Chili, when they threw off the Spanish yoke, proposed to choose their captain by this test: A very heavy beam of wood was produced, and he who could support it on his shoulders the longest time was to be selected as their general. One of the chiefs stood under the burden such an amazing number of hours, that they were like never to come to a conclusion, and (if he remembered rightly) they had to abandon their experiment. Whatsoever proof we had given of our wisdom, we had indubitably borne away the palm of bodily strength, anything in the observations of a gentleman from New York (Mr. GARDENIER) about our being puny and rickety, to the contrary notwithstanding; and Mr. R. hoped we should give perhaps not quite so strong a proof of our wisdom, by throwing the beam off from our shoulders, now that we had ascertained our strength by the experiment.

But it was asked, what substitute would he propose for the embargo. None. He hoped he would not be misapprehended. Considering the embargo in its operation as mischievous, and even ruinous, it would be droll indeed if he should require a *substitute* for an evil that he proposed to get rid of. Shall a man refuse to be cured of a cancer unless you will provide him with a *substitute*? But if he were asked what the nation

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is to do after repealing the embargo? his answer was ready. To be sure, sir, said he, it is a very old one, and therefore may not take with the fashions of the day; but in matters of policy, old systems which have been sifted and tried by experience, are not in my judgment the worst, and the longer tried, perhaps, the better. So far, therefore, from its being an objection with me that a proposition is old and trite, it is a recommendation; as it is precisely the reverse with respect to new projects, however ingenious, however calculated to catch or dazzle the eye, like the room in which we sit, where I at this moment discern the fissures which perhaps are to reduce us to the situation of poor Lenthall. We had as well stuck to our old apartment, (I do not mean the library,) where we had every convenience and comfort, and saved our money.

The diseases of this State took their rise, I repeat it again and again, in the years 1805-6. We were then a flourishing, united, and happy people. The Government permitted itself, a majority of this House permitted themselves, and I believe they now sorely repent of it, sir, indeed some of them have told me so, to be urged by mercantile clamor and cupidity into collision with powerful European States. From that day we have been going on from bad to worse, until we have arrived at this superlative state, which can no longer be borne, for which a remedy must be found, gentle if you will, alterative if you please, but at any rate a remedy, however desperate. That which I would now propose is what I had the honor of proposing at the last session of Congress, and I think of mentioning more than once, on Sunday morning, the 18th of December last; a remedy which, without pledging the State, without mortgaging every foot of land in the country for the protection of the mercantile flag in the most remote seas, would permit our merchants to protect themselves, if they pleased, and if not, stay at home, at their option. This was my opinion as far back as 1805-6, and I think it will be found, although not in detail, in a report made during that session of Congress, which proposed raising a military force for the purpose of commanding within the United States obedience to the laws, not from ourselves, but a foreign Power. And here suffer me to say that I really think we are coming back again slowly—for large bodies (even such as move in ellipsis) move slowly—after having been long in aphelion, we are returning back to the daylight of those good old republican principles of which, as I think, and as I would endeavor to show, if it could answer any good purpose, we have too long lost sight. And after being for years one of the proscribed and denounced, I am not without a saving hope that I shall die in the *faith*, whether I die in the church or not. I am induced to this belief, principally, from perceiving that scarcely a sentiment is contained—I beg pardon of the Committee for this egotism—I believe if it be warranted in any human being, I might fairly challenge a right to it now—scarcely a sentiment is expressed in either of those

speeches of which I was the author, (unfortunately as it would seem,) that I have not heard, during the present session of Congress, from lips the most orthodox in this House. They amounted to this: "Before you begin this contest, count the cost; calculate your means of annoyance as well as of resistance; your enemy (if she become such) is all powerful at sea; if she strikes, you will feel; bring matters to extremity and you will have to recede—not from your *claims*, but from the ocean." All this and more I have heard urged, not only by the Chairman of the Committee of the whole House, but repeatedly by other gentlemen nearly as orthodox as himself on various questions, the navy bill in particular, and I hope to hear sentiments of the same sort when the other bill (army bill) is taken up, which was put down in order to act on the present subject. The embargo, and the course pursued by the Administration generally, have, during this session, been defended and eulogized on positions admitted on all hands to be indisputably true, but which it was criminal in me to advance three years ago. "Then, it was little short of treason to magnify, as it was said, the resources of our rival, and depreciate those of our own country; now, it is madness not to perceive our inability to cope with her on the ocean"—the theatre of our wrongs, where redress, to be effectual, must be obtained. Was it not wiser to make a just estimate of our strength, or even to under-rate it a little, before plunging into a conflict, than afterwards have to abate from our sanguine, overcharged expectations? We suffered ourselves to be driven, step by step, by mercantile clamor, into a situation which has raised (whether rightfully or not) more clamor, from the same parties too, than all the foreign injuries about which they beset the Government. I now, therefore, propose that they be restored to that situation which, according to their own showing, is so enviable a one, and against the evils of which I hope they will never again have the hardihood to complain to this House, or apply for means of redress. It will therefore at once be perceived, that I am not friendly to that part of the resolution from which my worthy colleague on my left (Mr. BURWELL) anticipates so much benefit, and for the plainest of all reasons, because I do not conceive a *threat* to be the best means of patching up a reconciliation (and as such a hope has been expressed from that quarter, I may be at liberty to name it) between two parties who look at each other already perhaps with too jealous an eye; and for another reason: because I do not choose to put out a distant threat, to the execution of which either the capacity or disposition of the country may be doubted. Sir, we have dealt in the minatory sort of traffic long enough, and I have no disposition to be any longer laughed at. We began with the non-importation law. That was undoubtedly a threat, for a power was given to suspend it, in case our terms were complied with. Next came the embargo; that too was to be suspended in case—and so forth. Now we are called upon to hang by a single hair over

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the head of the belligerents the sword of Damocles, to be cut some time in June next. It is all a threat, sir, and as such, must have a bad operation on any negotiation, which Government in its wisdom may think fit to commence (and we have had an intimation of that sort) for the purpose of settling our differences. Nay more, it is war to commence in June next, and really, to my apprehension, we might as well make a declaration of war to take effect in the next century, as in June next. I speak as to the power of this House, as well as to the policy of the thing.

"Will you then submit?" say gentlemen. "Have you not recorded a vote that you will not submit?" Unquestionably I have, and I will not submit. What is submission, and what resistance? By submission I understood either a formal renunciation of the thing in dispute, or a passive acquiescence in the claims of your adversary. When you say that you will not submit, what do you mean? That you will make the best resistance that you can. And when we have made this determination, we come to the great question of expediency, as to what is that best resistance? Now if you permit the merchantmen to arm in their defence *instantly*, and not tell the British Ministry that you mean to arm next year, and go out and fight the English and French, until they revoke their orders and decrees, what follows? Why, sir, you not only make resistance, but you do it in the most honorable, manly, and effectual way, and therefore in the way leading most directly to a restoration of peace—not to a good understanding, for that I fear we shall never have, but to your system, Mr. Chairman, of "hands off." Can Great Britain undertake for a moment to consider *that* as war upon her, which she requires of us to do, in order to maintain our fair neutrality, viz: to resist the decrees of Berlin, Milan, Bayonne, or anywhere else, non-resistance to which is the plea for her Orders in Council? What offence can it be to her? None, sir; and yet to all the practical, beneficial effects of war, such a system would be as efficient as any you can devise—as war itself. Can France, although indeed there be a sort of system within a system there, which I do not very well understand—can France say that your resistance to what she calls the tyranny of the seas, justifies her in taking any hostile steps against you, supposing it to be in her power? Unquestionably not. France claims the power to issue certain decrees, on the ground of England's having usurped the empire of the ocean. You resist that usurpation. Those decrees, then, are not in any respect applicable to you; for I understand your non-resistance to be the sole *alleged* cause of those decrees. England retaliates the system—why? Because, as she says, you do not resist it. France issues her decrees because you do not resist (as she alleges) the British orders—England issues her orders because you do not resist the French decrees. Now, I would resist both, and if either construe that resistance (which they have both called upon you to make) into war, and do notwithstanding cap-

ture your armed ships, why then, sir, you have nothing left but to annoy them by every means in your power. It will be they who make the war and not yourself; and that circumstance will unite every heart and hand throughout the country in your cause. But, sir, I believe (although I have not so much confidence as some gentlemen have in the wisdom of those nations) that they have rather too much good sense thus to act—thus to drive you into the arms of the other party.

Let your merchants, then, go and arm in defence of their lawful trade against French decrees, British Orders in Council, and anything else of a similar stamp, and let the nation which by force shall attempt to execute them, know that it is war. Your resistance, according to their own showing, is lawful—they have called for it—the withholding it has been the pretext for their aggressions—and the first gun fired on you, when so resisting, is actual, flagrant, maritime war. You then throw the *onus* on them. You show the people that it was not within the power of human wisdom to have devised a mode of keeping out of war with them—that the very proofs which they required of our fair neutrality (resistance to each other's monstrous pretensions) have provoked their hostility—that there was no alternative but war or embargo—and who knows, sir, but the embargo may thereby become so popular a measure that we may put it on never to be pulled off again; that, like our winding-sheet, we shall be buried in it.

To the course which I propose, one of the strangest objections has been taken that human ingenuity could have devised: "that if you authorize the merchant vessels to arm and make resistance, they will not arm;" (which proves that there is no occasion for arming of any sort)—"or, that they will arm and yet go to England and take license—pay tribute." If a reason of this kind is to govern us, as we have fitted out the navy the best use that I know for it will be to fight the merchantmen, to make them fight the French and English. Suppose you issue letters of marque and reprisal, or declare war and commission privateers—the same thing may be said, that they will not fight; that they will go to London with cotton, and pay tribute. You must then invent some mode of making them fight. Sir, there is no mode of making men fight against their will; there has been none yet ever devised, nor ever will be. Do gentlemen know so little of mankind; are they so ignorant of the character and composition of that mixed assemblage, a nation; so little read in the history of our Revolution, as not to know that when the crisis—(Sir, this is a poor worn-out word, I hope to be pardoned for using it, it shall be the last time) was over, the American patriots began to trade with the British at New York, and elsewhere? It is an established fact that they engaged in what was well known as the London trade, men, too, who fought and bled and gained renown in the battles of their country. No sooner was all prospect of subjugation over—they did not wait for

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preliminary articles of peace—than they traded with the English; and they will do it now, even if you go to war, except it be a part of the system that they shall not trade at all, not even among themselves. Another strange objection is made to this system. It is said that American vessels will go to St. Bartholomew's or Gottenburg—no matter where, for all they want is an entrepôt, no matter who the buyers or sellers—that at this place of deposit your produce will be lodged—that the English will buy it—that France having no navy, will come in for no part of the trade, and that, therefore, it will operate partially against her. We have carried our ideas of impartiality to a strange length, sir. We must fight impartially and trade ditto. But the substance of the objection is this, that because one of your enemies, against whom you are making resistance (such as it is) has not a powerful navy to take her share of your trade from neutral ports, you ought not to trade at all. If France were our friend, ally, benefactor, gentlemen could state this and it might have some weight. But to offer it as a reason for abstaining from all trade, that a Power, assumed to be your enemy, and against whom you profess to make such resistance, lamenting that it is in your power to do so little—"wish very much, sir, that Florida belonged to her, or that she had some province on our frontier—very sorry indeed, that she presents no vulnerable point to us, but that is not our fault"—that we should abstain from all trade because this Power cannot reap an advantage from it, is a novel argument, indeed. So be it. It then seems, sir, that by a strange derangement of intellect, by some strange sort of logic, which I do not understand, and hope I never shall—when you are reduced to such a situation in which you cannot injure a powerful foe, you are bound to render her all the benefit you can; and her not receiving her full and impartial share of all the benefits which may incidentally accrue from any of your measures, taken purely with a view to your own advantage, is to be a good and valid reason why you should forego those measures! That you must continue to suffer, because, if you get relief one of your greatest foes will derive no benefit from it! This cannot be too much insisted on; it should, if possible, be driven into the skull of every head in the country.

But this plan, it seems, does not suit the ideas of some gentlemen who think very highly of the point of honor, who think that we must fight; that we must draw a little blood from the sword arm to gratify this punctilious itching; that one of two courses must be taken; either that we must set too to drawing it from our own citizens, or march forthwith to Canada. This, sir, was the only part, as I could apprehend it, of my worthy colleague's argument the other day, that did not precisely suit my conception of the true interests of the country; and if he would permit me, I would observe that supposing his statement to be true, he did most unquestionably demonstrate that the embargo would have been a wise, an efficient, and salutary measure by way of rider to the re-

duction of Canada; that if we had first of all overrun Canada, stormed Quebec, reduced the provinces of Nova Scotia and Brunswick, and then laid an embargo, it would have had a very salutary operation. Having however thus unluckily put the cart before the horse, the embargo before the conquest of Canada, before we go to mending the broken gear and making preparation for a new set out, a little rest, and some consideration, would not be amiss. I am willing to take up some of the ideas, I could almost say all, which fell from the gentleman from Massachusetts and my colleague. [Mr. BURWELL said that Mr. R. had misunderstood his argument he presumed. I endeavored (said Mr. B.) to give my opinion that it would not be proper to go to war to take possession of Canada; but if we were forced to go to war, there are other considerations connected with the means of coercing the enemy to do us justice which would make it expedient to take the British provinces: and my argument in relation to Canada was in reply to an observation of a gentleman from Connecticut, that Canada had obviated much of the effect of our embargo; if so, it would be important, were we to go to war, that we should take possession of it, though I do not precisely admit his position.] My colleague (said Mr. RANDOLPH) is mistaken. I think I have not misunderstood him, even though his argument was addressed to the gentleman from Connecticut, by way of reply. The embargo has not been operative, through the intervention of Canada. Whether by furnishing supplies of her own production as the instrument of drawing them from us, is immaterial—Canada is the cause. The embargo would have operated, it is said, but for the British having possession of Canada. Therefore, sir, the taking of Canada ought (by the statement) to have preceded the embargo, as I trust in God it will precede the next that is laid. But, sir, why take Canada now, when my colleague tells you, and when other gentlemen tell you, that there is a prospect of re-adjustment; and when at least, it is demonstrable that the sort of resistance which I propose, viz: the arming of our merchantmen in their own defence, is the kind of resistance not only best calculated to meet the evil against which we would guard, but presents the best possible chance of a re-adjustment of our differences? For if we say, that, at any future day, in case the belligerents do not come to our terms, we will let fall on their heads letters of marque and reprisal, as you said by your suspension of the non-importation act, and offer to suspend the embargo, you may be sure that such a plan will not procure accommodation, if that be your object. If you injure a man and he exercises his rights as a man, and defends himself without overstepping the bounds of defence so as to make him the aggressing party, it is much more easy for you to come to an accommodation than if he were to say to you, "I will on such a day do so and so, if you do not retract." He puts it out of your power to make an apology, when he says that he will fight you on such a day if you do not render him justice. That is not the

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way that tends to an honorable adjustment of the dispute, or an honorable termination on the field of battle. In fact it has too much the air of a bravado; and as we have been suspected, I hope unjustly, of going into this sort of thing on former occasions, of going at least as far in words as in acts, it will be best to content ourselves with the exercise of our rights on the ocean. Their orders and decrees conflict with those rights. We will resist them, not going beyond our rights as acknowledged by the laws of nations and even by themselves. If they use force against us in the exercise of those rights, we are at war to all intents and purposes, and they put us at war. This course would be calculated to produce the result which I have no doubt my colleague has as much at heart as myself. And it is not strange that a difference of opinion should exist in the unsettled state of mind in which we have been for some time past—for if such has not been our situation, how comes it that we have done nothing? Or, if we have, that we have but rescinded to-day what we did yesterday, and to-morrow will perhaps undo what we are doing to-day?

I need not speak of the navy bill, sir; the history of that transaction is impressed much more strongly on your memory than it is on mine. I might mention another bill. I think it was between twelve and one o'clock on Saturday and Sunday, the 17th or 18th of December, that, on the plea that we were sleeping on our posts, on the plea of urgency, the House was forced into a vote on a report of a memorable and honorable committee, (of foreign relations,) which subject in the shape of a bill has dosed very quietly on your table from that day to this—I speak of the non-intercourse. It was an expression used by gentlemen that we had been sleeping on our posts; and, therefore, it was necessary that we should sit up one night for the public good. There are constitutions in this House which have not yet recovered from the shock of that night's session. The non-intercourse, the navy bill, the supplementary embargo bill—and how the latter passed is really a curiosity, a novelty in legislation. The bill came from the Senate—it came from a quarter, sir, from whence, God be praised, we have had all our strong doses, under all Administrations—the alien and sedition laws, the suspension of the habeas corpus, the new treason bill, the last supplementary embargo bill, ay, sir, and the first embargo bill too; they all came from the same mint, and I liked none of them—and in my capacity as a freeman and a legislator, representing a free and enlightened people, I shall here and elsewhere, without any sort of reserve, speak of them as I think they merit; extenuating nothing and setting down naught in malice. The bill came to us then from the Senate on Thursday the 22d of December, and was proposed to be made the order of the day for the next day, Friday, and for Saturday—both days were named. Some gentlemen craved only till Monday to consider the numerous and important provisions of such a bill, and nearly the whole day was consumed in debate whether the bill should be the

order of the day for Monday or Saturday. Saturday was carried; the delay till Monday being somewhat sternly refused; even the postponement to Saturday was with difficulty obtained. On Friday this House, having consumed the whole of the preceding day in debating that important point, adjourned over to Monday, that very day to which they had refused to postpone the bill, it being, like the report of the committee to which I have just alluded, a matter of such urgency that it could not be delayed. Monday came, and a motion was made by one of the friends of the bill to discharge the Committee of the whole House from its farther consideration. It was rejected, and the House went into a committee on it. Next day a similar motion was made and carried, and the bill was referred to a select committee, who reported on the following morning (Wednesday.) The bill, with their amendments, was again referred to a Committee of the whole House, and made the order of the day for Friday; and the week passed off without any further mention of this urgent business. On Saturday, the last day of the year, the House adjourned over to meet on Tuesday the 3d of January. Tuesday came and the consideration of the bill was at length resumed; but, there not being a quorum, the House adjourned by a vote of 60 to 10. The next day the unfinished business, as it is called, was asked for; but by a strange sort of decision, which I do not pretend to understand, it was determined, by a formal vote too, that there was a nice distinction somewhere, between business unfinished and unfinished business—and lo! what does the House but take up the proposition of a gentleman from Vermont to repeal the embargo. Although they had been bolstering up the embargo before, buttressing it, as many intelligent and honest men believe, at the expense of the best principles of the Constitution, they now took up the resolution for repealing the embargo. What happened that night, God knows—but the next day the bill was resumed, urgency again decreed, and it was driven, Jehu-like, through the House, through all its stages, from a committee to its third reading and final passage. I, who have scarcely been able to hold up my head since the night when that report was so vehemently passed which has slept so soundly ever since, came to the House at 9 or 10 o'clock with the hope, if not of speaking, at least of exercising my right of suffrage. But somewhere between four and five o'clock in the morning I was compelled to leave it; and at breakfast, about two in the afternoon on that day, I heard that the bill was passed—you know how, sir. Mr. R. said, he mentioned this thing not with the slightest view of creating unpleasant sensations in the bosom of any human being—nothing was further from his mind—but to prevent, if possible, the recurrence of a similar circumstance; and to do more—to show, that after all their vibrations and legislative contortions, they had come back to the proposal laid on the table almost the first day of the session to repeal the embargo; and he did most cordially congratulate every man in the House upon this event,

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except those gentlemen who considered the embargo a political panacea, which no circumstances, whatsoever be the consequence, should ever induce us to give up. He trusted that they were few, and though he had such confidence in some of them that he believed nothing would change their opinion, he hoped that this few were daily and hourly diminishing.

To get back, in his rambling way, to this decisive stroke—not now, but some time or other—of going to war, of taking Canada. It would be a sort of deed of trust from the body politic—an instrument with which I am sorry to say, that we gentlemen from the South are but too well acquainted—a deceitful present relief at the expense of a certain but remote evil; we may invert the telescope from its true position and the evil lessens to our view—but the day must come when that pledge must be redeemed—and indeed whatever cause he might have as an individual, he should not like to give bond and security to fight next year. He might in the mean time undergo a great revolution of opinion; he might change his religion, perhaps turn Quaker—and really if he were to change at all, he believed he could not do better—for theirs was a system of order, industry, charity, and peace—of comfort and affluence too, very good things in their way.

He was against plunging in this dashing way into war; because there was a possibility, to say no more of it, and his colleague (Mr. BURWELL) seemed to think, a pretty good hope, that we might get out of the scrape without a war, provided we would take his prescription. He felt the more and more indisposed to war, and should every day while he lived, when he looked at certain consequences and reflected on certain doctrines which had grown too familiar, in his apprehension, to the minds of that House. We too had a navy. It had cost us near twenty-three millions of dollars, about ten millions of which had been spent by the former Administration. It had cost us a great deal more than Louisiana; and he ventured to say that none but those gentlemen who viewed Louisiana (as he did the embargo) as a positive evil, would consider our navy of as much importance to us as the navigation of the Mississippi. The cost is tremendous for a machine which, if they adopted his colleague's (Mr. NICHOLAS's) proposition, must be enlarged, repaired, beautified, and built up on an extended scale. It was more unfortunate that we had paid so much for the cost of a machine rusting all the time in idleness. We might then calculate from this fact what this cost would be, provided the House adopted the resolution of the gentleman from Virginia, in its broad form, the most dangerous ever presented in that House—and pledged the nation to the maritime defence of commerce. From the commencement of the present Administration to the present day, a principle so abhorrent to his mind, so dangerous to the liberties of this country, had never been proposed to Congress. It contemplates a pledge of every drop of blood, of every shilling of money, to the maritime protection of commerce. *Eat modus in rebus.* He

was not willing on one day to lay the axe to the neck of commerce, to decollate her—and the next day to decollate himself, to commit suicide for the sake of commerce. If commerce could not take care of itself, it was not worth caring for. But after all that had been said on the subject of a navy, properly so called, ships and seamen would somehow or other work out their own salvation. A great many of them may be destroyed, but the rest would make such profitable voyages as to induce others to run the same risk. He looked at this proposition, therefore, with affright. We had a Navy Department, to which, *ex officio*, profusion and expense were incidental. It was an establishment of the worst kind—an establishment of disbursement alone, without a shadow of benefit—an establishment which, as managed by us, was a mere running sore in the body politic. If he were an Englishman or a Hollander, which thank God he was not, he would advocate a navy. As an American, at this time of the day, at least, he was against it, for the plainest of all reasons—that it was not suited to the time and our circumstances, and let gentlemen say what they will, these must have their weight. And what had been heard on that floor, coming not from men of doubtful principles, but from good Republicans, as they are called, both navy and anti-navy men? Why, first, that in the distribution of the powers of Government the Executive share is too small—next, that the Government lacks energy; that if we cannot enforce a law, however arbitrary and unconstitutional, not only at the expense of a limb of the body politic, but of the very trunk itself—“Away with such a Government—it wants energy and force; give us one that has some strength.” Gentlemen want it to be magnificent, strong, able to crush all opposition, to destroy the States. What next have we heard? “That the Executive patronage is, as it were, the Presidential property, and that he possesses the right to do with it as he pleases;” instead of considering it a trust placed in his hand, as it is even in limited monarchies, to be exercised under sound discretion and a high responsibility for the general good.

When these doctrines are broached in Congress, sir, by men calling themselves Republicans, and deemed as such, I am compelled to recollect the times, the energetic times, as they were called, when the Constitution was trampled under foot; when some men dared to risk the sentence, “that the parchment had better be burnt.” I am unwilling to see such principles govern, let who will be at the head of affairs; and, therefore, I am unwilling to give my assent to the resolution of the gentleman from Virginia, (Mr. NICHOLAS,) which has been, with his characteristic humanity, charitably adopted by my colleague, (Mr. BURWELL,) for, in truth, it was thrown an orphan on the wide world by its parent. I do not say that the time may not, or even that it will not, come when it will be necessary to strike at Quebec; but I am unwilling to do it now, when there remains one chance to this nation of preserving the

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blessings of peace; for, if we have a war of that sort, commissaries and contractors may fatten, but the public will be impoverished; and scarce any man who has not a fat contract, or a snug office, will be enabled to pay his taxes and maintain his family in the way they have been accustomed to.

But that is not all, sir. If we plunge at this moment into war—for to my mind there is really not one atom of difference, if we are to go to war, between this day and the first of June—who can say how or when the war shall end? And, with an empty exchequer—for to all practical purposes the exchequer is empty—with a revenue depending wholly on loans, would it be very astonishing if the same causes which overthrew the most powerful monarchy in Europe, should shake a little our own confederated Republic? That our present form of Government should be destroyed by the same causes which unquestionably did destroy our late government under the Confederation? The Government of France—a populous country as we all know, rich in internal resources almost beyond imagination—was blest or cursed, as you please, by a Minister who determined to carry on a war without taxes—loans were to supply all deficiencies. The experiment ended in the subversion of the Government. I believe that no man can doubt, if the ways and means could have been raised in 1788, that the French Revolution would never have taken place. Shall we then unnecessarily (and I speak of it in this point of view only) expose our Government to such shocks? I hope not. If they come, I am for meeting them manfully. In that event, I would hope that instead of destroying—for we ought always to hope for the safety of the Republic, however destitute of ground for it—it will nerve and toughen our manhood; that it will chastise our pampered—arrogance, I was going to say; that it will operate, as in one point of view I am willing to allow that the embargo may have operated, to bring old-fashioned homespun principles, as well as garments, into notice, to repress the rage of speculation, and reduce our bloated luxury; in fact, to give us something more of a national character. In that point of view I am willing to allow that even the embargo has not been without its salutary effect.

There is another reason why I am unwilling to take the attitude recommended to us by the gentleman from Virginia, and by my worthy colleague. I have seen in this House a proposition to give efficiency to the militia; to arm them; to make them what they ought to be—but what I fear they are not—an adequate and competent national defence, “damned with faint praise,” and a little paltry, beggarly appropriation, of \$200,000 voted for that object. And but name a regular force, sir; strike but the naval chord, or standing army, call them volunteers or what you will, the sound vibrates to your heart; you loose the purse strings, and pour forth the national treasure without counting it. When I hear principles advocated against which I always did and always will protest, and when I see the policy of this House

so variant from what I conceive it ought to be, I am induced to take one more possibility, another chance of avoiding immediate war; and, therefore, when that part of the resolution comes up which proposes the issuing letters of marque and reprisal, I shall move you so to amend it as to change it from its present portentous and dismay- ing aspect, as a solemn pledge from this nation for the maritime protection of commerce in every sea, to what I conceive it ought to be—an authority to our merchants to arm and defend themselves, and resist (not submit to) those decrees and Orders in Council, which we have declared we will resist; in other words, that we will not submit to. There are a great variety of opinions as to what will be the eventual consequence; no man can precisely see the issue; but, to my judgment, it is the most promising plan that has been suggested. Its immediate consequence will be, that your merchants will go out armed, and, if captured, the bile and rancor of which we have heard so much, instead of being vented in sputtering and spiteful resolutions against their own Government, will be poured forth upon the aggressor. It will perhaps restore the Government to its accustomed popularity. If the merchant feels, he will know from whom—for, will he dare to come back and say that you ought to have kept on the embargo? No, sir; you will have permitted him to go out with his eyes open; the Government will have washed its hands of the thing. The merchants will become, what they ought to be, the carriers of your produce, the great machinery for transporting your commodities, instead of being a kind of political caballers. Let them go the counting-house, and they will have enough to do; give them employment, and you get rid of their complaints. If we take this step, it is not possible that Mr. Canning—even he—I beg his pardon—I would not speak harshly of any man behind his back, much less of one that is three thousand miles off—that a British Minister could have the face to construe this resistance into a just cause of war on their part. Commerce will protect itself, and peace, I trust, will be the result.

When Mr. RANDOLPH had concluded, the question was taken on the clause, and carried, ayes 76.

The question being stated on the second clause of the resolution, viz: that part which relates to issuing letters of marque and reprisal,

Mr. RANDOLPH moved to strike out that part of the resolution, and insert after the words “and at the same time” the words “to authorize the merchant vessels of the United States owned wholly by citizens of the United States to arm and defend against any armed vessels sailing under the British or French flag, so long as their orders or decrees are unrevoked.”

Mr. KEY, after stating the importance of the alternatives presented to the decision of the Committee by this motion for amendment, moved that the Committee now rise, to give time for mature deliberation.—Agreed to without debate.

And on motion, the House adjourned until tomorrow.

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SATURDAY, February 4.

The **SPEAKER** laid before the House a letter from the Secretary of State, accompanied with his report, exhibiting a statement of the whole number of persons born in foreign countries, and legally admitted citizens of the United States by naturalization, who have been registered as American seamen, and returned as such to the Department of State, according to the lists transmitted by the Collectors of the Customs, in pursuance of the law relative "to the relief and protection of American seamen," transmitted in obedience to a resolution of this House, of the ninth ultimo; which were read, and ordered to lie on the table.

The **SPEAKER** laid before the House a letter from the Secretary of War, accompanied with a supplementary report and sundry documents in relation to invalid pensioners; which were read, and ordered to be referred to the Committee of Claims.

Mr. **HOLMES** from the Committee of Claims, presented a bill for the relief of John N. Stout; which was read twice, and committed to a Committee of the Whole on Monday next.

Mr. **LIVERMORE** presented memorials of sundry inhabitants of the county of Essex, in the State of Massachusetts, whose names are thereunto subscribed, respectively praying for the reasons therein set forth, that the several laws of Congress laying and enforcing an embargo on all ships and vessels in the ports and harbors of the United States may be repealed; and that the system of just, equal, and liberal policy, which heretofore, in the opinion of the memorialists, was calculated to promote the honor, dignity, and general welfare of the Union, may be restored.—Referred to the Committee of the Whole on the resolution proposed by Mr. **NICHOLAS**, and Mr. **BACON**, on the twenty-fourth and twenty-seventh ultimo.

The House proceeded to consider the resolution of the Senate, of the third instant, for the appointment of a committee on their part, jointly with such committee as may be appointed on the part of this House, to ascertain and report a mode of examining the votes for President and Vice President, and of notifying the persons who shall be elected of their election; and to regulate the time, place, and manner of administering the oath of office to the President: Whereupon,

Resolved, That this House doth agree to the said resolution; and that Mr. **NICHOLAS**, Mr. **BROWN**, and Mr. **CUTTS**, be appointed a committee on the part of this House, pursuant thereto.

The bill sent from the Senate, entitled "An act authorizing the sale and grant of a certain quantity of public land to the Chesapeake and Delaware Canal Company," was read twice and committed to a Committee of the Whole on Monday next.

The **SPEAKER** laid before the House a report of the Commissioners of the Sinking Fund, accompanied with sundry documents and statements, exhibiting the measures authorized by the board, subsequent to their report, dated the fifth of February, one thousand eight hundred and eight; which were read, and ordered to lie on the table.

RELIGIOUS SOCIETIES.

A bill from the Senate for the incorporation of religious societies in the District of Columbia having been read,

Mr. **W. ALSTON** moved to reject it.

The motion was supported by Mr. **ALSTON** and Mr. **RHEA**, of Tennessee, on the ground that it bore the appearance of commencing an established religion in this country, which was repugnant to the principles of the Constitution; and that the States should not intermeddle with the church; the two, church and State, being wholly distinct.

The motion was opposed by Messrs. **DAVENPORT**, **LEWIS**, **VAN HORN**, **DANA**, **TALLMADGE**, **GARDENIER**, and **MACON**, for the reason that the House had heretofore incorporated turnpike and library companies, and it was hoped that the House would not show so much disrespect to religion as to reject it on its first appearance in the House; and that, even if the bill were not perfect, it might be amended before it was passed; that it was but a decent attention to the people of the District of Columbia, to consider the bill, for their petitions were too much disregarded.

Mr. **W. ALSTON** finally withdrew his motion, and the bill was read a second time, and ordered to be read a third time.

REPEAL OF THE EMBARGO.

The House again resolved itself into a Committee of the Whole on Mr. **NICHOLAS**'s resolution; the question pending being on Mr. **RANDOLPH**'s motion to amend it—

Mr. **KEY** said he had never risen under more embarrassment to address a public body than he now did; for there never was presented to him to act upon before, a subject of so momentous a nature—a subject which involved in its discussion and effects, certainly the best and dearest interests of the country. It seems, (said he,) if I correctly understood the proceedings of yesterday, that a large majority of this House is determined to repeal the embargo, but that a great diversity of opinion exists as to the measure which is proper to be adopted on its repeal. I confess, sir, I feel gratified in observing that diversity of opinion; for, in the collision of contrary sentiment, much good may elicit, when every individual offers to the House his candid views of the subject. And I see in that diversity of sentiment, sir, a pledge of strong attachment to the interests of the country, influencing every member to consult his own breast as to those measures which shall best promote our interest, when the embargo shall be removed. Various propositions have been submitted to the Committee; but before I examine them I would ask every member of this honorable body, to consult himself to see what is the end proposed, and to consider the means to attain that end. Is the end war? Is it to compel France to respect her treaty with us; or to coerce Great Britain to make one? Certainly not. These ideas have not been advanced on this floor. What then do gentlemen contemplate as the end proposed? I hope it is this: that the nation shall be placed, in relation to foreign Powers, in the same

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situation in which it stood, anterior to the passage of the orders and decrees. I wish the ground I mean to occupy in argument, to be distinctly comprehended; and I wish gentlemen would deeply reflect if, on raising the embargo, they mean to place themselves in the same position in which they stood, anterior to the causes which produced the embargo. If this be the end, if this is the object, let the wisdom of this House devise the means most suitable to the accomplishment of that end. It is in vain to call our attention to the course to be pursued, unless we see, and feel, and examine its adequacy to the end proposed. Every honorable member will make up his own mind as to his object; and then consider as to the means necessary to effect it. Some gentlemen talk of war. High and honorable minds, spurning the insults done to the nation, bring into public discussion those feelings so much to be estimated in private life, but which, influencing our passions, to a great degree impair our judgments; for however the finer feelings may be the ornament of private life, in legislation the cool exercise of sound reason is more to be desired. A nation's honor is a nation's happiness. Government was instituted for the happiness of the people, and those measures are most wise, and most honorable, which best promote and secure it. I shall not speak of war with respect to all those calamities usually consequent on it, for, if we are driven into it by imperious necessity, I know that we have firmness enough to breast it, to meet the shock as men ought—but I will make some observations on it, to show gentlemen why I think that the first proposition ought not to prevail as part of our system; and especially as growing out of the feelings which have been expressed.

A large army has been spoken of. If our object be the protection of maritime rights, and securing the enjoyment of the ocean, I ask gentlemen if raising a body of fifty thousand men well armed and well disciplined is a measure which in itself can in any means insure that object? But, say gentlemen, we can take Canada, and injure one of our enemies by conquering New Brunswick and Nova Scotia. And, I ask, what then? Gratify gentlemen to the extent of their wishes; place Canada in our possession; place Halifax in our possession—won, if won, at great cost; and kept, if to be retained, at incessant and heavy expense—grant all this, I ask, gentlemen will it further the object they have in view? Can a single ship, if the whole continent was in our possession, reach an European port in more safety than she now can? Are the means proportioned to that end? I think not. If we are to seize hold of this lever as a political engine to operate on one of our enemies, we must first see the cost, the probability of success, and the certainty of effect when the success is achieved. In defensive war I would compute no cost. If invasion hovered on our shores I would never calculate. Our altars and our fire-sides must be defended; and the last cent and last drop of blood in the country be cheerfully expended. Not so of offensive war; when it is not for the defence of our altars, and

our fire-sides, I would calculate with the precision and coolness of a counting-house. The nation ought to know the cost; we ought to see the object, and, when accomplished, a reasonable ground of belief that it will insure the end designed. If all America was consolidated into one great Power, with all the legions of Napoleon and the funds of France, we should still be, as Napoleon now is, incapable of getting from our own shores. I speak of the means proposed in relation to the end, viz: to protect and enforce our maritime rights. I cannot therefore consent to means inadequate and irrelevant to the end, and which we have not the physical force to accomplish. I know the power of this country; I believe it is competent to the reduction of the British provinces. I have very little doubt of it. But if conquered, in what state will they be placed in relation to us? As conquered provinces. Have we a Constitutional right so to hold them? Are they to be incorporated as States? No gentleman wishes or entertains that idea. They will only be held as a stake for the purpose of inducing Great Britain to do justice to us. Would the conquest of those territories have such effect on Great Britain that it would induce her to surrender rights which she deems essential to her existence? She would suffer her provinces to perish before she would abandon maritime claims of such moment. Sir, the possession of those provinces could not in my mind operate as a lever, for what man would not part with a member when his life is at stake? What nation would not lop off an extremity before she would sacrifice a principle which she holds as incorporated with her existence? I ask gentlemen, therefore, if the conquest of these countries will more than *probably* produce the effect which they anticipate. Possibly it may not produce that effect? And shall we encounter war for a probable or possible result? For, whatever these provinces might have been to Britain, such has been the singular and rapid succession of events in Europe, that she seems to have received her prosperity and safety from the hand of her most deadly enemy. The attack of Bonaparte on Portugal has so connected her with the Brazils, and his assault on Spain has so identified her with South America, that, whether she be successful or not, Britain finds an indemnity, more than tenfold for what she would lose by our capture of her Northern provinces; she will have derived it too from a source which never meant to confer prosperity on her—from her most inveterate enemy. A gentleman from Virginia, (Mr. BURWELL,) in a very strong argument (though I differ from him in his conclusions) delivered in a manner the most gentlemanly and decorous to the House and himself, did admit that Great Britain never before stood so high and firm as she does now. The avenues opened to her on the Southern continent will tend very much to the furtherance and increase of her force. And so standing, we ought not to wage offensive war against that country and her provinces in America, unless gentlemen can demonstrate to us that it is our interest to risk their conquest,

and when we have expended vast sums in that conquest, to hold them as provinces or to incorporate them as States; unless indeed we consider them as a pledge for her better behaviour—a pledge which she will never redeem if she holds to those principles, which all believe she will never abandon. One great right in contest, which we are told by her Ministers that she never will cede, is the right to search American vessels for British seamen. Does any rational politician believe that if she considers that practice connected with her existence, she will abandon it to recover out of our hands those provinces which at any moment we can attain? Surely not, sir—the war will be of a different cast. I do therefore suppose that a measure of this nature, until war becomes necessary and indispensable, ought not to be attempted.

There are other causes which should make this nation pause and reflect, before it attempts offensive war. We are an agricultural people, a peaceful people. The bond of our union was mutual defence. We are not constituted with active powers for offensive operations; but we are all-powerful for defensive measures. In a state of war, armies will become necessary; and even when necessary, they are always dangerous to republics. Their shield and safety is a well regulated militia. I have no doubt, if war is declared, that we shall raise a great force; and if we do, it is war that will jeopardize the independence of the several States. Their security ever exists on a militia officered as the Constitution provides, by themselves; because such a body feels local State attachments, and does not look up to the General Government for protection and patronage. An army so constructed only binds more firmly the Republic; but a standing army for offensive war goes to shake our republican institutions. I have lately seen, what does in my mind excite some jealousy on these subjects, not from any general view of the departments of our Government, but in a measure emanating from one department. It shows, if danger is to arise, it is not from the States, but from the General Government, and not to the General Government from the States. By the Constitution a State can raise no army or navy, and has no protection but the militia, officered by itself—and yet, sir, I have seen a letter from the Secretary of War to the Chief Magistrates of the different States, not infringing the letter but the spirit of the Constitution, by prescribing to those Governors what officers in the late call for their quota of militia they shall select. It would properly be the duty of that department to say what number of the militia should form the quota of each State; and I trust our Governors have sufficient respect for their States and the Union to select officers most competent to command them, without being schooled as to the manner of selection, suggested to them in terms highly exceptionable, as printed in the circulars said to have been addressed to the Executives of the different States:—"They will be careful in their selection of officers, to take such as can be confided in for all purposes." I do not say that

improper purposes were intended. Let not gentlemen misunderstand me. I say that the Department of War has no right to interfere in any manner with the selection of officers of the militia, which is exclusively confided to the State Executives, who are competent at all times to do their duty.

Another evil grows out of war and a standing army: a vast patronage is placed at the disposition of one man, and I would not, but in a case of absolute imperious necessity, trust any man, even the humblest in society, with the command and patronage of fifty thousand men; a power which in republics should never be vested in any man but when war is indispensable, when it is forced upon us. Ambition is awakened by the means of carrying it into effect. The instrument suggests its own use; and ambition, once awakened, like jealousy, makes the food it feeds on. Iron and stone are two of the most inert and quiescent substances in nature—harmless asunder, but bring them in contact, and the collision elicits fire. So the heart of man and power, are safe when separate, but when united, power is abused by almost as unerring a law of nature as fire is produced from the collision of flint and steel. This state of things, this danger, invariably grows out of placing power in the hands of one man, of which examples may readily be cited from ancient and modern times. When Cæsar invaded Gaul, when Napoleon was at the military school, in Paris, when Cromwell petitioned Charles for liberty to come to America—these men, in their wanton dreams, never dreamt of the guilty and giddy heights to which their ambition ascended. Power was at hand; they seized the ready instrument, a standing army, and history in blood has recorded the consequences.

Suppose a state of things to have occurred in 1802, similar to the present—war not forced upon us, but fifty thousand men raised, the officers appointed by the President. How would the destinies of the nation have been wielded, if Providence had taken the President from us? Who would have wielded that force? Aaron Burr—and does any man believe, if that force had been at his disposal, that he would not have crimsoned the Presidential chair with the best blood of the country before he would have left it? I mean no imputation on the present or the future President; I do not believe that we are in military danger from either. But the country that acts wisely will never place in any hands, but in extreme cases, power of such magnitude; and I believe it is a maxim consecrated by ages "that the people are never in so much danger as when power is placed in the hands of those of whom they have no suspicion." Take history through and you will find it so. But although, in the hands of the gentleman now in office or his successor, this power might not be abused—and I mean not to impute to them motives which I am sure they do not possess—but a few lives intervene between them and some one, we know not whom. How he would wield that force none of us can say. I am confident when Burr was elected to the Vice-

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Presidency by a Constitutional majority of votes, no man then dreamt how he would have abused the power, had death removed the President. My argument then is this: that except in a moment of extremity it is not wise for a Republican Government to resort to raising an army, because the possession of power begets a disposition to abuse it, which otherwise might never have existed. I would not go to war, therefore, unless the nation could be satisfied of the certainty of success, and of the effect of such success on such end as they proposed to attain. I am confident, if we had conquered the British provinces and had now imbodyed an army of fifty thousand men, it would in no degree insure to us the free navigation of the ocean. I have made these observations, because to my mind they have weight in rejecting the second part of the first proposition, which is war—I mean the granting of letters of marque and reprisal. It is not general or perfect war, but it is war as far as it goes, and is usually the forerunner and precursor of immediate war. If then that state of things which may endanger our Republican institutions is not forced upon us, I would avoid every measure leading to war until it was indispensable. I say nothing of the horrors of it which desolate all Europe. We are as yet a peaceful and as yet a happy people, and I am sure we all feel the strongest desire to add to that happiness. That can be best secured by continuing at peace, certainly not by waging offensive war. Gentlemen may think, sir, that I mean to submit. I do not—I mean to chalk out a plan precisely commensurate with the causes of offence. We are not now on a general question of peace or war; but as to what measure shall be adopted on the removal of the embargo to obviate those effects against which, it is said, the embargo was intended to secure us. Why was the embargo laid? I do not speak of its effects. Out of what occasion did it grow? Consult the Executive Message recommending it. From the decrees of France and Orders in Council of Great Britain. Was it not to obviate the inconveniences resulting from those measures that the embargo was advised and laid? Remove the embargo then, and what measure do you want? A measure precisely commensurate with the cause for which you laid the embargo—a measure to resist those decrees and Orders in Council, and place us in the relative situation in which we stood before its adoption. Am I correct in saying that the embargo was not intended or recommended as a war measure? If it was in part an expedient to retaliate on foreign nations for their decrees and Orders in Council, raise the embargo, because it is found to be inadequate to the end. And what should you substitute in the place of it? A line of conduct commensurate with the causes which produced that measure. The ground I mean to occupy is this: that we are not now debating a measure for the redress of all former evils or injuries which have been heaped upon us by those Governments. I do not so understand it; perhaps I am wrong. I ask gentlemen to weigh what I have said, and to say whether, if

we remove the embargo, the substitute ought not to be a measure of resistance commensurate with the injury. I am with great candor and sincerity delivering the little all of my mind on this occasion. I ask it to be fairly understood and distinctly viewed, and I would then ask whether the plan which I shall mark out, instead of continuing the embargo, be not the proper substitute, if a substitute must be had? The British have claimed the right of searching our vessels for British seamen. This claim has been the subject of treaty negotiation time after time; it was made the *sine qua non* of a treaty. The British Ministry told you that the nation could not come up to the mark, but that they would make the operation of the principle as little oppressive in practice as they could. Grant for argument sake that this arrangement was not as satisfactory as it ought to have been. Do gentlemen mean to adopt a measure to meet that? If so, it must be war and interminable war; for they say they will not abandon it, and we say we will insist on it. I want that, and all other questions to be left open as before, for, although our commerce was greatly oppressed under that practice, still it flourished; our country prospered and grew in strength and riches.

The second proposition under consideration, offered by the gentleman from Massachusetts, (Mr. BACON) goes too far. I grant that it is not up to the war point; but it goes too far from the line of discrimination which I make; because it authorizes the resistance of violations of our general neutral rights claimed on our part to be exempted from, and on the part of the British to be enforced. It is interfering with the state of things which existed between the two countries before the decrees and Orders in Council. I want gentlemen to repeal the embargo because it is not efficacious, and to adopt a measure (if any is to be adopted) which shall be precisely commensurate with it. The honorable gentleman from Massachusetts, though not up to the war mark, is too far from the ground which I occupy, that is, to place this country in the same situation in respect to its foreign relations in which it stood when the decrees and orders were passed, to resist which or to cause which to be repealed the embargo was laid. Take it off, then, and take a substitute which shall be coequal with it. I have not heard you called upon to take off the embargo, and adopt a measure to remedy all the evils occurring before it; we should by this get into a state of things which would be war. The House will pause, reflect, ask themselves the point they mean to go back to, and whenever they have made up their minds on that point, accordingly as they determine, they will be for war, or arming our merchant ships, to resist seizure, or any search growing out of the decrees and orders. This is the line of distinction which I take. It is not hard to be drawn; we know the diplomatic battle-ground antecedent to the orders and decrees. Leave it open to negotiation. Restore us to our ancient state of things. If we were not happy with many rights violated, it was at least more satisfactory than our present

situation. And this is precisely what the President recommended—for our Minister was authorized to offer to England a repeal of the embargo, on rescinding her Orders in Council, and this was to produce the anti-embargo state of things. The proposition offered by the honorable gentleman from Virginia (Mr. RANDOLPH) yesterday, with a slight amendment, will meet my idea. I do not ask gentlemen to submit when they take off the embargo. They have told the nation that they will not submit—to what? To general violations of our rights? No, sir. The report of our Committee of Foreign Relations was predicated wholly on the decrees and Orders in Council, and they saw no alternative but submission to them, war, or embargo. These are the alternatives growing out of the state of our foreign relations, in the opinion of the committee. I would not keep on the embargo, or declare war; neither would I submit, because if anything is to be done I would arm our vessels to resist any attempt at search under those orders. I ask gentlemen if this be not an efficacious plan—to arm for the purpose of resisting those decrees and those orders, to cause which to be removed was the reason why they laid the embargo? I do not understand the embargo as having been laid on the principle that it was to coerce England to abandon the right to the impressment of our seamen. I do not understand it as having been laid to produce reparation for the attack on the Chesapeake. All these were conspiring causes which might have led to the laying of it, but they were not avowedly by this measure intended to be redressed. Does any man believe that the embargo was laid to continue till Great Britain should formally abandon the right of impressing her own seamen? The orders and decrees not being repealed by the agency of the embargo, gentlemen say we will not submit to them. Granted; I do not mean it. I mean to resist in terms those decrees, and I mean to make my resistance precisely commensurate with the objects which that measure was destined to attain. I want the substitute, if we are to have one, to go as far and no farther; and in so doing and going no farther, I believe we shall act wisely. I think peace may grow out of it; and we shall be restored to that state of things which may probably—I wish to God I could say certainly—at no distant day induce a settlement of our differences. If we go to war on any other grounds, we say that we will fight Great Britain till she comes to our terms. Sir, gentlemen will pause, will consult their pillow, before they go so far; they will leave the door to negotiation open. To me this seems an honorable plan and a fair course, calculated to restore our country to peace within, I trust to happiness also, and to a fair adjustment of our other differences. I have listened with great attention to every observation on this subject which has fallen from every member on the floor, and have said nothing. But I should be wanting in duty to my country and respect to myself if I did not, with as much perspicuity as I could, simply submit to the judgment of this House those propositions which would in my mind conduct us to

the most desired issue—I mean the most probable one which would accomplish our end. I do hope and trust, if the embargo, as a measure of coercion, was laid for the purpose of meeting the decrees and orders, that gentlemen will vote for the repeal of the embargo, and that they will be satisfied with adopting the motion which I have proposed to substitute—unless indeed, finding the inefficiency of the measure, they will concur in an unconditional repeal, and make another effort at negotiation, unfettered by acts that diminish the prospect of success.

Mr. MILNOR congratulated the House on the vote of yesterday. He hailed it, and the nation would hail it, as the harbinger of a new day. He received it as a proof of the patriotism of the majority of this House, who, seeing the nation severely oppressed by a measure which was adopted as an experiment, and which had failed in its object, had come to a resolution to relieve the nation from its further pressure. I confess, however, said Mr. M., that the second part of the proposition now before you has, to my mind, an aspect of a highly alarming character. If I correctly understand it, it leads the nation to direct and open warfare; and, indeed, the gentleman who offered the resolution so explained it. Viewing it in this light, I can never give my consent to it, until I am convinced that the nation is brought into that situation, that there is no other mode of saving its honor than by a resort to war. Believing, as I do, that this is not the case at present, I wish to offer a few observations to the Committee, as the ground upon which I shall oppose the second part of the resolution, and of course why I am in favor of striking it out, for the purpose of introducing an amendment. When a nation is about to involve itself in war, it appears to me that it should not only be convinced that the ground of war is a just one, but that the end proposed to be attained by war is probably within its reach. As to the first point, I have no hesitation in saying that the two great belligerents of Europe have given us ample and repeated causes for war. On that ground, therefore, I should feel no hesitation in going with gentlemen in favor of this proposition, did I believe that the policy of this nation warranted it, and that the end proposed would be, in this manner, attained. It is proper, however, to ask ourselves in what way we are to operate on the belligerents in order to produce the desired effect. It has been said by gentlemen who appear to be ready for the adoption of this proposition, that we can attack and take Canada and Nova Scotia; and that such a measure would be severely felt by Great Britain. That we are competent to take Canada I have no doubt; but I am so far from believing that the conquest of Nova Scotia would be an easy task, that I do not think it is in the power of this nation to accomplish it, unless we could first procure to ourselves an ascendancy on the ocean. That does not appear to be probable at this time. I am therefore persuaded that our only operation in that quarter would be the taking of Canada. The gentleman last up (Mr. KEY) has shown very

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clearly that the conquest of Canada, and the securing of that conquest, would cost more than it would be worth; and that it would not be efficient for the object for which we should attempt it. I believe that experience, in a little time, would teach Great Britain that the loss of Canada would be, in fact, an immaterial loss to her empire. But, in another point of view, this conquest might have a very injurious effect on our affairs. At present, there can be no doubt but the people of Great Britain are much divided in opinion in respect to their hostile measures against our neutral rights. I do not believe that the people of that nation can be unanimous in a measure which the Ministry themselves do not justify as a right, but as a measure of necessary retaliation upon their enemy. If, in order to redress ourselves, we make an attack upon a part of the British Empire and dismember it, we at once arouse the pride of the people, induce them to attach themselves to their Government, to justify their measures of retaliation upon us, and thus, in all probability, prolong the contest, and perpetuate those measures of which we complain. In what other way could we operate on Great Britain in such a manner as to make any great impression on her? I know that it is the belief of some persons that we could, by fitting out privateers, so harass her commerce as to make a very serious impression on her, and at the same time indemnify our merchants for their losses in the contest. I confess that I have not full faith in this part of the experiment. I believe we should find that the impression to be made on her commerce in this way would not be anything equal to what was made by us during our Revolutionary war. At that time the system of convoys was not carried to the extent that it now is; at that time the merchant ships frequently crossed the ocean singly, or in companies of two or three together, and therefore it was in the power of our privateers to capture and bring in many of them. Few are now permitted to sail singly; they generally go under the protection of strong convoys. I believe, therefore, that it would soon be found that privateering would be an extremely unprofitable business. If, then, we could not make a serious impression, by our efforts either on land or water, I would ask in what way are we likely to accomplish the object in view? To carry on a war against us, it appears to me that Great Britain would be put to very little additional expense. She has been obliged to resort to every means of offence and defence against her European enemies; and the very weapons which she makes use of against them she could, in part, turn against us, without adding anything to her expenditure. Thus, while she can carry on the war with facility against us, it will be far different with us. By going to war we deprive ourselves of almost all the commerce of the world; we deprive ourselves of the opportunity of deriving revenue from those sources from which we have hitherto received it; and, at the same time, reduce our citizens to such a situation of distress and privation as to render them wholly unable to bear the burden of

internal taxes which must be resorted to, to raise the necessary supplies. I believe that, in a war of defence, for the protection of the soil, this country is invulnerable; I believe that there is no sacrifice which would not be cheerfully offered up by our fellow-citizens in support of such a war; there the hands and the hearts of the people would be with you; but when we are called upon to enter into a war of offence for the attainment and security of certain ends, which there is by no means a certainty of attaining; a war, of which it is impossible to foresee the consequences or to fix the probable period of its termination; it is putting the happiness and safety of our country too much at risk to plunge into such a war. You may involve the nation in such a war, and when they find themselves engaged in it, they will feel bound to carry it on; but I venture to predict that the Administration, or the majority, which involves the nation in such a war, will not long exist. The nation is not prepared for war. It has been justly observed, sir, that the nation is yet in a state of infancy; it is growing fast, and if nothing to impede its growth or destroy its strength be done at this day, it will soon assume the form and vigor of manhood; it will soon arrive at that masculine state, that it will be able not only to repel aggressions, but to chastise the aggressors. I have already stated that, in a just and necessary war, a war which is no longer to be avoided without a sacrifice of national honor and national rights, I shall be as ready to engage as any man in the nation; but I do not believe we are yet reduced to that situation; and when I view the critical situation of the European world engaged in a most sanguinary conflict, and then turn my eyes to the peaceful and happy situation of my own country, I cannot consent to engage her rashly in the doubtful contest.

The report of the committee on our foreign relations states three alternatives, out of which it is said we must take a choice; these are, embargo, war, or submission. The last is rejected by every man. It would seem, then, that there is only a choice between embargo and war. If the arguments of gentlemen in the minority had been attended to, if they had been coolly and carefully weighed and examined, I think it would have been seen that there was another course, a path by which we could travel in safety, which, while it would lead us from embargo, would avoid war. This path has been repeatedly pointed out to you before this day; and has been now again repeated by the gentleman from Maryland, (Mr. KEY.) It is this: repeal your embargo, and suffer your merchants to arm their ships in their own defence, to resist the violation of our lawful commerce. I would not grant them letters of marque and reprisal, because that would be war, but I would authorize them, in every case, to resist unlawful seizures and detentions. If I have any idea of what would be the true course of policy for this Government to pursue, this is that course. If I have a right understanding of what is truly meant by the terms submission and resistance, I most certainly think the proposition I have made

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is essentially resistance; that sort of resistance which our country is capable of making, and which would show to the enemy that we would not submit to their unjust orders and decrees. I shall not now enter into an argument to show that the embargo is submission; that has been sufficiently done on a former occasion. I never did believe that the embargo would have a coercive effect on either of the belligerents. Entertaining this opinion, when I saw the nation retiring from the ocean, in order to avoid the effects of the injurious orders and decrees of other Powers, in compliance, as it were, with their mandates, it appeared to me as the most complete, not to say disgraceful, submission.

A gentleman from South Carolina, (Mr. D. R. WILLIAMS,) addressed you a few days ago, sir, and told you that he considered the minority as holding the destinies of the nation; that it was in their power to regulate the course hereafter to be pursued. I confess that, when the gentleman made that observation, it excited some surprise as well as pleasure in my mind. I felt happy in the momentary idea, that I might, perhaps, be instrumental in so directing the course of this nation, that we might at once avoid Scylla and Charybdis. I could not, however, distinctly understand the gentleman's meaning in the declaration which he made. He did not tell us in what way the minority possessed the power which he spoke of; he did not explain himself sufficiently to show that the minority do indeed hold the destinies of the nation in their hands. Sir, the destinies of the nation, so far as human power extends, are and must be in the hands of the majority; they are responsible to the nation for the course which shall be pursued, and it is not in their power by any legerdemain to shift that responsibility from their shoulders to those of the minority. I believe that, so far as the power of the minority extends, they would use it to direct the course of the nation in such a manner as to promote its peace, happiness, and lasting prosperity; and could they, indeed, guide its destinies, they would, on the one hand, spurn the idea of submitting the rights and independence of the nation, while, on the other, they would, if possible, avoid involving their country in a calamitous and ruinous war.

There is one point of view in which this subject has passed over my mind, and on which I feel extreme delicacy in expressing myself, because I do not know how far it may be allowable for me to touch on a topic, into which I do not wish to enter improperly, but which is so important that I have never lost sight of it when considering this subject. As the resolution is penned, it contemplates a hostile resistance to both belligerents; an offensive war against them. Its object has been so explained by the gentleman who brought it forward. I endeavored to show, when I first rose, how far we might operate against Great Britain in an offensive war. Can we act with any great effect upon France? Have we those means of operating upon her by war, so as to induce her to rescind her decrees? I confess

I have never yet been able to see where she is vulnerable to attack from us, or how she is to make an attack on us. She has no possessions on this continent, nor any commerce on the ocean. To me it appears that, although we ostensibly make a declaration of war against both belligerents, the contest, in reality, will be but with one. When we shall have entered into this contest, we shall find that, with Great Britain, we shall have an active conflict, with France a mere war of words; with her, action cannot take place. After we shall have been engaged in the contest for a short time, having received many severe and bloody blows from Great Britain, the irritation of the nation would be excited to the highest possible degree, and of course the disposition to continue the war with her would be greatly increased. On the part of France no such circumstances could occur. Having felt no serious effects from her hostility, we should have no strong incentive, arising from suffering, to continue a war with her. The higher the irritation was excited against the one, the more it would be allayed towards the other.

The Emperor of the French, seeing one of the fondest objects of his solicitude accomplished, that of inducing America to follow the example of the European nations, by engaging in the war against Great Britain; seeing us engaged in a contest from which we cannot withdraw, without dishonor and disgrace, will come to an accommodation with us. I know not what other gentlemen may think of such a result as this, but I confess that I do not wish to see it. Sir, I dread that man's friendship infinitely more than his enmity; that kind of friendship, I mean, which would connect us with him as his allies; I shrink from it with horror. Where is the nation which has accepted of his friendship, that is not now his vassal? Perhaps there is one solitary instance to the contrary; Russia may be an exception, thanks to her power. But, excepting this, where is the nation to whom he has extended his friendly hand, that its touch, more deleterious in its effects than the poisonous effluvia of the bohem upas, has not quickly withered their liberties? Believing that all the professions of this man, about the freedom of the seas, are insincere and hollow; that he has no more regard for the freedom of the seas than for the liberty of the land. I have no desire to join him in the contest. Were we now to humble Great Britain, to get possession of her fleet, and to rule ever Europe, is there any gentlemen in this Committee who can persuade himself, for an instant, that he would respect the liberty of the seas? If any gentleman, with all the experience which we have had of the conduct of that man, can persuade himself of such a result, I should pity his head while I did justice to his heart. I have no doubt, in case the event alluded to takes place, that we shall have the highest professions of friendship; not only professions, sir, but acts. No doubt but he would be generous enough to loan us money, and officers and men to carry on his war. He lent them to Spain, sir; he sent his officers and his legions

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into her empire for her protection; and when he had got them placed at the proper points, he then did as, in every other instance he had done where he had the power; he told them they were no longer free, that Spain was no longer a nation; that they must accept of a new master. I have not the least doubt but he would pursue the same course with us, if he had the opportunity. He would not only lend us the means of subjugating us, but, in his gracious condescension, I have no doubt but he would also lend us a royal brother to rule over us, to ameliorate our condition.

Gentlemen may suppose, sir, that these are mere fanciful ideas, which we are in no danger of realizing. I hope, indeed, we shall not realize them; and that, in order, to escape a result so calamitous, we shall avoid the ensnaring friendship of that man. Viewing the present disastrous situation of the world; seeing the whole of Europe groaning under the miseries of war and desolation; engaged in a contest, to the termination of which no man can look with any certainty, I am anxiously desirous of preserving my country from its vortex. Whether the Committee shall be of opinion with me that the dangers I have pointed out are to be apprehended or not, yet the calamities and disasters of war are so great, that we ought to pause and to ask ourselves, what is its object, and what will be the probable result? Is there any probability that, by entering into a war at this time, with both France and Great Britain, we can accomplish the object we have in view? Can we so act upon them as to compel them to indemnify us for the past, or to respect our rights for the future? I have endeavored to show, sir, what I conscientiously believe, that we cannot. Impressed with this firm conviction, I trust that the good sense of this Committee will induce them, before they try the last awful resort, to use every honorable expedient for the preservation of peace.

I shall be in favor of striking out the words of the resolution which relate to granting letters of marque and reprisal; but I do not very well like the amendment offered by the honorable gentleman from Virginia, (Mr. RANDOLPH,) in lieu of them. I had drawn up an amendment which I had wished to have proposed; and, for the information of the Committee, I will read it. It is to follow the word "authorizing," in the resolution, and is in these words:

"Under suitable regulations and restrictions, to be provided by law, the citizens of the United States to arm their ships, for their own defence, against illegal seizures and detentions when engaged in lawful commerce."

The difference between the amendment under consideration, and that which I propose, consists in this: that the former points to an opposition to all searches or seizures as long as the orders and decrees are in existence; the latter to an opposition to seizures and detentions under those orders and decrees, contrary to the laws of nations. Now, there are certain rights of belligerents as well as of neutrals on the ocean, to which I think it proper that all nations should submit.

There are certain clear and defined laws of nations, which, for the sake of preserving peace, we ought to adhere to. It is true that the orders and decrees, of which we complain, violate neutral rights, and trample upon those principles which ought to be held sacred: but I do not think that a departure from justice on their part, would make it good policy in us to follow their example; I am not willing, because they violate neutral rights, that we should resist acknowledged belligerent rights. It is always a maxim with me to leave my enemy in the wrong; and I hold it to be a correct principle in national as well as individual concerns. By so doing you have a decided advantage over him, and, in his moments of reflection, if he has any, he will discover your superiority over him, and will feel a disposition to do you justice, in order to be on an equality with you.

As the measure for which the substitute is proposed, has been brought forward, not in opposition to the acknowledged rights of nations, but only to their unjust orders and decrees, I should wish whatever substitute we adopt to have the same tendency; that it should be opposed to all illegal seizures and detentions, but not to those searches admitted by the general law of nations. I wish, in the measures that we adopt, that we may be careful not to extend the ground of collision; I wish our measures to be confined within such bounds, that it shall not create a jealousy on their part, that we mean to contend, at this particular time, for things which we have not heretofore contended for, things which we know they will not concede. It is in this view of the subject that I prefer the amendment, which I have read, to that offered by the gentleman from Virginia. The resolution is only the foundation of a bill into which all the necessary restrictions and regulations may be introduced. It will be necessary, if we permit our merchants to arm, to place them under proper restrictions, or the nation might be involved in a war by the acts of individuals. If the amendment should take place, it will be an evidence to the belligerents that we are peaceably disposed; that, while we are determined not to surrender our rights, we are anxious for an amicable adjustment with them upon honorable terms. I believe that this will have a better effect in inducing them to repeal their unjust edicts, than all the open and avowed hostility which we can make against them. I trust that until every honorable means of preserving peace have been exhausted, until we are convinced that there is no other way of preserving our national honor and independence, that a majority of this Committee and of Congress will not be disposed to rush madly into a ruinous and destructive war.

Mr. D. R. WILLIAMS said, he hoped that the House would do him the justice to believe, for he had given many proofs of it, that although he had talked much about war lately, he felt just as strong an aversion against going to war, while peace can be preserved without disgrace, as any man could do. The gentleman from Pennsylvania (Mr. MILNOR) cannot feel more than I do on

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the subject of foreign relations, except in one particular point of view—that submission to the edicts of Great Britain and France, seems to him less heinous, less dreadful to the national interests than it does to me. The gentleman has read to you an amendment, which he would propose. What was its tendency? To permit your merchantmen to pay the tribute *armed*, rather than defenceless, as if the mere permission to arm could vary the terms or the operation of the belligerent edicts. Were you not told by him that he most sincerely believed that by war, or by any measure which you could adopt, Great Britain would not be induced to repeal her Orders in Council? And yet he attempted to persuade you, it is expedient to depend upon the very feeblest effort that can be made, as resistance, when in the same breath, he declared the whole energies of the nation, exerted in open war, would be inadequate. In advocating the repeal of the embargo, then, he must be for submission. The gentleman shakes his head. Sir, I wish he would be so good as to tell us, if not submission, what it is he is for?

Mr. MILNOR said that he would not submit. He had endeavored to show that the course which he proposed to pursue would not be submission. If he had failed to convince the gentleman from South Carolina of it, it was not his fault; but while he believed that such a measure would be more essential resistance than the embargo, he should give it preference. To satisfy the gentleman from South Carolina on the subject of submission to tribute, he could observe, that he was ready to adopt any measure which the gentleman could point out, to prevent the payment of tribute.

Mr. WILLIAMS said that he was much obliged to the gentleman, and would, in three words, tell him how to avoid paying a tribute—continue the embargo. For the gentleman and the minority to help him, who seem willing to accept of what he could not but consider a tributary commerce, can—the embargo repealed—devise no mode of preventing the payment of the tribute by our merchantmen short of war.

To my plain understanding, sir, the amendment, as proposed, ends in this: That our vessels bound to England will, if they make any show of resistance, do it by *Quaker* guns. Every gentleman, in the least acquainted with maritime phrases, understands the term; while, on the contrary, if they do resist, it will only be to involve you in a war with France—an inducement, I believe, with many of its advocates for supporting it. We have now arrived at a period when the sentiments of every member should be explicitly known. That moment you put the country in a situation which subjects its commerce to tribute, I am for war with Great Britain, because any course short of war makes you tributary to her.

Some days since, I declared to the minority—that it was in the sincerity of my heart I spoke—that they could save the country from its present dreadful situation. They know that they have produced a state of things that must not be suffered to exist. They have reduced us to the

alternative of enforcing the law by physical force, or of repealing it. That they still possess the power to put down the effervescence they have excited, I cannot doubt; for while the inhabitants of the South are forming patriotic associations to enforce the law, some in the North, so excited, are exerting themselves to prevent its execution. I called upon them then, I entreat them now, to remember what are the dearest interests of their country—to put down the opposition to the law. By silencing it what will they do? Endear themselves to the nation—merit its thanks—save the Government without the aid of the bayonet from the disgrace of imbecility—and, in so doing, must necessarily save the character of the nation from the black stain incident to foreign taxation, and from sinking into the lowest state of degradation. This idea of tribute, of again becoming British colonies, I cannot think, much less speak of, with patience. I will begin in another place—of the embargo. Upon this subject gentlemen exert themselves, because they are interested in decrying it; for, when it was originally imposed, they told you that it would be ineffectual, and we all know some of them have done everything that could be considered necessary to realize the prophecy. Passing over the original causes altogether, subsequent events show, that the measure was wise. They wish now to induce the people to believe that it was not wise, not necessary, because in driving us from it, they drive us into war; and if the removal of it be followed by war, no matter in what way, gentlemen feel that they must take the responsibility of it to themselves. Sir, they have told us, in substance—for the open avowal would not do—that we were the basest creatures in the world; that we have neither virtue nor energy to direct the energies of the nation; that we imposed the embargo in subservience to France; and, unfounded as the accusation is, it has been the cry from one end of the country to the other. Now, sir, we approach the period when, from the excitement in the East, war may be preferable. What is the consequence? Why, sir, the very men who taxed you with base submission, with supererogation in submission, who vaped about national honor, and the maintenance of maritime rights, now warn you not to plunge the nation into war! And, in order to alarm and prevent you from defending the rights of the nation by arms, dilate upon the monstrous power of the belligerents opposed to you. The gentlemen have surely forgotten, that, when one of these very Powers was mistress of this country, of whose ablest Minister it has been truly said, that with one hand he smote the Bourbon on his throne, and in the other wielded the democracy of England, we fought with, and conquered our independence from her. Are we to be now told, if we are driven into a war, that we cannot resist her? The gentleman from Pennsylvania (Mr. MILNOR) told you, that you cannot now get rid of the Orders in Council even by war; while you were yet in the gristle, you conquered from Great Britain the sovereignty of the soil we live on; and, lest this observation should be

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insufficient, you are conjured by others not to go to war, because the Executive has been wrong. Gentlemen entertain, at least detain, us, by reading the documents, hour after hour, to prove it. For God's sake, sir, supposing the Executive has been wrong from first to last, is this a reason why they will not resist foreign taxation? You are taxed more heavily by Great Britain than her own colonies are, or than you are by your own Government; you are in a much worse situation as to the exportation of the produce of your own soil, under the operation of the Orders in Council, than the island of Jamaica, and I can prove it if gentlemen deny it. The produce of that island, it is true, is necessarily constrained to be first deposited in Great Britain; but all the surplus of that produce is free to be exported thence, and entitled to drawback. Is it so with yours? No, sir, the great staple of the country, cotton, worth more than any two others, is coerced into England, and absolutely prohibited from exportation altogether. You are to raise cotton, to carry it to the British isle, and no where else. What does this amount to? Anything short of a positive assumption of the sovereignty of the soil? I heard a gentleman before me. (Mr. RANDOLPH.) with a patriotism and warmth of eloquence which fired my bosom, exclaim against the violation of our territory in 1805. Touch the soil, said he, and you touch the life-blood of every man on it. What is your situation now? Every square foot of cultivated land in the country is laid under contribution, and gentlemen very coolly say they will repeal the embargo, and will not go to war under such circumstances until it is forced upon them. They want *cause* of war. Yes, sir, this is a truth, and take notice of it, that the British colonial system only requires the importation of colonial produce into the mother country. Your produce is placed in the same situation, with this addition: coerced into her ports, you are prohibited from re-exporting one great article, cotton, and on other articles duties of 40 and 50 per cent. are imposed on their re-exportation. And why, sir? They tell you that you must carry your cotton there, because they want it. What does Mr. Erskine tell you is the cause of the regulation in relation to cotton? Why, sir, he told you insultingly that you must look to the prosperous state of the French manufactures for the cause. And yet gentlemen want cause of war; they cannot in this see anything distressful to the country or disgraceful to its character.

I think, sir, that the best course which we can pursue would be to say nothing at all about the repeal of the embargo. And if gentlemen will do so, we may chance to have an accommodation of all our differences, because then an opportunity will be given to the Executive, which he will not otherwise have, to attempt an accommodation. It was considered a kind of treason here the other day when I spoke of an extra mission; but it is a very fashionable idea all over the House now. Even the worthy gentleman from Virginia before me (Mr. RANDOLPH) has no objection to one more chance for accommodation. Now, if gentlemen

will not go to war with us, and really they talk as if they will not, let them adhere to the embargo and give a chance for negotiation. Let us have this one other chance for an honorable accommodation.

I do really believe, sir, that war is preferable to submission. I have been educated in this kind of opinion, and I cannot give it up promptly. But it is unnecessary, say gentlemen; you can gain nothing by it. Suppose you had made this calculation during the Revolutionary war; suppose, Mr. Chairman, that you (Mr. MACON) had been thinking of what you could make instead of marching to South Carolina, and losing your all in the common cause—where would you have been now? Would you ever have been Speaker of the House of Representatives of the United States? Would any of these gentlemen have the honor of seats here? And shall we abandon them now without an exertion?

We are told that we must not go to war, because of the monstrous disproportion between our revenue and that of the British Government. Did not the disproportion exist in a greater degree during the Revolutionary war, when we were without a Government? Yes, sir; but you had that in abundance, in which I fear we are very deficient now—patriotism. You conquered the soil then without revenue—and will you stop to calculate what is the proportion of your revenue to that of Great Britain when she is bringing you to a worse state than you were in before you became free? For it is a fact that the state in which we are placed if we trade under the Orders in Council, is much worse than that which you, Mr. Chairman, assisted to redeem us from. One, certainly not the least of the attributes of sovereignty, is the power to lay taxes and consequently to repeal them—here is a tax imposed upon you without your consent—can you get it off? No, says the gentleman from Pennsylvania (Mr. MILNOR.) Then, sir, we should abdicate the Government. You are taxed without your knowledge, against your consent. We cannot get it removed, says the gentleman. I do not believe it, sir; I would bury the last man in the country before I would accede to it.

A gentleman from New York, (Mr. GARDENER) says he wishes the nation to grow. I too wish it, if it could be allowed to grow in honor, in virtue, in patriotism; but if not, I would not desire it should "start a peg." Stop where you are, with honor, rather than grow in disgrace. I wish not to see the nation, to use the converse of his metaphor, like a great booby who has been told by his mother, "don't fight Billy till you grow big," and then he won't fight in defence of his own person; every little fellow in the street spurs him. The gentleman says, we may be a spunky, though a rickety set of little fellows. Sir, I had rather be small, than a coward; a rickety freeman, with one hand and one arm, than a slave with the handsomest appearance possible. The plain question presented for your determination is this; will you live slaves or die freemen? It is easy of solution; you can't find an American in

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the nation, so lost to honor, to feeling, as not to say, "I will not live a slave." And why not improve the opportunity to wipe off this stain? No, says the gentleman from Maryland, (Mr. KEY,) there is reason to fear the Commander-in-Chief may be dangerous, an ambitious man, and overturn the Constitution. What, sir, can place us in a worse situation than we are now in? Suppose an army of fifty thousand men raised, with a Chief at its head, disposed to sacrifice our liberties, would you prefer that every attribute of sovereignty shall be blasted by Britain, rather than take the risk of having an ambitious General to resist her? If the Constitution is made of such brittle stuff as not to stand a single war; if it is only to be preserved by submission to foreign taxation, I shall very soon lose all solicitude for its preservation. The gentleman also talked about the dangers avoided by the development of Burr's real character, as if a foreign was to be preferred to a domestic tyrant. If I could choose in such a case, I would rather take my chance with the latter than the former; indeed, much rather have a sovereign from among our own native blood royal, than from the royal family of England. You know, sir, they are not apt to be overburdened with a certain commodity, considered essential to good Government in this country.

Do not shackle us with war measures, let the nation grow, says the gentleman from New York, (Mr. GARDENIER.) I am much mistaken, sir, if the gentleman himself was not the first who declared for war. I am positive he told you, months since, he was for a declaration of war against France; but now, Great Britain is the subject, he cries, don't shackle us with war measures. Can he have forgot his own description of the ambition and resources of Bonaparte? Has he forgot the picture which his friend from Connecticut (Mr. PIRKIN) drew of the colossal power of Napoleon? The gentleman dwelt upon it so long, he really appeared towards the close, to be under an apprehension of its extension even over us. He ought certainly to remember this is the man who has truly smote the Bourbons, has humbled the proud house of Austria, has crushed the power of Prussia, and who has vanquished even the "heroic, the gallant Alexander." Declare war against France, said the gentleman yesterday; do not shackle us with war measures, to day! Sir, when the gentlemen on the other side begin to fear the power of Britain, or to tremble at the extension of Bonaparte's, they pay marked homage to the wisdom of the embargo measure, for it alone has preserved us from collisions with both these mighty nations.

Every gentleman who has spoken on the opposite side, has declared that the French edicts are inoperative, are empty menaces; they have supposed, they have proven their position, by the premiums of insurance; and are we, therefore, because they are inoperative, to declare war against her? The orders of Great Britain, but for the embargo, would be operative, would have

intercepted all your commerce, and yet we must pay her! Gentlemen say we cannot come into contact with France, her decrees are inoperative, therefore, we must fight her; while Great Britain, who does come into collision with you who attempts to blast your character, to sap your most vital interests, who has imposed tribute on you, must be propitiated by money, must be paid! How does this sound, sir? Not very spirited; what is it in reality? Contemptible cowardice. My ideas of honor, of national rights and justice, revolt at this thing. The gentleman from New York, I recollect, some time since declaimed with a pathos that moved my soul, when we were about to determine the order of the day of the supplemental embargo bill, "give us but one day's liberty," said he—

"A day, an hour of virtuous liberty,

"Is worth a whole eternity of bondage."

And it is true, sir. What does he now say? Virtually, that he will submit; that he will consent, for a humble commerce, circumscribed and regulated by Great Britain, to pay tribute to her. The gentleman's passions were excited; he could see nothing but slavery under the operation of a law of his own country; but when the Orders in Council are under consideration, he is off; and not he alone, but many of the opposers of the embargo.

The gentleman from Connecticut, a Revolutionary character, (Mr. TALLMADGE,) called upon us the other day to repeal the embargo, and to take a stand calculated to maintain the honor and dignity of the nation, but was extremely cautious not to say what that stand is; and really, if his stand is not better calculated to maintain the rights of the nation, than his reasons are forcible for the repeal, they will be poorly maintained indeed. He offered you three, and but three reasons for the repeal. I very much doubt whether the gentleman will be willing to recognise them for his own when he hears them repeated; certainly much abler arguments are to be expected from a Representative from the State of Connecticut, which having been steady in its habits, must have, by this time, if we are to believe the slang of former days, monopolized all the "virtue and talents of her neighbors." 1. Because a grand jury of Vermont had some time ago presented the proclamation of the President, issued in April last. This presentment of the grand jury, if it ever had been a reason, which I deny, for repealing the embargo, has lost that character, being at least neutralized, by presentments of an opposite cast—I question whether five gentlemen in the House ever heard of it before. 2. That the militia, perhaps of Providence, (Rhode Island,) had disobeyed the orders of the Governor. I am happy to say the alarms, which had been excited in my mind, relative to the state of public mind there, were much greater than the case authorized. As to the particular case alluded to, I am informed by authority, to my mind perfectly conclusive, that although the militia did not carry into execution the orders issued by the proper

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authority, it was not that kind of disobedience, if it can be termed disobedience at all, to which anything reprehensible can be attached; they were paraded, the vessel which it was intended they should detain, was beyond their reach. Is this a reason, sir, for repealing the embargo? So far from its showing a spirit of resistance, it is a proof that the law even there does govern. 3. That the collectors will be thrown into jail, inasmuch as they will be required, under the operation of State laws, to give bond for damages to so large an amount that sureties cannot be obtained. As to this objection, it is equally futile with the others. Let the whole machinery of State law be directed to this point, I believe Mr. Gallatin may, as it were with a single stroke of his pen, put it down completely. However large the bail required may be, if the Secretary of the Treasury orders the deposit of public money to be removed from one bank to another, that bank which secures the deposits will furnish the collector's security. I am not to be understood that this has been done, but calculating on the sagacity and fidelity of the Secretary of the Treasury, I have no doubt it will be done, when necessary. It is not certain, far otherwise, that there will be such a necessity—but happen when it may, the same spirit which has excited so much sensation in the East—mercantile cupidity—money will furnish the remedy. Bad indeed, sir, must be that cause which can be sustained by no better arguments than these. The gentleman from Connecticut should abandon it.

My worthy friend from Virginia (Mr. RANDOLPH) urged yesterday, as a reason why you should not go to war, that you will thereby pledge every shilling and the last drop of blood in the nation, for the maintenance of maritime rights in every sea. If we go to war, certainly I should be for asserting those rights everywhere, but—[Mr. RANDOLPH said he had objected to adopting the resolution of the gentleman from Virginia (Mr. NICHOLAS) as being that pledge.] That is not all which I understand by it, said Mr. W. I consider the resolution tantamount to a declaration of war and shall vote for it, at least so much of it as relates to letters of marque and reprisal; not for the maintenance of maritime rights in every sea only, but for the preservation of sovereignty on the land. If the objection to leaving commerce to protect itself, by means of armed merchantmen, rested only where the gentleman placed it, I could accede to his amendment; for merchants do not deserve more, if so much, as any other class in the community, that the whole national resources should be pledged for the maintenance of their individual benefit; but while my friend and myself are unwilling to do this, assuredly we ought not to say, they alone shall fight the nation's battles. Adopt the amendment, and you thereby declare maritime rights shall not be defended by Government, and yet in the same declaration you make that very interest sustain the whole national cause—if any fighting is done, it is to be done by those very merchants whom you resolve not to

protect. Sir, I cannot consent to such a project. I wish to see the Government and not the individual alone embarked in the cause—for one I never will consent to pin my safety and the rights of the people of the United States on the sleeves of the merchants only.

But my friend started another objection to the embargo, which he says is not applicable to his plan—viz: that he was tired of new experiments—that he liked a project the better for being old and true—well sifted; so do I sir; but I should be very glad to know if his proposition be not a brand new one. I profess to be as little read in maritime, or national, or indeed any other law as any man; and therefore it may not be surprising if I am mistaken in the matter of fact, but certainly, I never heard of such a system of warfare before; nor do I believe such an one ever has existed. No, sir; I never have heard of the permission being granted to merchants to resist seizures without the right of reprisal. But the gentleman from Maryland (Mr. KEY) has carried this doctrine to a much more refined distinction. He would allow the merchants to resist co-extensive with the Orders of Council only in defence of their lawful trade; but the dispute must not be widened and, therefore, they must only resist such attacks as are made under the orders and edicts. Under this system a corps of lawyers will become as necessary to a merchantman as their cables and anchors. I understood the gentleman to take great pains to satisfy us that we ought not to broach any subject of dispute, we should not widen the breach, and therefore, we should authorize no resistance to the exercise of power, claimed by the belligerents, though in contest previous to those orders and decrees—and this, sir, is the kind of resistance we are to make against the impressment of seamen; for the recovery of indemnity for spoliated commerce; insulted, tarnished honor! Sir, it is time we should assume, if it is not in our natures, nerve enough to decide whether we will go to war or submit; if you submit, for one, I declare I had much rather do it without arming your merchantmen with wooden swords and Quaker guns, when destined to be the prey of either Great Britain or France. Let the people understand—they do from the Delaware, South and West—that the tax is not on our maritime rights alone, but that it affects deeply the agricultural products of the whole nation; that there is not a square foot of this country but is in some measure laid under contribution; that the soil is violated; and depend upon it, sir, this new, puny kind of war will not be approbated by them.

The gentleman from Pennsylvania (Mr. MILLER) did that which is very common in the House, attempted to follow suit to my friend from Virginia. He would congratulate the nation on the prospect before it. I do with sincerity join the gentleman from Virginia, in congratulations, that during these times of oscillation the character of the nation is not yet compromised—I hope we may be able to do so, with as much truth, a month hence. This congratulation was worthy of the

gentleman, but that of (Mr. MILNOR) was of a very different kind. He would congratulate the nation on the prospect of removing the embargo. Depend upon it, sir, if the embargo is repealed and you take no better means of asserting the rights of the nation than this amendment, it will be no cause of satisfaction to any of us—it will be a just cause for bitter lamentations to the nation. Nation, did I say! It will be out of the question to talk about the nation—you are about to become a *no* nation. You may keep up all this gaudy paraphernalia of sovereignty, this solemn mockery of independence; but if you do not give this torpedo, embargo, a chance to explode in the heart of Great Britain, and will not go to war, you are ruined; you may talk of liberty, but what is it, when encumbered and borne down by foreign taxation! No, sir, we are again becoming British provinces, and therefore, it is that I choose war rather than this proposition, so inadequate, so illy calculated to sustain the pressure of the times.

The Committee rose, without deciding the question, and obtained leave to sit again.

MONDAY, February 6.

Mr. BURWELL, from the committee to whom was referred, on the second instant, a resolution relative to certain sets of journals, documents, and reports, to be deposited in the Library of Congress made a report thereon; which was read and considered: Whereupon,

Resolved, That the Clerk of this House be directed to furnish the Library of Congress with two complete sets of the journals, and of all printed reports and public documents laid before Congress, or either House, at each session.

Mr. GARDNER presented a petition of the inhabitants of Packersfield, in the State of New Hampshire, praying that the several acts laying an embargo on all ships and vessels in the ports and harbors of the United States, and more effectually to enforce the same, may be repealed, whenever, in the judgment of Congress, it may be expedient to adopt that measure.

Mr. MUMFORD presented a memorial of the citizens of the third and eighth wards of the city of New York, to the like effect.

The said petition and memorial were referred to the Committee of the whole House on the resolutions proposed by Mr. NICHOLAS and Mr. BACON, the twenty-fourth and twenty-seventh ultimo.

Mr. BURWELL presented to the House a memorial of Samuel Briscoe, and others, Commissioners appointed by a law enacted at the last session of the General Assembly of Maryland, to receive subscriptions for stock in the Susquehanna Bridge Company, praying the aid and patronage of Congress to enable the said company to effect the object therein specified.

Mr. BURWELL also presented to the House an attested copy of a late law passed by the General Assembly of Maryland, entitled "An act to incorporate a company for the purpose of building a bridge over the Susquehanna."

The said memorial and act were ordered to lie on the table.

PRESIDENTIAL ELECTION.

Several petitions having been presented, in addition to those heretofore stated, against the mode in which the late election in the State of Massachusetts was conducted—

Mr. BACON offered the following resolution:

Resolved, That the Clerk of this House do carry to the Senate the several memorials from sundry citizens of the State of Massachusetts, remonstrating against the mode in which the appointment of Electors for President and Vice President has been proceeded to on the part of the Senate and House of Representatives of said State, as irregular and unconstitutional, and praying for the interference of the Senate and House of Representatives of the United States, for the purpose of preventing the establishment of so dangerous a precedent."

Mr. J. G. JACKSON said he saw no objection to the resolution, or even to going farther than it proposed. The Constitution had declared that the election of Electors in each State should be held in such manner as the Legislature should direct; and, he said, he never could consent to the doctrine that any set of men, without the authority of law, could make an election of Electors. He believed that the case was not provided for; and as the present case could not vary the general result of the Presidential election, gentlemen appeared not to be disposed to interfere in it. But, he hoped it would operate on the House to induce them to consider the propriety of providing some mode of hereafter distinguishing between legal, and illegal or surreptitious elections.

Mr. VAN HORN moved to strike out the words in *italic*, as he understood them as committing the House to express an opinion on the subject of the petitions. Motion lost—yeas 18.

Mr. ROWAN was opposed to the resolution. He contended, that the Constitution having provided that each State shall choose, in such a manner as the Legislature shall direct, a number of Electors equal to the number of their Senators and Representatives, it was improper that this House should interfere in it. Why might it not as well interfere in the election of Senators? He said that Congress certainly did not possess a superintending power over the acts of the States in general cases; if they did in this particular instance, he wished it to be shown. He thought that an interference by Congress, would be an assumption of power on their part forming a dangerous precedent. The House was called upon to say that the Legislature of the State of Massachusetts had improperly directed the manner of election. Was Congress to form for the States a model of the manner in which they should direct their elections to be held? Congress had no power to act on the subject. Why, then, send the memorials to the Senate? He said he was against taking any order in relation to them. In his opinion, it was improper to give the petitions a place on the files of the House, because they related to a subject on which the

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House had not the power to legislate. Although it was a general principle that all petitions should be heard, this rule certainly did not include petitions on local matters, or State concerns, on which the House had no jurisdiction. It seemed to him improper, therefore, that the petitions should have been received; but, having been received, he wished them to lie on the table.

Mr. BACON observed that the adoption of the resolution would not commit the House at all. He was aware that there was a difficulty in acting on this subject, and he only wished to give an intimation to the Senate that such petitions had been received. It was but decorous to the petitioners that their petitions should be brought into view; though, Mr. B. said, with the gentleman from Kentucky, he doubted whether anything could be done for them.

The resolution was agreed to—yeas 51, nays 24.

REPEAL OF THE EMBARGO.

The following resolutions were offered by Mr. DURELL on Saturday, and referred to the Committee of the Whole on the resolutions of Mr. NICHOLAS and Mr. BACON:

Resolved, That the United States will consider any capture and condemnation of merchant vessels of the United States, owned wholly by a citizen or citizens thereof, and engaged in lawful commerce, by an armed vessel sailing under a belligerent flag, and acting by and under authority of orders, decrees, or edicts violating the lawful commerce or neutral rights of the United States, as a declaration of war on the part of that Government to which said belligerent flag shall belong, and in whose courts such condemnation shall be had.

Resolved, That the President of the United States, on being satisfactorily informed of such capture and condemnation, as aforesaid, be requested, forthwith, to recall from such belligerent State, by and under whose authority such capture and condemnation shall be made, such resident Minister or Ministers of the United States as may reside at the Government thereof.

The House again resolved itself into a Committee of the Whole on the resolutions offered by Mr. NICHOLAS, Mr. BACON, and Mr. DURELL.

The amendment offered to Mr. NICHOLAS's resolution by Mr. RANDOLPH, in the following words, being under consideration: "To authorize the 'merchant vessels of the United States, owned 'wholly by citizens of the United States, to arm 'and defend themselves against any armed vessels 'sailing under the British or French flag, so long 'as their orders or decrees remain unrevoked:'"

Mr. J. G. JACKSON rose and addressed the Chair as follows:

Mr. Chairman: The questions before the Committee most assuredly involve the destinies of this nation, its honor, and most essential interests. We have arrived at a crisis, solemn and portentous, which no human wisdom could foresee, no prudence avert. The injustice of foreign nations has increased with their knowledge of our pacific dispositions, until, driven to the wall, it behooves us to make a stand in defence of our country, its liberties, and its rights. I could not have supposed that, at such a period, with the full lights before

gentlemen, they would have mistaken the source of our calamities, and, shutting their eyes against the attacks of our enemies, have found nothing to condemn but their own Government; and least of all did I expect it from the gentleman from Delaware, whose candor I had highly appreciated; nor am I now willing to accuse him of a want of candor, although his statements are partial, and his conclusions incorrect, but rather attribute it to that unfortunate imperfection of our nature which presents subjects to our minds in a form most congenial to our feelings. Looking at one side only, we are blind to the evidences on the other; and hence, often with the most upright intentions, we condemn measures which all honest men should approve.

The gentleman from Delaware set out with declaring that the Administration were the source from whence all our embarrassments have flowed. And how did he prove it, sir? Why, by recurring to the volume of documents published at the last session of Congress, upon which the nation has emphatically pronounced its judgment of approval. I am surprised that it escaped the sagacity of the gentleman, that in that volume we have official information that those embarrassments owe their origin principally to the hostile spirit predominant in Great Britain against us. Mr. Monroe, in his letter concerning the Chesapeake, (Doc. No. 1, p. 20, communicated last Winter,) states:

"Such is the state of this country [Great Britain] at the present crisis, that it is impossible to foresee what will be its conduct towards the United States. There has been at all times, since the commencement of the present war, a strong party here for extending its ravages to them. This party is combined of the ship-owners, the navy, the East and West India merchants, and certain political characters of great consideration in the State. So powerful is this combination, that nothing can be obtained of the Government, on any point, but what may be extorted by necessity," &c.

The same evidence of hostility occurs again, in page 23 of the same document. Mr. Monroe observes;

"By Mr. Canning's queries, in his last note, I was led to consider it as preparatory to an embargo on American vessels, and intended to found some measure, on my reply, of an unfriendly nature, as most of the gazettes had recommended, and the public mind seemed to be essentially prepared for it."

In Mr. Monroe's valedictory letter, (Doc. No. 4, p. 44,) he states:

"Great Britain was resolved to yield no ground which she could avoid, and evidently prepared to hazard war, rather than yield much."

I prefer relying on the testimony of Mr. Monroe, rather than on the unequivocal acts of a hostile character committed by Great Britain, because Mr. Monroe has been considered better authority with certain gentlemen than his Government itself; and the facility of explanations, disavowals, and all that, do away the force of measures which may be taken towards us, in the estimation of men who always attempt to put their Government in the wrong. This gentleman it is, who tells us that

the ship-owners, the navy, the East and West India merchants, and certain political characters of great consideration in the State, are for war with us; that the gazettes had recommended, and the public mind were prepared, for hostile measures; that they would yield nothing that was not extorted, and risk a war rather than yield much. And pray, sir, who are the characters described by him? Why, the whole ruling interest in that nation. When such language is addressed to the American people, and they contemplate what are the claims of their Government—what has been its forbearance; how just are its pretensions, and how hostile those of Great Britain—I am filled with surprise unutterable that their ignorance can be so far counted on by men among us as to expect credit for their charges that we are hostile to Great Britain; that we are enforcing unjust demands; and that we are in the wrong! The gentleman from Delaware accuses the Government of neglecting our interests—of omitting to treat with Great Britain in time. We know, sir, by painful experience, that treaties are a poor barrier against belligerent encroachment; and whilst we observe them with good faith, they are wantonly violated by others. We have now a treaty with Great Britain, consisting of ten articles. They are to be perpetual, and the first of them declares, that “there shall be a firm, inviolable, and universal peace, and a true and sincere friendship” between them and us. Notwithstanding which, they have violated our peace, and trampled upon all the ties of friendship. Treaties, therefore, are nothing—the laws of nations are nothing, also.

But sir, there was no neglect on our part to make a new treaty; for the moment the Treaty of '94 was loosened from around our neck, where it had hung like a millstone, offers were made—measures were taken to enter into stipulations with them; and the gentleman, aware of his mistake, changed his ground, by asserting that the Executive took a position in relation to seamen, which they knew would not, and could not be conceded by the British Government. Sir, the reverse is the fact; and as mine is a matter-of-fact argument, as the principles I assume can be substantiated, I will adduce my proofs, for with intelligent men, they are worth all the declamation of the most eloquent orators. The position I take is this—the Executive had the best reasons for believing that Great Britain would give up her claim to the right of impressment. In No. 2, page 20, it is stated an arrangement had been made with Mr. King, to give it up, and the only obstacle was an exception of the “narrow seas.” No. 3, page 32, the same fact occurs. In 1802 Lord Hawkesbury agreed with Mr. King “to prohibit impressments altogether on the high seas.” In page 5 of No. 3, it is repeated; then surely it was reasonable to believe that Great Britain would relinquish it entirely, when she had offered to relinquish it upon the “high seas.” In February 1806, page 112 of No. 2, Mr. Monroe informs Mr. Fox, that he had presented the subject to his predecessor, Lord Hawkesbury, and after

referring to his instances, he adds: “I think myself perfectly correct in stating that nothing occurred in our conferences to justify an inference that he thought them unreasonable. They were postponed from time to time, at his instance, and finally transferred to Lord Harrowby, his successor.” Page 80 of No. 3, we find that Lord Vincent entertained the subject in August 1806. Page 84, Mr. Fox expresses his solicitude to make such arrangements as will “render perpetual a system of mutual friendship.” Page 93, Messrs. Monroe and Pinkney state that Lords Holland and Auckland “were diligently and anxiously employed in endeavors to devise an arrangement which should be convenient and honorable to us, and at the same time free from improper hazard to Great Britain;” and in page 109, the same gentlemen inform their Government that “to (their) original project thus amended, the British Commissioners seemed to give their assent.” In No. 1, page 41, even Mr. Canning, the redoubtable and polite Mr. Canning, condescends to admit that “at a proper time Great Britain may be ready to entertain it.” Away then with the idle charge that the Executive were insincere, and have proved it, by urging a point which they knew never would be, and never could be conceded; for all the Administrations of England professed a willingness to remedy the evil. One of them proposed to enter into an agreement to do it partially, and Mr. Canning himself, at “a proper time,” will listen to you. After disposing of this serious charge, I come to the merits of the question. Was the ground taken by us concerning seamen, proper? Did the honor and rights of the nation require it?

In considering this important subject I will examine,

- 1st. The practice of impressments, and the right to exercise it.
- 2d. Shall it be tolerated? can it be submitted to?
- 3d. The propositions made by us to Great Britain in relation to it.
- 4th. The formal arrangement.

Upon the first point, I will call the attention of the Committee to the volume of documents pointing out the practice and its injustice. Nothing that I can add would shed light upon it; the hand of a master is seen in the able elucidation, which no one who deserves the name of freeman can read, without feeling honest, honorable indignation; and resolve that he will rally round the constituted authorities to resist the usurpation. Sir, I intended to read to the Committee the luminous letter of Mr. Madison, in pages 14, 15, 16, 17, 18, and 19, of No. 2, of the documents, but I perceive that I shall be drawn into a much more lengthy discussion than I intended, and shall occupy more time than I ought. I will therefore omit reading it. It is, or ought to be, in the hands of every man, and is doubtless recollected by all; he speaks of the sacred regard in which property found on the high seas is held by all nations; that no matter how manifest the presumption is, that it is liable to seizure; no matter how incon-

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siderable the value, or flagitious the conduct of its possessor, it is carried before a legal tribunal, and a regular trial is had; but the great and paramount question of allegiance is decided in an instant, by an interested commander, who wants sailors; and every brave fine-looking fellow, who speaks the same language, and has the same complexion of a British subject, notwithstanding the most conclusive proofs that he is an American citizen, is *mistaken* for a British seaman; because he is able to endure the service; nay more, so flagrant have the outrages been, that Danes, Swedes, Germans, and even negroes, who could not be mistaken, have been forcibly impressed and carried off; thereby, as it respected our citizen, whose farm is the sea, cutting him off from his most tender connexions; exposing his mind and his person to the most humiliating discipline, and his life itself to the greatest dangers.

Passing from the consideration of Mr. Madison's letter, I will recur to what Mr. Monroe says, for his authority seems to be conclusive. No. 2, page 104, Mr. Monroe, in a remonstrance to the British Government, remarks, "The rights of the United States have been so long trampled under foot, and the feelings of humanity so often outraged, that the astonished world may begin to doubt, whether the patience with which these injuries have been borne ought to be attributed to generous or unworthy motives; whether the United States merit the rank to which in other respects they are justly entitled, or have already in the very morn of their political career lost their energy, and become degenerate." [Mr. Jackson referred also to Mr. Monroe's letter to Mr. Canning, pages 27 and 28 of No. 1, to Messrs. Monroe and Pinkney's letter to the same, in page 207, of No. 3, which he read—in which they enforce the arguments of Mr. Madison, by pointing out the degradation and abuses resulting from the practice of impressments. Mr. J. then proceeded.] I ask sir, by what authority they claim the right of entering our vessels to impress the seamen found on board? The vessel bearing the flag of the nation is the national territory; the flag gives protection to the crew; and no Power can violate the flag without invading the sovereignty of the nation, or seize upon the crew without, *ipso facto*, committing an act of hostility.

This leads me to consider the second point—shall impressments be tolerated? The gentleman might have spared himself the trouble of proving that the Government had determined to resist it, and to make its relinquishment the *sine qua non* of a treaty. It was truly observed by Mr. Madison, that it was of primary importance in the estimation of Congress and of the nation; and that they never would consent to surrender the principle. I well recollect, and so must you, Mr. Chairman, that although it did not occupy a distinguished station in the memorials of the merchants, presented to Congress in 1805-'6, who then pledged their lives and fortunes to support the Government in the maintenance of their rights, it was nevertheless considered of paramount interest, and entered deeply into the views and

policy of that period. The gentleman from Delaware has spoken of the happy prospects of our country in times past; that the arts and sciences, commerce, and agriculture, smiled upon us; and we were blest with their bounteous munificence. Yes, sir, they have smiled, indeed, for never were a people more truly the worshippers of them—but if we were so degenerate as to abandon our brave sons, the virtuous, hardy seamen, who unfurl our sails, and carry the American flag into every sea, they would start from their sculptured places over the entrance into this magnificent hall, and, frowning like a Medusa's head upon them, would turn the apostates from liberty into stones. No, sir, the brave tars, whose lives are at their country's call, and who constitute its sole defence at sea, where our rights are most liable to invasion, never shall, with my consent, be denied that correspondent protection which is the promised equivalent for allegiance. The rights of our citizens are the same at sea as on land, and their seizure by a foreign nation is as inadmissible in the one case as the other. Whilst we are a nation, and claim the attributes of independence, I for one will never consent that our flag shall wave unfurled over authorized disgrace, humiliating like that; rather would I launch everything we possess upon the ocean—let the political ship buffet it with the winds and the waves; and when unable to outride the storm, nail the flag to the main-mast—make one last, mighty struggle—and if all will not avail, rather than survive our lost honor, go down to the bottom all together, amidst the shouts of liberty, or death!

It was understood that Great Britain complained of illicit practices in relation to her seamen, as affording an apology for her usurpation; and I will now consider the propositions made by us to Great Britain. In discussing them I shall show,

1st. What we required.

2d. What we offered in lieu of the asserted right.

We required, see page 5 of No. 2 [Here Mr. J. read the article offered in the instructions of Mr. Madison, which requires an exemption of all persons upon the high seas from seizure, when found on board of our vessels, excepting such persons as are "liable to be taken according to the laws of nations," also page 5 of No. 3, in which the same requisition is repeated. Mr. J. proceeded.] I have already shown that it was a just demand.

2d. We offered to Great Britain as an equivalent—[Mr. Jackson read the various offers made to the British Government—No. 2, pages 8, 9 and 10. No. 3, pages 62, 63. No. 3, page 103—ditto, page 109—and remarked upon them, particularly the last; whereby the American Government offers to bind itself to make penal laws for punishing commanders who receive British seamen on board, and "make it the duty of the Government to restore them;" referring also to the statement there of Messrs. Monroe and Pinkney, alleging, that "to (their) original project, thus amended, the British Government seemed to give their assent"—he contended it proved a degree of insincerity on the part of the British Cabinet, totally

inconsistent with the honorable frankness of our own.—Mr. J. proceeded.] I have made a candid summary of these offers; and on recurring to them I feel the mingled emotions of shame and indignation, when I see men wishing to put their Government "in the wrong." Sir, we offered to Great Britain,

1st. To afford no refuge or protection to British seamen.

2d. To deliver them up if they took refuge among us.

3d. To make laws for restoring them.

4th. To aid in searching for, seizing, and restoring them.

5th. To keep them in our prisons when requested.

6th. To prohibit our citizens from carrying them off.

7th. To prohibit their employment.

8th. To make penal laws for punishing their employers.

9th. To make it our duty to restore them.

10th. To extend the foregoing provisions, not only to deserters, but all seafaring people.

What more could have been asked, required, or given, than is contained in these offers? Nothing more—unless, indeed, they had asked our independence, and, yielding to the requisition, we had given it. Sir, we do not want the British seamen, even when they are naturalized. If the unfortunate inhabitants of Europe, escaping from the tyranny of the old world; and panting after their long lost liberty, fly to the more hospitable regions of the new, I am willing, on their compliance with our naturalization laws, to receive them into the American family, to let them partake of the blessings we enjoy, whilst they remain among us; but I would prohibit their departure from this country, or, if they went off, refuse them our protection. If they are dissatisfied with their situation on the land, I would say to them, "your allegiance is still claimed by your parent country; we will not risk our peace for you out of our territorial limits; if you pass beyond them, you cease to be an American citizen." I would go further, and prohibit them from owning American registered vessels. Sir, those who come here in search of an asylum, go into the country; they pursue agriculture, or the mechanic arts—they are valuable men, and virtuous citizens; but the mongrels who infest the seaport towns, wear your privileges as a cloak to hide their foreign connexions—they are wolves in sheep's clothing—British merchants, under American colors; they interrupt your happiness, and endanger your safety.

I come now to the informal arrangement made with the British Ministers, which it has been alleged secured our seamen against impressments. What was it? See No. 3, p. 117 and 118—"His Majesty's Government has not felt itself prepared to disclaim, or derogate from a right which has ever been maintained, &c., and actuated by an earnest desire to remove every cause of dissatisfaction, has directed his Majesty's Ministers to give to Messrs. Monroe and Pinkney the most positive assurances that instructions have

been given, and shall be repeated and enforced, for the observance of the greatest caution in the impressing of British seamen." Our Ministers honestly believed that the assurance was to import something; but they were deceived, as I shall presently show. It did not escape the penetration of our Secretary, that no security was thereby afforded—he construed it as it was intended by the British Government. In his letter to Messrs. Monroe and Pinkney, page 32 of No. 3, he remarks,—the security is "that instructions have been given, and will be repeated, for enforcing the greatest precaution, &c. If the future instructions are to be repetitions of the past, we well know the inefficacy of them. Any instructions which are to answer the purpose, must differ essentially from the past, both in their tenor and their sanctions." His exposition was the correct one. The objections he took are conclusive; they contain the *multum in parvo*. The construction given by our Ministers is to be found in No. 3, page 138-9, wherein they state, "our opinion is, that the practice would be essentially, if not completely, abandoned. That opinion has been since confirmed by frequent conferences on the subject with the British Commissioners, who have repeatedly assured us, that in their judgment we were made as secure against the exercise of their pretension by the policy which their Government had adopted, in regard to that very delicate and important question, as we could have been made by treaty." Again, in page 178 No. 3—"It was their idea that by discontinuing the practice in the mode proposed by them, &c. the United States would in the interim enjoy the security they sought." In their letter to Mr. Canning, page, 208 of No. 3, referring to the informal arrangement, they state, that as "an effectual equivalent for the forbearance of the practice" the informal understanding was, that "its practical effect would remove the vexation complained of." Mr. Monroe, in his letter No. 4, pages 4, 5, 6, 7, 8, 9, even goes further—he contends "that it contained a concession in (our) favor, favorable to our interest." [Mr. J. read those passages at length, and referred particularly to page 7, wherein Mr. Monroe says]—"I mean however distinctly to state, that it was understood that the practice heretofore pursued should be abandoned, and that no impressment should be made on the high seas," excepting in cases like one put to him, wherein he supposes a merchant vessel laying in the Tagus, and the desertion of seamen from a British ship of war to the merchant vessel, that there it would be reasonable, "and to such cases it was understood that the practice should in future be confined." Our Ministers were mistaken—for the obvious import of the words in the British note is (if it meant anything) a complete recognition of the right, which we deny; and a mere promise to exercise it cautiously. But, sir, I stand upon firmer ground than the exposition of our Government and the fair meaning of the note. I have British authority for saying that they were mistaken; and I will bring before the Committee a most important

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document, which, to my extreme surprise, has never been fully presented to the American people; for, although one or two of the public prints have glanced at it, and I believe have given a summary of it—notwithstanding its intimate bearing upon this interesting subject, it has not been republished. I refer to the official documents communicated to Parliament by Mr. Canning in February last, and printed by their order. On receiving the note of Messrs. Monroe and Pinkney, dated the 24th July, 1807, wherein they state that the practice of impressments was to be discontinued, Mr. Canning wrote the next day to Lords Holland and Auckland the following letter:

Letter from Mr. Secretary Canning to Lords Holland and Auckland, dated July 25, 1807.

FOREIGN OFFICE, July 25th 1807.

MY LORDS: I have the honor to enclose to your Lordships, the copies of a note which I have received from Mr. Monroe and Mr. Pinkney, and of the several documents that accompanied it. I submit these papers to the consideration of your Lordships, for the purpose of calling your attention to that passage of the note which refers to a suggestion on the part of His Majesty's Commissioners, on the subject of the impressment of seamen from on board of American ships. It is extremely desirable that His Majesty's Government should have the fullest information on this important point; and I have to request, that your Lordships will be pleased to state to me, whether the representation contained in this part of the note of the American Commissioners be accurate; and whether your Lordships signified any such acquiescence as is there described in the implied, "Informal understanding, respecting the forbearance to be observed by the British cruisers, in regard to the practice of impressment of seamen on board of American vessels."

I have the honor to be, &c.

GEORGE CANNING.

Rt. Hon. Lord HOLLAND and Lord AUCKLAND.

To which they returned the following answer, dated July 28, 1807:

Letter from Lords Holland and Auckland to Mr. Secretary Canning, dated July 28, 1807.

SIR: We have received the honor of your letter, with its several enclosures, and are desirous to give the fullest information in our power respecting any part of our late negotiation with the Commissioners of the United States. We have accordingly applied our attention to that passage of the note delivered to you by Mr. Monroe and Mr. Pinkney, which states that "soon after the suspension of the negotiations, it was suggested by His Majesty's Commissioners that, if the topic relative to impressment should be expressly reserved for future conventional arrangement, and a pledge given to the United States for resuming the consideration of it at a convenient season, with that view; and that if, in the mean time, such an informal understanding should be substituted, as, in its practical effect, would remove the vexation complained of, it might, perhaps, be yet possible to conduct the negotiation to a result which would not be unacceptable to the respective Governments. And, in pursuance of this suggestion, the British Commissioners presented their official note of the 8th day of November last."

It appears to us that the several parts of this state-

ment, taken with the context, have all the accuracy, and honorable and right meaning which we experienced in the whole negotiation.

When the American Commissioners speak of "such an informal understanding to be substituted, as would, in its practical effect, remove the vexation complained of," they do not mean, and certainly His Majesty's Commissioners never meant, that there should be a forbearance or suspension or discontinuance of the practice and exercise of the impressment of British seamen. On the contrary, they proceed to say that, "pursuant to the suggestion of the British Commissioners, the official note of the 8th of November was presented." To that note we beg leave to refer.

We considered that note, and still consider it, as pledging His Majesty's Government to give instructions to British cruisers, "to be very cautious in the exercise of the right of impressing British seamen, to take the strictest care to preserve the citizens of the United States from molestation or injury, and to redress any grievances which might be sustained by them."

When the negotiation proceeded, after our delivery of that note, we thought, and still think, that the treaty which we signed—omitting the point of impressment, and several other points afterwards included in the proposed additional articles—was, in itself, complete and unconditional, and subject to no reservation on either part, except that which was expressed in our second note of the 30th of December, on the signature of the treaty.

If circumstances had not taken place, which made it our duty to suspend the signing of the additional articles, and which eventually discontinued the negotiation in our hands, we should have considered ourselves as, bound to advert, *bona fide*, to the further pledge contained in our official note of the 8th of November. We mean that paragraph which states, "that no recent cases of complaint have occurred, respecting the exercise of the right of impressment, and that no probable inconvenience can result from the postponement of an article, subject to so many difficulties; still, that His Majesty's Commissioners are instructed to entertain the discussion of any plan that can be devised to secure the interests of both States, without any injury to rights to which they are respectively attached." The obvious sense of this paragraph, and the forms and substance of the completed treaty, and the proposed additional articles, appear to us to leave no doubt relative to the mutual understanding and views of those who were employed in a negotiation of such importance to their respective countries.

We have the honor to be, &c.

VASSAL HOLLAND.
AUCKLAND.

Right Hon. GEORGE CANNING.

But Mr. Canning was not satisfied with this explicit assurance, and, to place the question beyond all doubt, or more, perhaps, with a view to injure the British negotiators, he wrote them a second letter, dated 6th August, 1807.

Letter from Mr. Secretary Canning to Lords Holland and Auckland, dated August 6, 1807.

MY LORDS: In acknowledging the receipt of the letter which your Lordships have done me the honor to address to me, in answer to mine of the 25th ultimo, I am sorry to have occasion to trouble your Lordships with any further inquiry; but I am sure that your Lordships will feel that the point most immedi-

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ately in question, respecting the impressment of British seamen from American ships, is one of such essential importance, at the present moment, as to make it necessary for me to ascertain, with as much accuracy as possible, what has really passed between your Lordships and the American Commissioners upon this subject.

I understood the American Commissioners to say that, in addition to whatever passed in writing between you, they received from your Lordships an informal assurance of something that "should, in its practical effect, remove the grievance complained of." By "the grievance complained of," I understood the Commissioners to mean the practice of impressment itself, not any abuses of that practice.

Your Lordships deny that any forbearance was promised, "in the sense of any suspension or discontinuance of the practice," and your Lordships refer to your note of the 8th of November, as containing the correct statement of what you communicated to the American Commissioners.

The note of the 8th of November certainly promises forbearance in the practice, but not a discontinuance of the practice of impressment.

I am therefore under the necessity of requesting your Lordships to have the goodness to state to me whether the note of the 8th of November does, according to your Lordships' recollection and belief, contain the whole of what was promised or held out by your Lordships to the American Commissioners upon this point?

Whether whatever else passed (if anything else did pass) in conversation, was in strict conformity to that note; implying no further concession or forbearance, on the part of Great Britain, and authorizing no further expectation on the part of the United States?

If this be so, it does appear to me that the American Commissioners have misconceived the effect of your Lordships' communication to them; and must have represented it to their Government as implying a much larger concession than was in fact in your Lordships' contemplation.

I have the honor to be, &c.

GEORGE CANNING.

R.. Hon. Lords HOLLAND and AUCKLAND.

To this letter they returned the subjoined answer, August 10, 1807.

Letter from Lords Holland and Auckland to Mr. Secretary Canning, dated August 10, 1807.

SIR: In answer to your letter of the 6th instant, we have the honor to repeat our former assurances that it is our desire, as it is our duty, to give you every possible information respecting the negotiation with the American Commissioners, which His Majesty was lately pleased to entrust to us.

As the points in which our answer to your letter of the 25th ultimo has not appeared to you sufficiently clear and satisfactory, we must again refer you to our official note, of the 8th of November last, as containing a full and authentic statement of what was settled between us and the American Commissioners, with regard to the impressment of British seamen from on board of American ships. That note was delivered after many fruitless conferences held for the purpose of devising some expedient that might reconcile the interests and pretensions of both nations on this important point. But finding, after much careful consideration of the different plans proposed to us, that the difficul-

ties which stood in the way of any final and permanent adjustment were at that time insurmountable, we were compelled to rest satisfied with the temporary and imperfect arrangement, which our note of the 8th of November promised to afford. We certainly did not then understand, nor do we now understand that, by that note, we pledged our Government to abstain in future from the practice of impressing British seamen from American vessels. We certainly, however, did mean to pledge the British Government to make its cruisers observe the utmost caution, moderation, and forbearance, in the exercise of that practice; but we never either expressed or implied that they were to desist from taking British seamen from American merchant ships. We farther engaged, that our Government would be at all times ready to take into its serious consideration any proposal made to it by the American Government, for the recovery of deserters from the British Navy, who take refuge in the American territory or on board of American ships, without having recourse to the means which are at present resorted to for that purpose.

Whatever passed in conversation was, we conceive, in strict conformity to that note, and implied no further concession nor forbearance, on the part of Great Britain, than extreme caution and moderation in the exercise of the right, which alone, without any discontinuance, much less renunciation of the practice, we expressed our confident hope would be sufficient to prevent such inconveniences and outrages as the American Commissioners represented, and contended, had frequently arisen from it.

We have the honor to be, &c.

VASSAL HOLLAND.
AUCKLAND.

Right Hon. GEORGE CANNING.

Nothing can be more explicit, and prove the mistake of our Ministers more unequivocally; nay, more, the Commissioners say, "the treaty was in itself complete and unconditional, and subject to no reservation on either part, except what was expressed in the note of the 30th of December," wherein Great Britain reserved the right, notwithstanding the treaty, to chastise us if we did not resist France, in the way and manner which she might prescribe; and Mr. Canning echoes the same sentiments. The information he obtained, was a prelude to his note, in reply to Messrs. Monroe and Pinkney, of the 22d of October, 1807. See page 224, of No. 3; therein Mr. C. states: "The treaty was considered, by those who signed it, as a complete and perfect instrument. No engagements were ever entered into, on the part of His Majesty, as connected with the treaty, except such as appear upon the face of it." And, he adds, that, with respect to impressments, it "must be understood to have had in view the renewal of such discussions, not as forming any part of the treaty then signed." I will not conceal my surprise, sir, at finding Mr. Monroe, who doubtless knew of the correspondence, and received the foregoing answer, persisting in his constructions, and urging upon the nation that it was understood, "that no impressment should be made upon the high seas." The gentleman quoted the documents to prove that the Government were satisfied with the exertions of our Ministers.

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No doubt they were—I believe every man in the nation was satisfied with their exertions; for I take a wide distinction between their exertions and their acts; and I wish not to be misunderstood in doing so. I give them credit for great talents and patriotism, pressed, as they were, by the convulsions in Europe, and the solicitude to settle our disputes; they assumed a latitude of discretion consistent with the genius of our Government, and its honorable conduct in the turmoils of diplomacy. European Ministers march by the plumb-line and square, of their limited instructions; whilst ours, having a wide latitude, may honestly transcend their bounds. We, however, at a distance from the scene, can look more calmly at the passing events there, and refuse to shift our course, because of their supposed importance. I think they were mistaken, in making a treaty in express violation of their instructions; and I think they also erred, in exciting a hope that they had agreed, (see page 119, of No. 3.) on that day, "to conclude a treaty on all the points which had formed the object of their negotiation." I well recollect the pleasure that was excited here, when this information reached us; for it was communicated forthwith by a special message. But do I therefore doubt of their exertions? Assuredly not; I will be just to them, while I am performing my duty to my country. Sir, I am in the performance of a great duty. The awful situation of this nation, on the verge of war on the one hand, and the abyss of dishonor and destruction on the other, demands, at our hands, that no unjust charge shall be suffered to go out to the people, without its antidote; it is right that they should see and know what their Government has done to preserve peace; the grounds upon which our claims have been rested; and the offers which have been made. Mr. Monroe has complained, but I think it was without just cause; for who is most in fault, the Government, in conforming to their instructions, or he, in departing from them?

The gentleman from Delaware accuses the Administration of inconsistency, in offering to place our whole relations upon an informal arrangement, after having rejected the treaty with the informal arrangement concerning seamen: and Mr. Monroe's letter (Doc. No. 4, p. 14) is referred to, urging the same charge. Sir, I make a most material distinction between placing the whole relations upon an informal understanding, and treating away everything we had to give, while the essential equivalents were merely informally reserved. In the former case, we should retain what we had to offer—the *quid pro quo*—and in the latter, success could not be expected by us, as no indulgence could be tendered to induce a relaxation on the part of Great Britain. But, I contend that Mr. Monroe is mistaken in what he asserts relative to this subject. Mr. Madison's letter of the 20th May, 1807, states explicitly that "The President is constrained to decline any arrangement, formal or informal, which does not comprise a provision against impressments from American vessels." The gentleman from Dela-

ware says, Great Britain never will abandon the practice of impressment; she would rather go to war. Mr. Monroe says the same; for "the navy and country are opposed to it." And in Doc. No. 4, p. 11, he says Great Britain will not treat, unless the non-importation law is thereby repealed.

Doc. No. 3, p. 139—They would not indemnify us for seizures, in violation of the law of nations.

Same, p. 123—The East India Company will not give up anything in relation to the trade to the East Indies.

Same, p. 129—The West India merchants will not permit us to trade, under any restrictions, to the West Indies.

Same, p. 132—They would not agree to any definition, by treaty, concerning blockades.

Same, p. 134—They would not permit us to enjoy the colonial trade, unless it was embarrassed by circuitous voyages and taxation.

Doc. No. 2, p. 6—They would not regulate the right of search by any reasonable stipulations.

Doc. No. 4, p. 144—And they would rather fight us, than yield much.

Pray, Mr. Chairman, what are the claims of the American Government, and what are the points of collision or importance, to be considered in treating with Great Britain? Expressly those, and those alone, which have just been recapitulated; all of which are resisted; and we are officially informed they would rather have war with us than yield either. Gracious God! Are we a nation? Have we not already become base and degenerate in the very morn of our political existence, and unworthy of the liberty so dearly purchased? Why would we treat with any nation? I suppose, sir, that we may receive indemnity for the past and security for the future; and, regardless of both, with a rod suspended over our heads, we treat; and, tremble with pale fear; sacrificing all—obtaining neither. We give up everything—we receive nothing—with a knowledge, too, derived from the pages of experience, that the nation that consents to the surrender of one right, thereby invites attacks upon those remaining. The gentleman from Delaware says, we might have continued the Treaty of 1794, and avoided the embarrassments we are subjected to. The Treaty of 1794 has already passed the ordeal of public opinion. The Republicans of this country condemned it then, and few of them, I presume, would applaud it now.

But I will take a cursory view of that treaty, to see if it contained any security against those embarrassments, and if it is such an one as can be accepted.

The first ten articles are declared perpetual and irrevocable, and it is unnecessary to give any analysis of them.

The eleventh is a mere preamble to the commercial articles.

The twelfth article was rejected. It related to the West India trade.

The thirteenth permitted a trade to the British East Indies, embarrassed with restrictions incompatible with a liberal policy. It required that we should bring their products to the United States.

The coasting trade was disallowed, and our citizens were not permitted to settle or reside there, or go into the interior.

The fourteenth opened all our ports to British subjects and British vessels, and permitted the residence of merchants. In this article, there was no real reciprocity. We were allowed to enjoy the like privileges in their European possessions only, where the balance of trade is greatly against us—whither we carry our raw materials and the necessities of life, and receive in return their manufactures, after they have received the final finish of the artist. It was foreseen how injurious the residence of their merchants would be. The effects are still severely felt, for a great portion of the capital in this country is British, and all its weight is thrown into the enemy's scale against us.

The 15th provides that no prohibition shall be imposed on the exportation or importation of any articles that do not extend to all nations. Thus, if an equivalent were given by any other nation for certain commercial privileges, which may often occur in a young nation like this—as in the purchase of territory, &c., Great Britain became, *spo facto*, entitled to them; whereas she having a redundant population and undergoing no change, and, permit me to add, never granting any indulgence in her European possessions to any, was sure to profit by it, while we gained nothing.

The 16th permits the residence of Consuls—theirs in all our seaports—ours in Great Britain and Ireland only.

The 17th stipulates for captures in cases where there is a just suspicion of having enemies' property on board—this sanction to seizures on suspicion is objectionable, because the captors have so strong an interest to suspect, that they will not, living as they do upon plunder, have virtue sufficient to resist the bribe.

The 18th relates to contraband, and comprehends timber, hemp, plank, &c., which ought to be excluded from the list, upon every principle of right and justice. This is not all; it expresses that there is a difficulty in deciding in what cases provisions and other articles are contraband. It would be difficult, indeed, to decide the affirmative—but there never should have been a difficulty allowed to exist in so clear and palpable a case; and a case, too, of such immense interest to this nation, whereby Great Britain could with a single fiat cut off our great staples, "our provisions and other articles," from their market. The stipulation that they shall pay the full value for them in cases of seizure is a flimsy security. Where? at what place is the value to be ascertained? None is mentioned; of course, then, at the British ports, already glutted with our produce, being made the emporium of our commerce. A more pernicious and anti-neutral article could not have been devised; and, immediately succeeding the seizure of our provision-vessels by the Orders of 1793, it gave a sanction to the principle, that Great Britain, when commanding the ocean, may starve other nations into submission.

The 19th article relates to privateers. The ob-

jection, and a serious one, too, to this article, is, that they are not sufficiently restrained.

The 20th relates to the punishment of piracy—not objectionable.

The 21st prohibits individuals from committing acts of hostility—not objectionable either.

The 22d prohibits reprisals until justice is refused, and unreasonable delay—the only objection to this is, that the time is too indefinite; and, as we shall always be the complaining party, we have a right to expect prompt reparation.

The 23d article throws open all our ports to their armed vessels, and declares that those insulting the officers shall be punished—it further provides for our admission and stay until time to refit, when driven in by the dangers of the seas into their prohibited ports; let it be recollected that none of ours are prohibited—all are open to them. But to this article there are other insuperable objections. While the British navy have the right to enter our ports without limitation as to numbers; they hold us as much in their power as Bonaparte does Prussia, when his armies occupy all their strong fortresses, and their weak ones too—we are bound to punish the citizen who insults the British officer; and why not punish the officer, too, who insults the citizen? We have an awful lesson on this score in the murder of Pierce—the affair of the Cambrian, and many others—they were punished by promotion.

The 24th prohibits the arming of privateers—no objection to it.

The 25th. This article permits their vessels to enter with their prizes wherever they please; exempts them from search or duties, and prohibits the like permission to any other nation—this is a most unneutral and partial stipulation.

The 26th provides that, in case of war, the merchants may remain as long as they please among us, to carry on trade. Sir, to this there are two strong objections. 1st. They are a curse to us in time of peace, and they would be far worse in a period of war—spies upon us, and moneyed spies too; their whole wealth and power would be brought to bear upon our people for the purpose of corrupting them. 2d. I will ever maintain the position that private property is no more justly liable to seizure at sea than on land; and, unless they would refrain from taking ours at sea, I would retaliate by sequestering theirs on land.

The 27th requires that fugitives shall be delivered up. Under this article, Jonathan Robbins was offered up, and sacrificed.

The 28th relates to the limitation of the articles; the first ten to be permanent, the others to be in force until two years after the signature of preliminary articles of peace. This being the import of the treaty, and the effect of all the articles, which I have separately considered, lest it might be supposed that those omitted contained something favorable, I ask any candid man, if it ought again to be renewed? And, if it were, wherein is to be "indemnity or security?" The good, if any, were contained in the first ten articles, and they were executed, except so far as re-

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lates to their permanency. They, indeed, contained much good; and one article, relating to the Western posts, swallowed up all that were obnoxious. You must recollect, Mr. Chairman, with what eloquence and effect that consideration was pressed upon Congress; gentlemen who never saw an Indian, all at once felt uncommon sympathy for us Western people; they painted, in vivid colors, the relentless barbarity of the savages, who waged a war of extermination against us; no age, no sex, no condition, exempting any from the indiscriminate murder of all; led on, too, by British officers, fighting in their ranks and commanding the expeditions—deriving supplies and protection from these posts, and stimulated there, to lay our country waste, and cut off its scattered population. It contemplated a lottery provision, too, for indemnity; five Commissioners were to be appointed; two by Great Britain, and two by the President, and if they could not agree upon the fifth, lots were to be cast. Well, sir, the British Commissioners decided against our merchants, the American ones in their favor; they could not agree upon the fifth, and accordingly drew lots, “and the lot fell upon Jonah;” we got the Commissioner, and our merchants were paid for unlawful spoiliations. We had, to be sure, a hard bargain for this favor, as we engaged to pay the old British debts, due from individuals, to an enormous amount; but, through the provident management of the present Administration, we commuted them for a gross sum of £600,000 sterling.

Let it be recollected, sir, that we were then in the gristle; now we are hardened into the bone of manhood; and what might have been a good treaty then, while our resources and industry were merely unfolding themselves, would be a bad one now, that we are a great, free, and powerful nation. Such as I have rapidly reviewed them, are some of the inherent objections to the Treaty of 1794. It has many sins of omission to answer for. It contained no provision concerning impressments. The West Indies were shut to us. There was no regulation about the colonial trade, and nothing concerning blockades.

Well, sir, the Administration has been accused of error in refusing to accept the Treaty of 1806. It is worse than the former; and proceeding with my first design to make this a matter of fact argument, I will take a review of that treaty also.

1st. The first article, like that of the Treaty of 1794, stipulates that there shall be a firm, inviolable peace, and a true and sincere friendship. As the article in the Treaty of 1794 was still in force, this was superfluous, unless, indeed, that Great Britain, having often violated it, was willing to give a new proof of friendly dispositions, which her conduct rendered necessary.

Article 2d renews the ten permanent articles of the Treaty of 1794, by way of brightening the chain of our recollection.

Article 3d regulates our trade to the East Indies, and is materially worse than that of 1794: by it we are confined to a direct trade from the United States to them, and directly from them to

the United States. The great value of that trade, as regulated by the Treaty of 1794, consisted in carrying the produce of the United States to a market in Europe, receiving specie and other articles of traffic there, and going thence to the East Indies; thereby deriving all the benefits accruing from double freights and double profits. The same benefits resulted from the traffic on the return voyages. Under this article the trade would drain the country of specie, as with specie principally is it carried on. It, like the Treaty of 1794, prohibits our citizens from settling or residing there, and from going into the interior.

Article 4th relates to the trade with the United States and Europe—all our States and Territories are thrown open for Europe alone; it is precisely similar to the 14th article of the Treaty of 1794, and the objections urged to that, apply to it.

Article 5th is like the 15th of the Treaty of 1794. It repeals our non-importation act, and prohibits all other restrictive measures, which it may be politic to enact hereafter. There is no reciprocity in it; we are not a manufacturing people, and, through restrictions upon manufactures, we wield a potent engine—and the power of discriminating ought not to be relinquished.

Article 6th declares that the subject of intercourse with the West Indies shall be postponed. Sir, they cannot subsist without the supplies received from us; and yet they will not allow us to trade thither, at a time when every port we own is thrown open to them.

Article 7th relates to Consuls, and is similar to the 16th in the Treaty of 1794—the same objections apply to it; their Consuls are allowed to reside at any of our ports—ours are confined to Europe, and excluded from the East and West Indies, and all other places.

Article 8th concerns captures on just suspicion of being enemy's property. It is similar to the 17th of the Treaty of 1794, and liable to all the objections urged in relation to it.

Article 9th is on the subject of contraband, and includes timber, hemp, plank, &c., which should have been exempted, after the example of the Russian Treaty; and, being the growth and produce of our country, such exemption was the more important to us.

Article 10th relates to the notification of blockades; the definition of them, which we are so much interested in, and had pressed so strenuously, being totally omitted. A provision on this subject acquired fresh importance every day; we had witnessed the most alarming innovations upon the established definitions in the laws of nations—inasmuch that paper blockades were substituted for real ones, and whole islands, kingdoms, and continents, were declared to be blockaded, when the combined fleets of Europe could not effect it.

Article 11th is on the subject of the colonial trade; the restraints upon it are incompatible with the character of independence, and, at first view, the mind is struck with the outrageous attempt of Great Britain to dictate to us in what manner we

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shall trade with the possessions of an independent nation, and how we shall be permitted to trade with her enemies. The regulation is a humiliating one; for by it Great Britain assumes the prerogative of directing to what extent at least it shall be taxed by us. 1st. If we trade in the productions or manufactures of Europe, destined for the West Indies, they are to be first brought here and subjected to a duty of at least one per cent. before they can be carried there. If we desire to carry the productions of the colonies to Europe, they must be first brought here, and a like duty of two per cent. imposed. I am aware that to this it has been answered we derive a revenue from the traffic; but, sir, I am not for collecting a revenue from our citizens at foreign dictation—besides, the double voyages and expenses so enhance the price, that we cannot compete in the market with the British productions; and it operates as a bounty to that amount on them.

Article 12th concerns maritime jurisdiction, but within the defined limits permits the right of search, to see if the vessel belongs to an enemy. Within our jurisdictional limits we must maintain exclusive jurisdiction, or fritter away our independence—within them it is a universally acknowledged principle, that the national sovereignty is as complete at sea as on land: nay, so inviolable is that sovereignty, that even enemy's vessels are exempt from attack and capture. It is true, that in the case of the *Impetueux*, Great Britain trampled upon the law of nations; but it is not the less obligatory, although we submitted to the degradation of its violation. Once allow the right of search for the purpose expressed, and the most alarming abuses will follow. In this article there is no provision against hovering around our ports, and taking stations there, to surprise and vex our inward and outward bound trade—a provision of indispensable necessity, taught us by the melancholy lessons at New York; for that important place has been effectually blockaded by British vessels. Our jurisdiction must be complete and exclusive.

Art. 13th regulates the right of search: it is to be exercised as favorably as the course of the war may permit, observing as much as possible the principles of the law of nations. This is a latitude, boundless as the universe; it is completely undefined; it is a mockery of our understandings. Great Britain may give new aspects to the war every day, and being sole judge of the favorable course which the war may permit, will riot upon our rights. It acknowledges the justice of, nay, sanctions a departure from the law of nations: better, therefore, be without the article entirely. Every man who has attended to the history of our humiliations at sea, must recollect the many complaints of abuses in relation to the right of search. Instead of keeping at a proper distance, and limiting the number allowed to visit our merchant vessel, for the purpose of examining her character and lading, our captain is ordered with his papers to come on board of the British ship, launched in his crazy boat upon a boisterous sea,

at the imminent danger of his life, and there saluted with the most abusive, ungentlemanly language. It further relates to judgments in prize-cases and to restitution for unlawful captures: a copy of the sentence and proceedings of the admiralty courts shall be given, if required. Sir, it should have gone further, and compelled the admiralty judge to have stated the grounds of his opinion. Let it be recollected that the court is an *ex parte* one: we have no security for its integrity, and the abuses committed by them are alarming. Their forms of judgments are, "condemned as enemy's property, or otherwise"—and our courts, where cases depending upon those decisions have come before them, decide that the decree is conclusive, unless there is error apparent on the face of it. Indeed, I believe they go further, and condescend to be the mere registers of the British Admiralty edicts. How can an error in the opinion of the judge appear when he condemns on the ground of "enemy's property, or otherwise?" There is an extreme necessity for some checks. Sir William Scott, judge of the High Court of Admiralty, who has assumed to himself the high character of impartial expounder of the law of nations, for all nations, with all his great talents, has been unable to reconcile his inconsistent, time-serving, varying decisions; and, failing in that, has been at length compelled to take refuge under the orders of the British Privy Council: the laws of nations, of reason, morality, and everything else, being disregarded. Sir, there is no provision for a *bona fide* restitution; and in proof of the abuses practised, I will state a case which occurred last summer: A vessel belonging to an American merchant was dispatched in ballast to Guadaloupe, under a permission from the President, to collect a debt due to him there. Being prohibited by the embargo laws from carrying any lading, the owner drew bills upon his debtors, and not being able to obtain specie, or perhaps desiring to import some of the productions of the island into the United States, as he lawfully might, he received sugar, &c., in discharge of the debt. On the return voyage, the vessel was captured and carried into Antigua, and libelled there. The judge was disposed at first to condemn the property under the order of June; but finding a better expedient, he determined that it must be enemy's property, as there was no cargo to purchase it with; and inasmuch as drawing bills might be converted to the fraudulent cover of enemy's property, he determined it was enemy's property, and condemned it. Well, sir, although the cargo was worth, and would have sold here for \$12,000, by being exposed to sale in a glutted market it brought only \$3,400. The costs of prosecuting the claim, in the vice admiralty court, were \$1,000; and it was admitted on all hands, that the expenses of appeal would be \$2,000 more. Although it was most certain that the decree would be reversed, it was equally so that nothing would be restored but the proceeds of the sale: so that after succeeding, our citizen would lose his property, and \$400 into the bargain. Suppose a vessel captured merely for

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the spoil, carried into, and sold at St. John's, where there are no bidders able to exceed \$150; and in such case restitution of the proceeds (which is the universal rule) were decreed—what is the effect? Invitation to plunder, although they have sufficient already. Sir, I am for exposing their judges by making them expose themselves; and for breaking the chains of vassalage, which our judges have put on thereby. Such a provision would effect the object.

The 14th article relates to piracy.

The 15th prohibits citizens from joining others in hostility.

The 16th prohibits reprisals until complaint is made, and unreasonable delay; it is similar to the 22d of '94.

The 17th, like the 23d of the Treaty of '94, admits all their armed vessels into our ports, and requires the punishment of those insulting their officers. I will not repeat the objections already urged, when discussing the 23d article.

Art. 18th relates to arming, in the ports of the two nations.

Art. 19th provides for the admission of their privateers, with their prizes, whenever they please. I wish not to be misunderstood, in discussing this treaty, as intimating that the provisions are not reciprocal upon paper; what I contend is, that there is none in reality. We are a peace-loving nation. Great Britain loves war. We preserve peace if possible. Great Britain prefers war to peace. We have, comparatively, no navy. Great Britain has "1,000 ships of war." This article farther provides, that the privateers of the enemies of Great Britain shall not be allowed to enter with their prizes; but if forced in by necessity, we shall be compelled to hasten their departure; and that hereafter we will not make a treaty inconsistent with these provisions. Such a stipulation in time of war, is a gross departure from neutrality; which consists, in preserving a strict impartiality between the belligerents—granting no advantage to either, (that is not reciprocal,) to the detriment of the other; and it cannot fail to embarrass us in future; for, in this particular at least, every nation entering into treaties with us, and indeed without them, has a right to expect that we will admit them upon the terms of the most favored nation.

Art. 20th, like the 26th in the old treaty, permits the merchants to reside here, trade &c., during a war with us. What I urged against the 26th article need not therefore be repeated. I have, however, an additional objection to this; it provides that if their merchants are suspected they may be warned to go off, and shall even after such warning be allowed to remain twelve months in the country. I want none of their merchants here, and I do not wish any of ours to reside in Great Britain.

Art. 21st, like the 27th, is for delivering up fugitives from justice.

The 22d, shipwreck.

The 23d requires that, in future, Great Britain shall receive all the benefits of the most favored nation. We, sir, are shut out from British colonies: and let me suppose that France and Spain

should open theirs by treaty, in consideration of some commercial privilege—that Spain should cede Florida, and stipulate in the treaty for the reservation of some indulgence—shall Great Britain instantly without any equivalent enjoy the like benefits? Its operation necessarily is to prevent us from making a bargain; and let it be kept in mind, that Great Britain cannot enlarge her European possessions; that her system in them is unchangeable, and no inducements can be offered to vary it.

The 24th article concerns the slave trade.

The 25th provides a reservation that no treaties in existence shall be contravened.

Such is the substance of this famous treaty: let any gentleman examine it impartially—let him consider the objectionable tendency of the articles, and above all, the total absence of any provision securing us, and I fear not that his decision will support his Government, in the ground it has taken. If the Treaty of 1794 had much to answer for the crime of omission, this has much indeed; for they far transcend the former.

Upon the great points of difficulty and collision, no provision was made: we treated away all we had to give, and trusted to chance and fate for our security. By the treaty all our ports were opened, all our laws restricting British commerce, British ships, &c., were repealed.

Upon the great point of impressment, the treaty was silent.

The West Indies were shut upon us.

The East Indies more than half closed beyond what they were in 1794.

There was no provision for indemnification: there too, the treaty was silent—and silence upon that point is, in effect, a total abandonment of it. The Treaty of 1794 contained such a provision, and so did the treaty with France. It has been most uncandidly asserted, that we, in the treaty with France, promised to pay our citizens with our own money. It was a wise provision in the Louisiana convention, that a part of the purchase money should be applied to the indemnification of our citizens; the price was not thereby augmented one cent, and all candid men acknowledged that it was a good bargain; the island of New Orleans, alone, being worth more than the sum given for all Louisiana, with its countless millions of acres.

There was no provision against a British export duty, whereby they tax us to a large amount, and we by our Constitution are prohibited from retaliating.

No provision against illegal blockades.

And none for permitting the residence of our Consuls at any of their possessions except in Europe.

In a word, there was no indemnity for the past, no security for the future.

But, sir, there was a sting affixed to it more poisonous than the adder's. I allude to the infamous rider, in No. 3, page 163, which Lords Holland and Auckland say was the only condition or reservation annexed to the treaty. It declares—if France should attempt to execute the Berlin decree, "they are confident the good sense of the

' American Government will perceive the fatal consequence of such pretensions to neutral commerce, and that its spirit and regard for national honor will prevent its acquiescence." But if the enemy executes his threats and neutral nations acquiesce, Great Britain may be compelled to retaliate, and pursue the same measure towards neutrals that France practises. They proceed to sign the treaty in the persuasion that before its return from America the enemy will have formally relinquished his pretensions, or that the United States "by its conduct or assurances will have given security to His Majesty that it will not submit;" and they add, that the note is presented to let us know that without such abandonment, (a formal one too) or such assurances or conduct on our part, the treaty shall not be binding, or Great Britain restrained "from adopting such measures as (to her) may seem necessary for counteracting the designs of the enemy." Upon a former occasion I dwelt upon this subject, and it would be inadmissible to reconsider it at length; but I acknowledge that it would fill me with shame and anguish, if this nation could stoop to the degradation of sanctioning such an outrage upon its honor and its rights, by accepting a treaty to which it was affixed. They confide in our good sense—our spirit and regard to honor; are persuaded we cannot and will not submit; and require that we, by our conduct and assurances, will have given security to His Majesty that we will not. If, however, regardless of our national honor, &c., we do submit and will not give security; they will treat us as we allow France to threaten or treat us. Away with the treaty and the rider too!

Our Ministers had the meekness to inform Mr. Canning, page 221, that he ought to be satisfied with our conduct; for that the French Minister had assured ours, that the decree should not infringe our treaty or our rights, and that we had witnessed a practice conformable to the assurance. This was on the 18th of October, 1807, almost one year after the Berlin decree. Well, sir, on the 22d of October, Mr. Canning wrote his answer, in which, although he does not deny that the decree had not been enforced, he informs our Ministers that he is not satisfied that the American Government has taken such effectual steps as to do away the reservation contained in the note accompanying the treaty. He, as was to be expected, rejected the humble security we had to offer—nothing but unqualified war at the direction of Great Britain would satisfy him. If war be proper, do let us consult our people in making it.

The gentleman from Delaware complained that this treaty was returned without being submitted by the President to the Senate. Who is responsible for the formation of treaties, and for them when formed? The President; and is it reasonable that he should incur such responsibility, where the treaty was not only disapproved of by him, but was made in express violation of his instructions? Should he deliberate on accepting the treaty with its insulting supplement? I

have examined, and I trust with candor, the treaties of 1794 and 1806, and shown that neither would comport with the just claims of the United States.

The gentleman asks, has not an error been committed in relation to them? I answer, no; and further, I will say, that neither would have prevented the wrongs we endure; the first (unexpired) article in the Treaty of 1794 promises a firm and inviolable peace, and true and sincere friendship: repeated acts of war have been committed upon us, and sincere friendship has been substituted by the blackest perfidy. France is accused of violating her treaty, as if it were more criminal to do so, than to break the moral law of nations. France has violated both, and so has Great Britain; the only difference consists in this, that Great Britain has done so much more frequently, and more injuriously, than France has.

The gentlemen ask, (Mr. VAN DYKE and Mr. KEY,) will we go to war for British seamen? I put it to them as liberal men: is it not unfair to ask the question? They know well what has been offered on that score; I have made a summary of the offers to-day: it is certainly attempting a very unfair diversion of the public mind to suggest such an inquiry. Other gentlemen (Mr. DANA, &c.) ask will we go to war for the right of free ships to make free goods? This is equally uncandid; for it must be known, that however desirable to us, we never have asserted the principle so as to make its recognition an indispensable condition.

Will you go to war (the gentlemen ask) for the right of search? Sir, both are given up in admitting search for enemies' property; and the latter particularly in the project of a treaty sent to Mr. Monroe by Mr. Madison. See No. 2, p. 7.—Article 3 relates to the right of search, and proposes to regulate the practice.—Article 11 allows the taking of enemies; and No. 3, p. 7, gives up the point of free ships make free goods. The right of search necessarily results from acknowledged principles in the laws of nations. The question of contraband implies it; going to blockaded ports, and seizing persons in the military service of an enemy on board, imply it also.

The gentleman asserts all our embarrassments arise from refusing to be searched for British seamen. I ask him as a man of honor, pledged not to harbor the servants or secrete the property of his neighbor in his house, whether he would submit to have it searched by day or night; and without suspicion, (for being bound by honor and by compact it would be insulting him to suspect him,) or without authority, permit the neighbor wantonly to enter into his rooms, open all his trunks, desks, &c., to satisfy himself that no fraud had been committed, knowing too, that being in want of his purse, and having power to do so, he would carry it off? I can answer for him that he would not.

The same gentleman asserts that if we go to war, it will be for the subject of impressments. There can be no doubt that we ought to make

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war rather than submit on this point; but it is not now the question of immediate collision: it is merged in the murders of the Chesapeake, and they are merged in the Orders of Council—in the avowed attempt to *tax us*. What are the causes of complaint? Impressments, spoliations, the case of the *Cambrian*, the murder of *Pierce*, the Chesapeake, blockades, colonial trade, orders of June, January, November, and every other month in the calendar: each one has given rise to some outrage. Invitations to our citizens to violate our laws, and go to sea without papers, thereby inviting to piracy in its true definition, and taxing us—demanding *tribute*. Are not these sufficient causes of war? God knows, if we want a justification in the eyes of all men for going to war, it is to be found abundantly in them. The single case of *Pierce* was held sufficient; his murdered body was carried through New York by the exasperated citizens; the Federalists were vying with the Republicans in expressions of indignation; Mr. King was at their head, and he is still a favorite, as the votes recently given by them for President and Vice President will show. All our difficulties, it is said, would have been avoided, if the Treaty of 1806 had been accepted. This treaty was to cure the *king's evil* or the evils of the King; it was to avert all our difficulties, although many of them preceded it, and were unatoned for thereby. No, sir; all of them were omitted or sanctioned by the treaty and its rider. We cannot get the subject resumed, says the gentleman, and it is evident, that it was the best bargain attainable. To my mind it is proof of hostility the most deadly; and as for the bargain it never could be worse. Well, sir, what shall we do? What, it is asked, will be the object of war? I answer *resistance*. I will resist while there is one man living to aid me; it will be more honorable to die in the contest than to crouch beneath the lash that penetrates to our vitals: we shall thereby avoid a lingering death, for death is inevitable if we submit.

The gentleman (Mr. Key) asks if we mean to fight France, to coerce a respect for her treaty, to compel Great Britain to make one? On this score there is no difference; both have violated their treaties with us, and trampled upon our rights. If we fight them, it will be to resist their attacks upon us.

I am not for dividing and subdividing the injuries done us, throwing the gauntlet and fighting for the case of the Chesapeake to-day, and after the battle is over, challenging them anew and fighting about the Orders of Council to-morrow. I prefer throwing all the injuries into one account, and fighting to resist and redress them in the lump.

With great exultation it is asked, what will be the effect of war upon Great Britain? what profit will result to us? A nation like us will never make war for the *profits* of it; we profit more from peace. Not so with Great Britain; her foreign wars are highly beneficial to the Government; they keep the people united, their minds

engaged, and inattentive to the crying corruption of their Ministry. When we go to war, no mercenary calculation of dollars and cents will weigh down the scale; it will be a question of country, of liberty, and independence. But, sir, we can injure Great Britain, and also remove a cause from which much evil is to be apprehended. We can take Canada, and thereby put down the hostile spirit of the Indians, to whom the war-belt has been sent from Canada some time since, with an invitation to them to take up the tomahawk against us, in the event of a war with Great Britain. We should be able to subdue the war spirit which so much predominates in savage man. This would be doing much for their happiness, and the future peace of our country. Besides this, we should harass their commerce by our privateers, whose profits would excite a sufficient spirit of adventure to go upon the ocean in search of prey; and, above all, we should avoid a pusillanimous, dishonorable, and degrading submission. This, in my opinion, will be gaining much. War has been painted in glowing colors; it is a great calamity to any nation; it is the greatest calamity that ever infatuated man devised to scourge the world. But great as it is, to us submission would be greater. The gentleman from Maryland deprecates the consequences of trusting an army of 50,000 in the hands of any man, lest such an one as Burr, seated at the helm, should crimson the Presidential chair, and deluge the country in blood. How, and of what materials would this army be composed? Of men, sir, fighting for their families, their altars, and their firesides—for the liberty consecrated by the blood of their fathers. It would contain some of the best blood in this nation, and you might as well suppose that they would tear up the foundations of the earth, as become mercenaries. Sir, even at hearing the din of war as it rumbles across the horizon, you already find them entering your service. There are many men who would not accept the command of your forces on a peace establishment, that would draw their swords, and put on the habiliments of war in subordinate stations, in the hour of danger. Look over the list of your military officers, and ask yourselves whether the colonels, majors, captains, and subordinate officers you find there, would prostitute the liberties of their country, and cut asunder every tender ligament that binds them to it, to serve the designs of any ambitious, designing man?—It is impossible. There are men on that list of the most unquestionable patriotism, public and private virtue; and in talents, inferior to none on this floor. Such men cannot be led into, or excited to partake of, the scheme. We are not yet in such a state of degradation and meanness, too often produced by *love of money*, as to submit to the ambitious projects of a Bonaparte, who could wield the nation in his right arm, and smite its liberties with his left. All these injurious consequences, however, in their fullest extent, are predicted, as if we were unworthy of trusting ourselves. Instances have been given from dea-

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politic States of a daring leader's usurping the government. They do not apply to us; the purse and the sword are wielded by Congress; we hold the purse-strings, the sinews of war; and we thereby have in sufficient check any ambitious projector. The gentleman from Maryland complains of an usurpation already, and argues from it that worse is to follow! and pray hear his charge: "The Secretary at War, in communicating the orders of the President to call out the 100,000 militia, requests the Governors to be careful in selecting *fit and proper persons*." *Risum teneatis*. Why, in truth, it is a high misdemeanor, and no doubt will be duly considered upon the trial of that gentleman before the Senate, where it appears he has been *impeached*. The gentleman from Delaware warns us to avoid war; for in the midst of arms the still voice of reason is not heard. We have reasoned long enough; everything that appertains to the reasoning faculties of man has been tried; we have the better of the argument, as our enemies admit, and we do not propose to go to war for the purpose of old-fashioned reasoning. Force is the only expedient that can produce reason with such nations as we have to deal with. I am for no more "supplemental broadsides." There is more energy and weight, in the diplomatic correspondence, through the mouths of our cannon. The gentleman from Delaware asks, will the nation give its blood to blot out the errors of the Administration? Sir, the people of this country have too much good sense to believe that errors exist, when it is not in the power of ingenious and able opponents to point them out. I defy them to do it. There is no point upon which I, humble as my talents may be, would be afraid to meet them before the nation. The gentleman begs the question, we are not disposed to hide errors, or palliate them. If they exist, we shall be happy to discover them; and I assure gentlemen, that wheresoever they may be found, we will endeavor to apply the proper and Constitutional corrective. The gentleman warns us to "put the enemy in the wrong." Who, I pray you, are in the wrong, ourselves or the enemy? They have put themselves in the wrong. What, sir! does the gentleman mean to defend the murders of Pierce and the Chesapeake, the orders—

[Mr. VAN DYKE explained: He had not intended to convey the idea that Great Britain was justified, but merely that we should put her in the wrong upon every point.]

Mr. JACKSON proceeded.—I accept the gentleman's explanation with great pleasure. Sir, we have put the enemy in the wrong on all points. The gentleman from Maryland says, that we will fight for our altars and our firesides; besides them, all is calculation. I differ with him. The murders at sea, of Pierce, and of the Chesapeake; the invasion of our maritime jurisdiction; the impressment of seamen, and subjecting our exports to pay tribute, are not questions of calculation; they are questions of sovereignty and of independence, and existence itself; we must fight, rather than submit to them. We, by our Con-

stitution, are prohibited from taxing exports; Great Britain asserts the right, and has taxed them, and I would resist that alone, at all hazards. The two gentlemen say Great Britain will not relinquish impressments, as by them alone she supports her navy, and it is a vital principle to her. And we are to submit, forsooth, because it keeps up her omnipotence at sea, to a measure that grinds this nation to powder, and stabs us to the vitals? The gentleman asks, will we not submit to a cutting off a member to save the body? I answer no; I will not submit to the amputation by Great Britain. I will not sacrifice all the members to preserve a lifeless political trunk. If the legs, arms, ears, and nose are cut off, and the head, too, I am incapable of perceiving the use or value of the body; and submission to Great Britain will be a sacrifice of all these. I have read of a great general—I believe it was Cæsar—who directed his soldiers to aim their weapons at the faces of the enemy's army, because, being handsome men, and more attached to their beauty than their country, they would surrender rather than lose it. But, by the gentleman's system, the body is the only desirable place; do not touch that, and the members—eyes, head, and all, may be quietly destroyed.

The gentlemen have urged that notwithstanding impressments, &c., we have flourished. Sir, if we made it merely a question of dollars and cents, perhaps we might flourish under the Orders in Council—but, let me ask, do not our national and personal rights transcend in value all such calculations? Are our liberty and independence worth nothing? Gentlemen say, we are all powerful for defence—we wish for no more than to defend our just rights—we are not aiming at conquest, and for defence we will be mighty indeed, in a war against those who dare to assail us. Gentlemen ask us to convince the people that war is necessary and they will act with spirit and vigor, but not till then. This is true, sir; but by what means are they to be convinced, if they are still incredulous? Those who do not discover the necessity of maintaining our rights, and that we have been deeply injured, must be as callous to feeling as the miserable poltroon who, on being forcibly thrust out of doors, at length discovered that his presence was disagreeable. It is true, as the gentleman states, that the genius of our Government leads to peace; but it is honorable peace alone that can be fostered by them; they will prefer war to disgrace, cost what it may. Peace is the sheet anchor of our prosperity; but if forced into war we will be terrible as the tigress robbed of her whelps. With much preparation and deliberation the gentlemen have announced to us their system—one is for trying the pen first and then the sword. Why, sir, we have already tried this war of goose quills long enough; and if we repeat the warfare I should not be surprised at hearing the whole feathered tribe squalling and squeaking like the British merchants and some of our own too, when a bristle belonging to them is touched; they squeak from one end of the nation to the other, and although they make a great cry

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we get but little wool. Sir the spirit of the nation has almost been destroyed by this goose-quill warfare—I beg pardon of the people, it is the spirit of this House I mean; we write reports, resolutions, bills, &c., we talk and write much about them, until all our spirit evaporates. Not so with the people; we have indeed for some time been lulling them into a fatal security; they have been dozing over our lethargy; but I trust that like a sleeping lion the nation will awake and rise up in its full strength and vigor to assert and maintain its rights. The other gentleman (Mr. Key) is for letting loose these embargoed ships, permit them again to navigate the ocean, and resist by force all search for unlawful purposes. How is the lawfulness of the intended search to be foreseen? While the gentleman was speaking I could not refrain from asking how he would discriminate—I was anxious to know how an ingenious gentleman could manage the subject: he said he would tell me, but he failed to attempt it. The right of search is an acknowledged right, resistance to it is war, or piracy; for instance, (as stated in my previous examination) to ascertain the character of the vessel and cargo. Well, sir, a British ship meets one of your vessels with the intention of enforcing the British orders, but the commander does not order his trumpeter to proclaim it at the mast-head; he comes alongside, and orders the captain with his papers on board; unless, out of courtesy, he boards the American vessel. After getting possession of his vessel, the American learns that the object is unlawful, but his vessel is captured; and then, and not till then, he is permitted to resist. Why, sir, resistance comes too late, and ever will, unless we suppose that an intuitive knowledge pervades the navigators of the ocean. The gentleman wishes to leave the door of reconciliation open a little longer. Sir, I wish not to be misunderstood by gentlemen. Although I can see no possible good that can result from further negotiation, I am for a little longer delay. I prefer letting the goose-quills lay idle for a season, and the cannon too—although, as I have remarked, war is not such a dreadful expedient to me, as some gentlemen would represent it; and unless we receive redress, I, for one, will say it must be resorted to. I am at present opposed to granting letters of marque and reprisal. If we send out privateers, they will make war; and if we allow our merchants to arm, they will make it also—or if they do not use their guns until they are searched for unlawful purposes, they will be captured, guns and all. If they resist a search, they become the aggressor, and a species of war ensues. It is said that Mr. Canning's last letter proves their sincere desire for peace—proof was indeed necessary; but I would rather rely upon their acts, than their professions. In my opinion this last letter is not less hostile than the former ones. It persists in the unmanly insinuation that we have acted with duplicity, and made our communications with the British Government dependent upon our relations with France. He has said, to be sure, it would be gratifying to him to settle all differences with

Mr. Pinkney. Perhaps he deemed it politic to hold such language. We, however, must appreciate it according to the actual state of things. I know that I may be asked why, under all these unpropitious appearances abroad, and unfavorable circumstances at home, delay any longer? Why, sir, notwithstanding my want of confidence in their friendly dispositions, I am still willing to await the events of a few fleeting months. As to any inherent regard for our rights, I put it out of the question. I look to more powerful causes—to the occurrences in Spain, and the British disasters there—for there can be no question that their armies have been cut off, unless, as at Dunkirk, they have ran away; and that their dependence was upon their heels, there can be but little doubt, when we look at the map, and examine their marches, in a line parallel to the seacoast, instead of advancing by the side of the patriots, and upon the frontiers of Spain, disputing the passes through which the enemy had to enter into the country. The British nation are a high-spirited people, and they will illy brook the disgrace of *running*, or (if their armies were compelled to fight) of *being cut off*. Either alternative is ruin to the ministry. When we look at the sensibility excited by the convention in Portugal, we can have little doubt of the effects of the expedition in Spain. About the same time the communications made to Congress will have reached them. They will put down the slanders there, that we were for submitting to France; they will show the liberal offer made by us to Great Britain; an offer in effect, to join England against France, by trading with England, and resisting France; and the insolent rejection of the offer. All these concurrent circumstances will crush the ministry, or compel them to relax towards us, and come to an accommodation. Wise politicians yield something to circumstances and appearances; and if we disregard them now, after waiting with so much patience, and at a great sacrifice, for so long a time, we could not well answer it to the nation if we rushed into war, if, as is probable, the olive branch is crossing the Atlantic to us.

As to fighting France it is idle; we can't get there, and they can't come here, and their ships are swept from the ocean. I will not join gentlemen in their project of fighting France, and submitting to Great Britain; I am for fighting the enemy who has done us most wrong. The injuries committed by England exceed those by France an hundred fold. While Great Britain kicks us on the highway, robs and insults us, we pocket the affront; but if France, like a man on horseback, happens to approach us near enough to spatter the mud upon us, and dashes on in full speed; after getting out of sight we offer battle, and taking courage from our security we look big and brave. Upon my soul I believe that one of the members of this House (Mr. QUINCY) would have nerve enough for such a daring. I am against arming our merchant vessels unless we make war; for on the day they sail the peace of the nation is gone; they have the power of making war transferred to them, and they may wage

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it against whomsoever they please. I am for keeping off the evil day as long as possible, and for pursuing the advice of the good old Laertes to his son, "Beware of entrance in a quarrel, but being in, be firm and thy enemy will beware of thee." I am not for *immediate* war; but let me entreat gentlemen not to abandon the ground we have taken, at a time too when the people from almost every quarter of the Union are pledging themselves to support it. There are a few factious spirits to be sure, who clamor against our measures; they have clamored at all times; their *approbation* is not desirable: if alone would unhinge the affections of the people in a great degree; but the majority who approbate our course is great indeed. For myself, I will yield to the majority, do what they may. I will, as far as I can, resist those measures which I deem unwise and impolitic, but my resistance shall be confined within the Constitutional limits, and I will be ready at all times to coerce others to respect them. If the majority will give up the embargo without substituting war, and thereby submit, however much I deprecate such a surrender of principle, I must acquiesce. One argument urged with much effect, though certainly of no intrinsic weight, is, that we must remove the embargo, or the merchants will do it for us. Sir, on the day we yield to the menaces of a faction our Constitution is not worth a straw. If you sacrifice this measure to a faction in the East, you must sacrifice another to a faction in the West; for the moment you buy off one faction you offer a premium to another. Need I refer to particulars? Look at your public lands; there are men daring enough already to assert that selling them is unjust, and that it would be cheaper to take them without buying. If one great principle is to be sacrificed to the merchants, why not for the agriculturists also? If the merchants triumph over us, I give notice that so far as depends upon me they shall take the consequence, and the seamen too. I will jeopardize the peace of the nation no more for them.

Upon a view of our foreign relations I find that these same merchants first stimulated us to assert their rights, and they are now the first to complain; for, happen what may, they are always the complainants. They clamored about the colonial trade—look at the Boston memorial written by the very party who have accused their Government of improper conduct for insisting on it. We, after having incurred the censure of our constituents for expenditures of money, &c. for their protection, find them the first to turn against us, because we do not obey their clamors in all things. If they drive the Government into submission, I give notice, let them abide the consequences; if they expect protection let them stay at home; I am unwilling to jeopardize our peace for them again. What will gentlemen give us as a substitute for the embargo? I hope they intend to save appearances at least, and pass a non-intercourse. Remove the embargo without it, and allow the arming of merchants, and my life on it they will fight their way into the tributary ports of Great Britain. Sir, I do not consider this to

be a mercantile question merely; it is certainly more an agricultural, or rather a national one. The merchant will have his profits on the produce, no matter whether the prices be great or small; and the depression of the price is a loss to the farmer. Our produce will not bear the tax—flour at two dollars per barrel and other articles in proportion. But if this view be fallacious, it is still a national question—as a nation we are bound to protect our citizens in the exercise of their lawful pursuits. If the merchants be attacked, give them protection; they, as an integral part of the nation, ought to be protected; it is our duty to watch over their rights; let us then preserve them from destruction. I never will consent, if they are mindful of their duty, to give them up; and I will not abandon those measures which we have taken, merely to gratify the factious spirit which pervades New England. I am sorry to see so many of my friends yielding to their clamors, (which we need not fear,) as by yielding they add fuel to the flame. If our manufacturers were attacked *en masse*, who would say it is no concern of ours; let them defend themselves? Whenever we lose sight of the principle I contend for, the same argument will apply to the great landed interest of the nation. I am for considering the various portions of our citizens as embarked on one plank, to sink or swim together.

The resistance in New England, it is said, is justified by the example in Virginia. I am proud to see gentlemen willing to cling to her example—for, in 1798, when the resolutions of Virginia were transmitted to the East, the Legislatures would not treat them with decency. They resolved that the measures of Virginia were a gross usurpation, and deserving marked reprehension. And what did Virginia resolve? That the Constitution had been violated, and that the States who were parties to the compact be invited to co-operate in Constitutional efforts to procure a repeal of the obnoxious laws? And what followed? In the capital of Virginia the sedition law was executed; the authorities of the nation had declared it binding, and no man raised his hand to resist it. In New England, a quarter too where the States were denied the right to concert Constitutional measures to repeal the sedition and alien laws, opposition is organized in town meetings, and in the State Legislature, to resist the laws by force, and to punish those who attempt to execute them; and this is "the land of steady habits." There can be no doubt that the States who are parties to the compact can interpose, and by uniting their efforts, procure a repeal of laws violating the compact; but the course of wisdom is to do so calmly and dispassionately, as we proposed, not by a seditious and rebellious resistance.

But to return to the subject before the Committee. By arming and going out without authority to capture the enemy, our property will be first sacrificed; the enemy will be enriched; and we shall fight to see if we shall keep it: whereas, fighting being inevitable, I am for it while we are whole and strong; sending out the produce invites attack; there are many hungry

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vultures ready to pounce upon it and ruin will follow. These bristled merchants will then deafen you with their cries, and utter their complaints to the nation against you for so unwisely managing its concerns as to remove the embargo, and thereby admit a diminution of danger. The great drift of gentlemen seems to be attacking the Administration, and artfully evading the question. This is uncandid and incorrect; let censure be applied where it is due—but on all occasions, whether right or wrong, to attack the Government for the purpose of saddling it with our misfortunes, and to shield the oppressors, is so inconsistent that it astonishes me to find it persisted in. If they had been so long successful with their deluded followers, I would apply the fable of the shepherd's boy to them—"when the wolf comes you will not be believed."

Sir, this measure which you are about to abandon, (let me repeat it,) has passed in review before the American people—your course has received their decided sanction, as has been evinced by their recent vote in the election of President; they will act with firmness if we do our duty; and although the wisdom of our plans is doubted by some honest men, it will yet work well—right, like justice, though you trample upon it, will survive the shock, and ultimately triumph. The picture of war has a tendency to enslave us—there was a time when it was thought wise to risk a war for independence; I hope we will risk it again for its maintenance.

I have hunted gentlemen from their lurking places—I have exposed the deformity of the treaty which they say should have been accepted by us; and I trust have proven that, like laudanum, if it eased the pain it would be by producing stupor; by lulling the nation to sleep—the sleep of death to your liberties and independence. Sir, I have discussed this subject of great interest, not unmindful of the argument of gentlemen, that repealing the embargo, and permitting the merchants to be scourged, will unite us—much as I love unanimity I cannot purchase it at so dear a price. If the merchants rush into destruction the nation must feel it—the merchants and the farmers too, will feel it, more severely than the embargo; for then, instead of a part of our property and produce rotting on our hands, the whole must be irretrievably lost.

When Mr. JACKSON had concluded the Committee rose and had leave to sit again.

TUESDAY, February 7.

Mr. MAOON presented a petition of sundry inhabitants of Washington county, in the Mississippi Territory, praying that a right of pre-emption may be granted to the petitioners and other actual settlers within the said Territory; also, that a free navigation of the river Mobile may be secured, so as to prevent the payment by citizens of the United States, or the Territories thereof, of foreign duties on goods, wares, and merchandise, imported into, and exported from, the said river, and passing by the port of Mobile.

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The said petition was read, and so much thereof as relates to the right of pre-emption to lands within the said Territory, was referred to the Committee on the Public Lands; and such other parts of the said petition as relate to a free navigation of the river Mobile, was referred to the Secretary of State, with instruction to examine and report his opinion thereupon to the House.

Mr. POINDEXTER presented a petition of sundry inhabitants on Tombigbee river, in the Mississippi Territory, praying that the right of pre-emption granted to actual settlers on public lands situated on the west side of the Tombigbee river, may be extended to actual settlers on the east side of the same.

The said petitions were read, and referred to the Committee on the Public Lands.

Mr. NICHOLAS, from the committee appointed, the fourth instant, on the part of this House, jointly, with a committee appointed on the part of the Senate, to ascertain and report a mode of examining the votes for President and Vice President, and of notifying the persons elected of their election; and to regulate the time, place, and manner of administering the oath of office to the President, made a report, in part, thereupon; which he delivered in at the Clerk's table, where the same was twice read, and agreed to by the House, as follows:

Resolved, That the two Houses shall assemble in the Chamber of the House of Representatives, on Wednesday next, at twelve o'clock; that two persons be appointed tellers, on the part of this House, to make a list of the votes, as they shall be declared; that the result shall be delivered to the President of the Senate, who shall announce the state of the vote, and the persons elected, to the two Houses assembled as aforesaid; which shall be deemed a declaration of the persons elected President and Vice President; and, together with a list of votes, be entered on the Journals of the two Houses.

Ordered, That Mr. NICHOLAS and Mr. VAN DYKE be appointed tellers on the part of this House, pursuant to the foregoing resolution; and that the Clerk of this House do acquaint the Senate therewith.

On motion of Mr. BURWELL,

Resolved, That a petition of the Commissioners of the Susquehanna Bridge Company, together with the attested copy of a late act passed by the General Assembly of Maryland, presented on the sixth instant, be referred to Mr. SAY, Mr. MARION, Mr. DANA, Mr. HOWARD, and Mr. JEDEDIAH K. SMITH, a committee, appointed the twenty-sixth ultimo, and to whom were referred the memorials of the President and Managers of the Susquehanna and Tioga Turnpike Road Company, and of the President, Managers, and Company, of the Philadelphia, Brandywine, and New London Turnpike Roads.

A message from the Senate informed the House that the Senate have agreed to the report, in part, of the joint committee of the two Houses appointed "to ascertain and report a mode of examining the votes for President and Vice President of the United States, and notifying the persons elected

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of their election; and to regulate the time, place and manner of administering the oath of office to the President;" and have appointed Mr. SMITH, of Maryland, a teller of the votes, on their part.

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The House resolved itself into a Committee of the Whole, 53 to 51, on the resolution on the subject of the state of our foreign relations. Mr. RANDOLPH'S amendment yet under consideration.

Messrs. SLOAN and COOK advocated the amendment.

Mr. LYON said, on an occasion so all-important as the present, on a motion in which is seriously involved nothing less than the peace of this once happy country, I will make no apology to gentlemen when I ask their attention to those observations which I mean to make relative to peace and war, as well as the present state of our country. And although I do not rise to debate the propriety or impropriety of the embargo, I hope to be allowed to name it. It seems no subject can be, or has been, debated in this House, without the mention of that hateful word embargo. The embargo has, like other things, had its day; I believe, with the gentleman from Connecticut, that the burial is gone by; the vote taken in the Committee—76 to 40—in favor of taking it off on the fourth of March, is accepted by the people of the United States as a sure pledge of their redemption from that growth-destroying monster. I do not believe with the gentleman from South Carolina, (Mr. D. R. WILLIAMS) that it is in the power of the Eastern members in the minority to patch up the ruined popularity of the embargo in that portion of the nation. I am too well acquainted with the Eastern people to believe that a single town who have acted on the subject could be persuaded to alter their opinion or their course by every argument in favor of the measure that have been made use of by the majority, if they were enforced by all the influence of the minority; but I think gentlemen in the minority ought to be excused from laboring in this cause until their own understanding is convinced. It is no disparagement to the Eastern Representatives to say that they have left many, very many men, at least equal to themselves in information and patriotism at home, whose eyes are steadily at this moment fixed on the proceedings in this House. These people have never been made to believe that some foreign nation would make war upon us if we did not lay an embargo; or if we should raise it when laid. I know, sir, this has been the effect of the clamor which has been raised (that we must have war or embargo) in some other parts of the nation, and as no nation now threatens us with war, I can see no necessity of going to war at present, unless it is for the honor of those who have told the nation we must have war or embargo. When Dean Swift was very sick, and his servants were mourning about him, he observed to a friend, you see how the poor creatures love me, they do not want to spare me, but they have prophesied that I must die; notwithstanding all their love for me, I believe

they would rather I should die than they should turn out false prophets. So it seems to be with some gentlemen; they are good patriots, they love their country most fervently, but they have said we must have war or embargo; embargo is gone, and war we are to have, it seems, merely because they have said so. When they see their favorite embargo is run down, a measure in itself preposterous and self-destroying only, they seem to think the national honor pledged for war, and war the nation must have. When I hear honor so much talked of on this occasion, it makes me think of Paddy's honor. Paddy had sworn by the hill of Hoath, by the holy fathers, and by all the saints in the red leather calendar, that he had no hand, act, or part, in stealing the woman's poker; but when she came to touch his honor, Paddy says, woman there is your poker. So gentlemen, tenacious of the national honor, of which they are more tender than their lives, and the lives and property of their fellow-citizens, say, since we have promised you war, war you shall have, although it is a war destitute of every kind of hope except that of dying honorably. The gentleman from South Carolina seemed to promise himself an honorable death in the struggle he wished to commence, although, as I understood him, he did not even presume to promise that his country or its liberties should exist one moment after his exit. This kind of honor too much resembles that described by Shakespeare's Falstaff, who says, "What is honor? A word. What is that word? Honor. What is that honor? Air. Who hath it? He that died on Wednesday."

After all this talk about honor, let me tell gentlemen that true honor consists in acting wisely; wisdom and virtue are synonymous. So said the wisest man.

The question is not now, as has been said, whether we will live slaves or die free. No, sir, the question is, will you fight on the ocean with a Power vastly superior to yourselves for the command of that ocean, so that you can send your cotton and your tobacco, as well as the sugar and coffee your merchants can obtain in the West Indies, free of restraint to any part of the world where you think you can get most for them, or will you content yourselves with that use of the ocean which your relative strength and importance as a nation entitle you to expect? Two great belligerent Powers, two thousand years older than us, yet not quite so much before us in point of power, attempt to restrain us in the use of what we call the great high road of nations. One of those nations says, she has, at immense expense, turnpiked this high road; that she has driven robbers and nearly all her enemies from it; that she keeps a guard upon it for the defence of those of her nation that travel on it. She says the road shall be free for our national vessels, and if our merchants choose to go and come to and from their country, it shall be free for them; she says it shall be free for them to pass and repass to the countries of her friends, and to those who are not her enemies, as well as to the colonial dominions of her enemies; but if our

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merchants use the road to carry their merchandise to her enemies, they shall pay toll. The other nation says, if you do pay toll, or even if those toll takers speak to you on this road, although it be ever so much against your will, you shall be confiscated, you shall lose all your property the moment you touch at my ports, or the ports of any of my vassals, and my power reaches over almost the whole European continent. Thus, sir, it is impossible to pay this toll or tribute so much talked of; no man would be such a fool as to pay for leave to carry his property to certain confiscation; and if it could be paid, and the goods sold to answer the merchant's purpose, according to our own established doctrine, that the consumer pays all, this tribute would not be upon us, but on the European purchaser. We have, for thirteen months past, said that we would not submit to this treatment, and while we cried out that we would not submit, we have been guilty of the meanest kind of submission, by not only abandoning this great road, but we have nearly destroyed all the roads and passways in our own nation. We have carried this thing so far that no man who has not powerful friends, or favor at Court, can pass on our common national roads, although intended by nature and designated by compact, to be common to all our fellow-citizens. Well, sir, it is now found that all this has done nothing towards obtaining for us a concession that we may freely use the great high road as we please, and that our abandoning it, and spoiling all our domestic roads, is spoiling our own growth, doing ourselves more harm than it is doing everybody else, and the true question now is, what is the wisest course to pursue. War! war! seems to be the cry, but this cry, sir, comes mostly from gentlemen who know little about war, who can promise nothing but honorable death as the conclusion of the war they contemplate. As much averse as I am to war and carnage, I confess my own sense of the injury offered to this country is such, that if I could promise myself and the people I have the honor to represent, a profitable conclusion of a war now to be commenced, and that we could, in any reasonable time, obtain the perfect free use of this road, and have it guaranteed to us, I should be inclined to join in this war; but alas, sir, this is not the case; although, in a defensive war, we are I hope unconquerable, the power and strength of this nation compared to the two we are threatening, is totally inadequate to waging offensive war. I know it may be said, and I believe with truth, too, that we shall have but one of those nations to contend with, namely England, if we go to war, and that Bonaparte will give us every assistance in his power; yet I am not to be persuaded, that with our means we can do her so much harm as she can do us. We can, it is true, take from her all the valuable part of Canada with but little expense; we could have obtained possession of Montreal within one month from this day, if ten thousand Vermonters had been noticed timely of their permission to take it; his, to be sure, would be a considerable injury to England, but, without Quebec, it could be of lit-

tle use to us, we can raise no revenue from Canada, unless the navigation of the St. Lawrence is open to us; we would not allow the peaceable, unresisting inhabitants of that country to be sacked and plundered; no, this is inconsistent with modern, civilized warfare, and we are an honorable nation; and if that country should be sacked, the produce would not go into our Treasury. True, we would, by taking Montreal, which would be a judicious step in case of a necessary war, secure the allegiance of the Northern Indians and obtain a good frontier; yet, as to an increase of the revenue, or the real strength of the nation, nothing could be gained without Quebec. We have a right to calculate upon finding more disaffected persons in Canada than persons well affected to our Government, and we should be obliged to keep a standing army there of from five to ten thousand men for the safety of the country. As to Quebec, I think it is out of our power to take it; it is a second Gibraltar. When it was not half fortified the British force could not have taken it had they been without a fleet to cut off the communication with the mother country; this being effectually done, and Wolfe cutting off their communication between the city and the country, there was nothing left for Montcalm but to come out on to Abram's plain and fight, or stay in the fort and starve; he chose the former, and Quebec fell. We may expect to take it when we can invest it in the same manner, and not before. It will be a long time before we can attack it in this way if our growth destroying projects should be continued. With Canada I am perfectly well acquainted; with Nova Scotia I am acquainted only by such historical and geographical sketches as have come in my way; but it seems to me there is little to gain there without we had a fleet to support an attack upon Halifax. I remember the fate of the Penobscot expedition very well. I apprehend there would be danger that an attack upon Halifax would turn out in much the same manner as that on Penobscot, and I believe it would be thought best to let that place alone if we were really at war. It may be said, sir, that we have another way to injure our British enemies—we can privateer against them. Yes, sir, we can privateer upon them; but they can privateer upon us too; this is a play that two sides can employ themselves at; it is a play that the British have got their hands in at; their ships that come where we can get at them, are nearly all armed, and their trade is generally convoyed. No doubt our privateers will take many of theirs; will this fill the national coffers, while their privateers and their ships of war take perhaps more than an equal number of ours? Besides this, their ships of war, if they let our great towns alone, may find a great deal of land privateering to do in our little unprotected seaboard towns and villages and their vicinity. Notwithstanding the many millions laid out in fortifying New York, Charleston, &c., the people of those cities may in their turn be glad to take the advice of a gentleman from Maryland and fly to the mountains for safety. This

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is a subject I do not like to dwell on, but I may be allowed to say the British politician must know that his nation, while she holds the best part of Canada on the courtesy of this Government, feels herself assured of that courtesy by the power she has of annoying our seacoast. Suppose, sir, it would turn out otherwise than I predict, and we should be able to take Halifax and Quebec; we must have men to garrison them. Where have we men for this purpose, beside all that will be wanted for the defence of the coast three or four thousand miles in extent? Whence shall we get money to pay them? If you succeed in attempting to squeeze out of your bankers more than enough to carry on two years of war, their paper will become like our old continental money for want of means of redemption. Your embargo has nearly drained your Treasury, and has had a considerable effect on the banks; the connexion you will have formed with your ally, Bonaparte, will entitle him to offer to garrison those places. You cannot refuse so kind an offer; that moment he has foothold here we are lost. I might pursue this subject further, but it is too disgusting to me. I cannot suffer my mind to dwell on even the dangers of the downfall of my country, the destruction of our Constitution and our Government in this way. No. If you must have war, which can have no object probable to be obtained, I will look for an end to it in another way. There is certainly a very great share of the sensible people of this nation who deplore this proposed war as much as I do. As the depredation, the expense, and the national debt that must be occasioned by it increases, they will be heard too by the great body of the people, who will put the concerns of the nation into hands that will sincerely desire peace, and will be obliged to make it on terms no better, perhaps worse than can now be had. I am not insensible to the impatience and indignation with which some gentlemen listen to my *peace* talk; but, sir, it is a duty I owe to the nation to speak out my mind. On a great occasion like the present I should like to hear every member of this House speak his sentiments. Now is the time to count the cost; for want of counting the cost in the outset of a project many a fine estate has been lost. Ardent young men are not apt to see the difficulties with which their projects are attended. When they have an enterprise before them, they are apt to think all difficulties can be surmounted by courage. Many a battle has been lost where great courage has been displayed, merely on account of the General's reckoning without his host, belittling the difficulties he had to encounter, and thinking too lightly of the power and strength of his enemy. Anybody that talks at all can cry out war, but it requires the united wisdom of the sages to carry it on with a prospect of success. I ask, have we union among ourselves? Have we confidence in one another? The majority says "No!" This nation can make war when it pleases; but we must have the consent of our enemy and our ally to make peace, as well as that of this nation, and I would lay an equal bet, if it

were proper to do it here, that six months after a war is commenced we shall be allied to Bonaparte. I repeat it, sir, now is the time to count the cost; to pause and count the cost. I know a little of what war means. Although I had not the honor of bearing a conspicuous part in that war which gave this country liberty, although I had the mortification, very unjustly, to receive a stab in my reputation in that war, a stab which would have put almost any other man down, I acted an humble, though perhaps a useful part, in that war from the first to the last of it. I was a private soldier in one of those companies called "minute men," who first took up arms in defence of the cause of American liberty, and with my gun on my shoulder marched to take Ticonderoga under the command of Ethan Allen. This was the first offensive war waged by Americans. My humble career ended in the capacity of a militia colonel, commanding in the neighborhood of an exposed frontier, in defence of which, seven years' toil and danger has made an indelible impression on my mind, and has made me to know something of the value of peace; too much to trifle it away on a slight occasion. I never again wish to hear of, much less to see the smoking ruins of our once happy villages, where half-naked women and children shall be assembled to take a last warm at the remaining brand of their late habitation, the father and the husband either murdered or carried into a hopeless captivity. Personal dangers, personal toil, hunger, and cold, are comforts compared to such feelings as these sights produce, yet they are but the common fortune and lot of war. But we are told, sir, that we are called upon to fight at this time for our independence, that our all is at stake as much now as it was in 1775, 1776, and 1777, and that patriotism has deserted our bosoms if we do not rise and challenge our enemies, or put ourselves in battle array. It is no such thing, sir. If Britain was to tell us now, (instead of telling us that their fleets had put them in possession of greater rights on the ocean than ours had us,) that their Parliament had a right to bind us in all cases whatsoever; that she would appoint Governors over our States, who should be above our laws and abrogate them at pleasure; that she would send to this country, and fetch away for trial such of our citizens as her Government should please to call traitors—should she, I say, land troops in Boston to enforce her edicts, and should her troops move again towards Lexington to carry away or destroy our military stores, and again commence the spilling of American blood on their march, I would myself, old as I am, do as I did before, take my gun on my shoulder and march to Ticonderoga, to wrest it from the British veterans, if any Ticonderoga there was as near me as it then was. I had but two children then, whose slavery I dreaded; I have more than thirty children and grand children now to be alarmed for, and my zeal to defend their liberties is (although my power is not) proportionably increased. Were this the case now there would be no want of patriotism. No, sir, every heart would beat to the

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sound of the drum; the American people would not wait for the thundering eloquence of the gentleman from South Carolina to wake them up. It would be found, then, that those troublesome yankees, instead of being complained of by the embargo men, their fellow-citizens, would be giving cause of complaint to their country's enemies; but, sir, I must beg the gentleman's pardon when I tell him that, with all his rhetoric and his logic, he cannot persuade me that our independence is at all in question.

Really, sir, suppose gentlemen could have their way about going to war now, and England, having no occasion to employ a man or a ship more on account of warring with us while she wars with France, should take it in her head to keep up with us a long, moderate, and teasing war. What would we have now to induce them to peace? The patriots and philanthropists of that country formerly persuaded the nation and the Government, that American commerce, flowing into the lap of England, would compensate for American independence, this brought about our peace at that time; but, sir, can we have a party in England who will plead for us in this manner now? have we not stopped their mouths by our constant threatening in one way or other, that we will withhold all our commerce from them; that we will injure ourselves to injure them; that we will have manufactures of our own, and be independent of them? Much has been said about the merchants of this country two or three years ago covering your tables with petitions, stating the hardship they suffered by being denied the right by England of carrying on in one way or other the commerce between the French and Spanish colonies and the mother country. What was the consequence? Why we first narrowed the limits of the commerce they had left, and then inhibited the whole, for fourteen or fifteen months, and now, as if to punish these impudent merchants for their interference, they are treated like a patient who has been dosed with warm water until his strength as well as his faith in the doctor is nearly exhausted; the doctor cries out to him, "Bleed, bleed, or die!" So the merchants are told to bleed; they are told that their vessels shall be kept rotting in port, unless they agree to take letters of marque, and make war for us. Ill-fated merchants! we were told about a year ago by a learned gentleman, that there never ought one of them to have a seat on this floor. I should myself care but little about these merchants if it was not that they are the real servants and agents of the farmers and the planters. If they could make a war of their own, a merchant's war, and not trouble the nation with it, I should not be quite so averse to war, but that they should be forced to engage to make war, and that a national war too, before they can have their ships unshackled, is rather too much, especially as I have not learned that one merchant has yet asked the favor of a letter of marque and reprisal. After glancing on the hard case of the merchants, permit me to say, sir, it looks like adding insult to injury for the embargo gentle-

men to express so much pity for the poor American sailors. It is too late in the day, sir, for those gentlemen to make much out of that fellow feeling and sympathy their speeches express for this neglected class of their fellow men. The seamen who have been driven into foreign service to earn a livelihood, have a right to say these are crocodile tears, and those who have been starving at home have found, by sad experience, that all the fine speeches of the embargo gentlemen have not made their pot boil.

The gentleman from South Carolina has told us that the destinies of this nation are in the hands of the minority. I wish it were true, sir; the minority are composed of about half the number of the majority; it is my opinion, that if they had the destinies of the nation in their hands for half as long a term as the majority has held the people embargoed, they would, instead of war, give the nation peace on terms that would be to the satisfaction of nearly the whole of the American people; a peace that would suffer the nation to grow a while longer. There is, sir, another set of gentlemen in this House, consisting of about one third, who really hold the destinies of the nation in their hand; to them I look for peace. The gentlemen I mean are those that have not by war speeches committed themselves; that have coolly listened, and steadily kept the fate of the nation before them. Should they, or a majority of them, hold their hand on the helm of State at this time, and keep the political ship from bilging on the rocks among which she seems now to be embargoed, they will deserve the blessings of their country, they will, ere long, enjoy the heartfelt applause of a grateful nation, their children, and their children's children, will bless them, and feel proud of the blessings heaped on them by others, their progeny will thank God that they have the honor of being descended from men who have deserved so well of their country. "Blessed are the peacemakers, (said the King of Peace,) for they shall be called the children of God." When men shall revile you and say all manner of evil things of you, rejoice, and be exceeding glad, for your reward is in Heaven." Blessed, I say, will be they who preserve the peace of this nation and suffer it to grow. Let it grow, I say, in strength, in power, in wisdom, and in virtue.

Mr. Chairman, soon after I came to Congress last year, when yourself and other gentlemen said we were in a kind of war with the British, I offered a resolution for holding British property in the funds, and British debts in the hands and names they then stood in; for this I am charged with having been a favorer of war. Although I have a right, in common with others, to change my opinions, I do not claim to exercise that right on this occasion. I was equally a friend to peace, then as now, but until the disavowal of the British Government of the attack on the Chesapeake, I saw no chance to avoid war, especially as the temper of this nation was up on the occasion; thinking, as I shall always think, that it is best when we have war to do our enemy all the harm

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we can, I brought forward the proposition, not as a war measure, or as a measure of provocation, but as a measure of precaution, which would have saved, if adopted, more than thirty millions of dollars in a state ready for sequestration in case of war which is now transferred out of the reach of the Government. In case of peace, the owners could not be injured by my proposition, as their property remained in their own hands for them.

For the reasons I have mentioned, and for the sake of humanity and the growth of our country, I hope the motion for striking out will prevail. I should then be willing to adopt, not the proposition of the gentleman from Virginia; that is too much like threatening for my mind in the present state of things; but that of the gentleman from Pennsylvania on this side of the House. (Mr. MILNOR.) Something has been said about a special mission; to this I have no objection, provided that mission can move unlogged with embargoes, non-importation acts, non-intercourse acts, and threatening army bills. We have tried negotiation backed with a non-importation act, and at the advice of the negotiator, withdrew this backing. Negotiation then produced us a treaty. I need not repeat the fate of that treaty. If we now send a mission unshackled, we may possibly again get an offer of as good a treaty. A gentleman from Virginia has taken some pains to prove to you that there is a powerful party in England who wish for war; I believe him; there is no doubt of a party there who wish for war with this country—a strong party, who would be profited by it. Then why will you forward their views by your threats, and your attempts at coercion, while you wish to treat? No conduct can be more preposterous.

There are only two wise courses to pursue with regard to England; one is, to reason with them, and obtain and receive such concessions from them as you can persuade them will comport with their interest, and be quiet with that, letting this nation grow. The other course is, to have no more concern with them than is absolutely necessary. Let the system you adopt with regard to our concerns with them be of a permanent nature, and such as our own people will approve of, and can forever bear; such as they will consider consistent with their permanent interest; and in this way let the British know that they must eventually be losers by their rigid, harsh, and unneighborly conduct towards this nation. Neither of these courses have been pursued; you have kept the nation embargoed now near fourteen months, while you have allowed the British to bring here not only toys and gewgaws to a vast amount, to be paid for in cash, while our own produce has been perishing on our hands; but you have allowed them to bring their cotton goods also, subject only to the usual duties, to the great discouragement of your own infant manufacturers, who would, with proper encouragement, make up for our own consumption a large share of that staple article, to get a free sale for which in every part of the world, a great share of this

bluster is made. No, sir, the people do not hear of an additional duty, pledged for fourteen or twenty years on any article which we have been in the habit of receiving from England, and can very well be manufactured here, and the manufacturer live by it, if the importation was discouraged by duties. No, sir, while your embargo has depressed those manufacturers who were in the habit of making hats, shoes, saddlery, pleasure carriages, household furniture, and other articles for exportation, other manufacturers have received no permanent encouragement. The embargo was to remedy every evil, to cure every disease. This done, our commerce with Britain was to be revived with renewed vigor; but the embargo has done nothing abroad; our Government nothing at home. How can such an improvident Government expect to retain the confidence of an enlightened people? They have discouraged those manufacturers who labor to produce articles for exportation; they have looked on with apathy while their policy has ruined many, impoverished and divided the people, and brought the nation to the humble posture of borrowers to meet the common expenditure. I must say as I think, sir, that to this unaccountable apathy, this listlessness, to the deficiency of those in whom unbounded confidence has been placed, in the knowledge of the human heart, the wants and ways, the habits and propensities of the American people, to incapacity in them to discern the real and true relative station and importance of this young nation compared with the nations it is proposed to contend with, and with the rest of the world, together with a propensity to man worship in minds that ought to be above such idolatry, nearly all our present difficulties as well as the depressed state of the nation is to be attributed.

We have a Constitution which provides for the meeting of 142 members in this House, and 34 in another, to consult for the common good and provide for the safety of this nation: we may talk here, here we may vote, here we may meet to collect a majority to order the registering of the decrees of a sort of jacobin club called a caucus, who hold their midnight convocations to consult not the good or the safety of the nation—no, that could be best done here. No, sir, it seems it is to consult what can be done to save the party—not the Old Republican party of 1798—no, that party is broken down. I don't hear that yourself (Mr. MAÇON) and many others of that Old Republican party meet in those caucuses, those nightly meetings: it is it seems the embargo party who meet in the Senate rooms under pretence of consulting and devising means for the national benefit, yet in their discussions they cannot avoid dwelling upon the dangerous situation of their party: it was in the great or little caucuses that this war-whoop commenced; it was there discussed and recommended as a party-saving measure. It seems as if we are in future to look for all national measures to be first canvassed in those midnight meetings by those self-created caucus gentry: it seems that every measure proposed for national benefit, however

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applicable to the state of this nation, is to be scouted out of this House at the first glance, merely because it is not the child of this caucus; our work is thus to be laid out for us in the midnight caucuses, and we are to be called upon to be present while these measures receive a vote of sanction in this House, which is in future to act the part of Bonaparte's mock Parliament. We are to meet to-morrow here to attend the registering of the election of a caucus President; we are to have a caucus army, I understand, a caucus non-intercourse, a caucus loan of ten millions, equal to the whole capital of the Bank of the United States.

When I passed through Virginia coming here I was very much insulted because I said the embargo had brought our coffers so low, that, notwithstanding the boasted state of our Treasury, we should be obliged next year to borrow. Notwithstanding all the boasting of an overflowing Treasury, and the appointment of a committee to devise means to dispose of its redundancy, we, it seems, are to have the registering of a caucus mandate for this ten million loan. There is, sir, a caucus newspaper in this city. I do not read it, but it seems that it circulates the caucus bulletin or general orders. While gentlemen were at their caucus devotions last evening, I happened to pick up a New York paper, and there I had before me in an extract from this caucus paper the whole work of that caucus pointed out by one of its organs in their paper. Action, energy, decision, promptitude, confidence in one another, confidence in the leaders, union, energy, war, preparation for war, vigor, more embargo, armies, navies, and above all, loans and money are called for; and all this, not to save the nation, but the embargo party. All these subjects, I understand, have been discussed in the caucuses. On Saturday night the prevailing opinion of the caucus was, that immediate war and a revival of the embargo would save the party: last night's caucus softened down the term of immediate war; they would try letters of marque; preparations by armies and loans prevailed. How vilely is the understanding of the American people insulted! their patriotism is appealed to by asking them, will they consent to pay tribute in a case where it is impossible that any man, even without a drop of American blood, would be fool enough to pay it; while a self-created caucus, composed of a few of their Representatives, has the hardihood to propose a loan that would make them pay a substantial and annual tribute of about half a million of dollars, mostly to foreigners, for the purpose of fighting about this nominal tribute; which search for it as sedulously as you please, you can no more overtake it than you can a jack-o'-lantern.

The question was taken on striking out so much of Mr. NICHOLAS's resolution as relates to issuing letters of marque and reprisal; there were for striking out 57, against it 39—majority 16; so that the next question is on inserting the substitute offered by Mr. RANDOLPH; on whose motion the Committee now rose, 56 to 37.—Adjourned.

WEDNESDAY, February 8.

Mr. JOHN G. JACKSON presented a petition of sundry citizens of Brooke county, in the State of Virginia, praying that the road commenced and laid out from the river Potomac to the Ohio river, may pass through the town of Washington, and thence to Charleston, on the river Ohio, for the reasons therein specified.—Referred to the Committee appointed, the fourteenth of December last, on a Message from the President of the United States, transmitting a supplementary report of the Commissioners appointed under the act of Congress of the twenty-ninth of March, one thousand eight hundred and six, concerning a road from Cumberland to Ohio.

On motion Mr. HOLMES,

Ordered, That the Committee of Claims, to whom were referred on the fourth instant, a letter from the Secretary of War, accompanied with a supplementary report and sundry documents in relation to invalid pensioners, be discharged from the consideration thereof; and that the said letter, report, and documents, be referred to the Committee of the whole House to whom was committed, on the thirtieth ultimo, a bill concerning invalid pensioners.

ELECTORAL VOTES.

Mr. NICHOLAS offered the following order:

Ordered, That a message be sent to the Senate to inform them that this House is now ready to attend them in opening the certificates and counting the votes of the Electors of the several States, in the choice of a President and Vice President of the United States, in pursuance of the resolutions of the two Houses of Congress of the 7th instant; and that the Clerk of the House do go with the said message.

Mr. RANDOLPH said it had sometimes been the case, he did not say it had been the practice, that this House had met the other branch of the Legislature in their Chamber, for the purpose of counting the votes; in which cases, very properly indeed, this House being in the Chamber of the Senate, the President of that body had taken the chair. Mr. R. said he now understood that it was proposed, without any vote of this House for the purpose, that the President of the Senate was to take the chair of this House; that the Speaker was to leave the chair, to make way for the President of another body. To this, he, for one, could never consent. I conceive, said he, that such a proceeding would derogate, very materially, from the dignity, if not from the rights of this body. I can never consent, Mr. Speaker, that any other person than yourself, or the Chairman of the Committee of the whole House, should take the chair, except by a vote of the House. I hope, therefore, that this matter may be well understood. I conceive it to be a respect which we owe to ourselves, and to the people, whose immediate representatives we are, never to suffer, by a sort of prescriptive right, the privileges of this House to be in any wise diminished, or its dignity to fade before that of any other assembly of men whatever.

Mr. NICHOLAS said he was as unwilling as any

other gentleman to surrender the privileges of the House. When assembled as the House of Representatives, he agreed that none but the Speaker should take the chair; but, on the occasion of counting out the votes, he did not consider the House of Representatives to be formed as a distinct body. In meeting on this occasion, he said, it always had been usual, since the establishment of the Government, for the Vice President of the United States, or the President *pro tempore* of the Senate, to take the chair. There was, also, a propriety in this course, because, by the Constitution, the Vice President is to open the votes. For twenty years the practice had been that the President of the Senate presided in joint meeting.

Mr. J. G. JACKSON spoke a few words on the same side as Mr. NICHOLAS, and Mr. LYON replied to him.

Mr. NICHOLAS moved, in order to do away any difficulty in this case, that when the members of the Senate were introduced, the Speaker should relinquish the chair to the President of the Senate.

Mr. DAVENPORT supported this motion. He had no doubt of the propriety of the President of the Senate presiding at a joint meeting, more especially, as he was the person designated by the Constitution for counting out the votes.

Mr. RANDOLPH said that if this course were taken, the Senate ought to be notified of this act of courtesy on the part of the House; if not, it might appear that the President of the Senate took the chair as a matter of right. He said he knew that, to many persons, matters of this sort appeared to be of minute importance, but in everything touching the privileges of this House, as it regarded the claims of the other co-ordinate branches of the Government, he would stickle for the ninth part of a hair. It was well known that, in England, the privileges of the Commons had been gained inch by inch from the Kings and Nobles by a steady perseverance; and that man must have very little knowledge of mankind, indeed, who was not persuaded that those privileges might be lost, as they were gained, by gradual and imperceptible encroachment on the one hand, and tacit yielding on the other. This was not a matter of great consequence in itself; but power always begot power. It was like money, he said; any man could make money who had money. So any man, or body of men, who had power, could extend it. I have no objection, said Mr. R., very far from it, to the Constitutional exercise of the powers and privileges of the Senate. Let their President count the votes sir; there is a very good chair for him in which the Clerk now sits. But, on what principle is he to come into the House with a consciousness that he has a right to throw you out of the chair, sir, and take possession of it? I have no idea of suffering a man to come through those folding doors with such a sentiment. If he comes into this House, he comes from courtesy, and cannot assume your chair, Mr. Speaker, as a matter of right, but as a favor. And, if the President of the Senate takes possession of your chair as a favor, it ought to be

announced to the Senate as such; for, the mere vote on our side amounts to nothing, provided that he, and the body over whom he presides, come into this House under the knowledge, (without an intimation from us,) that you are to leave your chair, and he is to take possession of it.

Mr. SMILIE observed that there was no fear of the privileges of this body being encroached upon by any other, for there was a written Constitution, prescribing the powers of each body; and, at the same time, that it was proper to be careful of their own rights, he said the House should be careful not to infringe on the rights of the other body. In respect to this question, there was a case in point. In one instance while Congress sat at Philadelphia, the Senate had come into the Representatives' Chamber to count out the votes, and the President of the Senate had taken the chair as a matter of right. We, said, Mr. S., are sitting as a convention of the two Houses, for a special purpose, viz: to count out the votes. Who is properly the presiding officer in this case? Unquestionably the officer directed by the Constitution to open the votes. And I consider the Speaker of the House, on this occasion, as acting in the same capacity as any other member of the House.

After some further observations on the subject, from Messrs. MASTERS, LYON, and MACON, the motion of Mr. NICHOLAS was agreed to—yeas 98.

Mr. RANDOLPH then moved that the Senate be acquainted, by message, of this arrangement. Agreed to—yeas 73.

The resolution first offered by Mr. NICHOLAS was then agreed to.

On the suggestion of Mr. VAN DYKE, it was agreed that the members should receive the Senate standing and uncovered.

The time for counting the votes having arrived, the members of the Senate, preceded by their Sergeant-at-Arms, entered the Representatives' Chamber, Mr. MILLENGE, the President *pro tempore*, took the Speaker's chair, and the members took their seats on the right hand of the chair. The tellers were ranged in front, and the Clerks of each House on the right and left of the tellers. The President of the Senate opened the electoral returns, one copy of which was handed to the teller of the Senate, Mr. S. SMITH, who read it; the tellers of the House, Messrs. NICHOLAS and VAN DYKE, comparing the duplicate returns handed to them.

When this business, which occupied about two hours, was concluded, the tellers handed their report to the President of the Convention, who was proceeding to read it, when

Mr. HILLHOUSE observed that the returns from one of the States appeared to be defective, the Governor's certificate not being attached to it. He thought that this might be as proper a time to notice it as any.

Nothing farther being said on the subject, however, the President of the Senate read the following statement of the votes, as reported by the tellers:

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STATES.	For President.			For Vice President.				
	James Madison.	George Clinton.	C. C. Pinckney.	George Clinton.	James Madison.	James Monroe.	John Langdon.	Rufus King.
New Hampshire	-	-	7	-	-	-	-	7
Massachusetts	-	-	19	-	-	-	-	19
Rhode Island	-	-	4	-	-	-	-	4
Connecticut	-	-	9	-	-	-	-	9
Vermont	6	-	-	-	-	-	6	-
New York	13	6	-	13	3	3	-	-
New Jersey	8	-	-	8	-	-	-	-
Pennsylvania	20	-	-	20	-	-	-	-
Delaware	-	-	3	-	-	-	-	3
Maryland	9	-	2	9	-	-	-	2
Virginia	24	-	-	24	-	-	-	-
North Carolina	11	-	3	11	-	-	-	3
South Carolina	10	-	-	10	-	-	-	-
Georgia	6	-	-	6	-	-	-	-
Kentucky*	7	-	-	7	-	-	-	-
Tennessee	5	-	-	5	-	-	-	-
Ohio	3	-	-	-	-	-	3	-
Totals	122	6	47	113	3	3	9	47

Recapitulation of the votes of the Electors for President of the United States.

James Madison	-	-	-	122
Charles C. Pinckney	-	-	-	47
George Clinton	-	-	-	6

Total - - - - - 175

For Vice President of the United States.

George Clinton	-	-	-	113
Rufus King	-	-	-	47
John Langdon	-	-	-	9
James Madison	-	-	-	3
James Monroe	-	-	-	3

Total - - - - - 175

The President of the Senate, pursuant to the joint resolution of the two Houses of the 7th instant, then announced the state of the votes to both Houses of Congress, and declared "That JAMES MADISON was duly elected President of the United States, for four years, to commence on the fourth day of March next; and that GEORGE CLINTON was duly elected Vice President of the United States, for the like term of four years, to commence on the said fourth day of March next."

The members of the Senate then retired in the same order in which they entered.

After the conclusion of the business of the joint meeting, the Speaker resumed the chair, and the House came to order.

Mr. J. G. JACKSON offered a resolution for a

* One of the votes of Kentucky lost from the non-attendance of one of the Electors.

total non-intercourse between this country and Great Britain, and France, and for excluding from our waters all armed vessels, with a view to have it referred to the Committee on Mr. NICHOLAS'S resolution.

The SPEAKER having declared the motion for commitment to be in order,

Mr. RANDOLPH appealed from the decision, on the ground that a few days ago the House had decided that a resolution could not be considered when the precise subject of the resolution was already before a Committee of the Whole; and that the decision was variant from the former decision of the Speaker.

After some observations from various gentlemen on the point of order, Mr. JACKSON withdrew his motion, and the House adjourned.

THURSDAY, February 9.

Mr. MACON moved to amend the Journal of yesterday's proceedings, by inserting the letter of Mr. Walton, the Elector from the State of Kentucky, who did not attend to give his vote, stating the reason thereof. He stated his object to be to state on the Journal the reason why one vote was deficient from the State of Kentucky, that it might serve as a precedent on similar occasions. For, if hereafter, in consequence of the sickness or inability to attend of any one or more Electors, there should be a tie between any two candidates for the Presidency, it would be made a matter of question whether their votes, although unable to attend at the time, ought not to be counted.

Some discussion took place on this point, it being contended by some gentlemen that the House had no concern with the causes why any vote was not received, but merely to count those which came to hand. And that if it was intended to fix a precedent to govern future proceeding on this subject, it ought to be done with great deliberation.

Mr. MACON'S motion was negatived, ayes 20.

NON-INTERCOURSE.

Mr. TAYLOR said it would be recollected that, in the course of the public business of this session, a resolution reported by a committee on our foreign relations arising out of a motion of a member from North Carolina, for the purpose of interdicting commercial intercourse with such belligerents as had in force decrees or edicts against the lawful commerce of the United States, had been agreed to and referred to the same committee, who had reported a bill for non-intercourse. This bill in fact however comprised but one half of the whole subject embraced by the words "non-intercourse." The bill as reported to this House provided for the non-importation of the goods, wares, and merchandise, the growth and manufacture of these particular countries. That (said he) may be readily accounted for, from the circumstance that the House was then actually engaged in passing a law for the enforcement of the embargo, the committee therefore having only in view the other part of the question, so as to com-

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plete a non-intercourse. After that bill was reported, a gentleman from Tennessee (Mr. RHEA,) in order that the whole might be incorporated into one, offered a resolution for that purpose. I did think it unnecessary at that time; but as the course of business seems to look towards a repeal of the embargo, in order that the whole subject of non-intercourse may be incorporated in the bill before the House, I move that the Committee of the Whole be discharged from the consideration of the bill, and that it may be referred to a committee, in order that it may be made in fact what the title imports it to be, completely, a bill for non-intercourse between this country and those nations having in force decrees affecting our neutral rights.

The Committee of the Whole was discharged from the further consideration of the bill, ayes 72.

A motion having been made that this bill be referred to the Committee of the Whole on Mr. NICHOLAS's resolution, was negatived, 56 to 43.

It was then moved to refer the bill to the committee who reported it, and carried, 61 to 41.

Much desultory debate took place on these motions, in which Messrs. SLOAN, D. R. WILLIAMS, UPHAM, MACON, DANA, EPPES, TAYLOR, NICHOLAS, VAN HORN, and SMILIE, partook.

Mr. W. ALSTON moved that the committee which now has under consideration the resolutions offered by Messrs. NICHOLAS, BACON, and DURELL, be discharged from the further consideration of them, and that they be referred to the same committee to whom the non-intercourse bill was just referred.

Mr. DAWSON seconded the motion, and Messrs. SMILIE, LOVE, HOLLAND, and RHEA, supported it; and Messrs. DANA, RANDOLPH, MILNOR, GARDENIER, and MACON, opposed it.

The question was taken on discharging the committee from the further consideration of them at half-past 5 o'clock—yeas 65, nays 55, as follows:

YEAS—Lemuel J. Alston, Willis Alston, jr., David Bard, William W. Bibb, William Blackledge, Thomas Blount, Adam Boyd, John Boyle, William A. Burwell, Wm. Butler, Jos. Calhoun, Matthew Clay, John Clapton, Richard Cutts, John Dawson, Josiah Deane, Joseph Desha, Daniel M. Durell, John W. Eppes, William Findley, James Fisk, Meshack Franklin, Thomas Gholson, jr., Peterson Goodwyn, Isaiah L. Green, John Heister, James Holland, David Holmes, Benjamin Howard, Reuben Humphreys, John G. Jackson, Richard M. Johnson, Walter Jones, Thomas Kenan, William Kirkpatrick, John Lambert, John Love, Robert Marion, William McCreery, Daniel Montgomery, jr., John Montgomery, Nicholas R. Moore, Thomas Moore, Jeremiah Morrow, John Morrow, Thomas Newbold, Thomas Newton, Wilson C. Nicholas, John Porter, John Pugh, John Rea of Pennsylvania, John Rhea of Tennessee, Jacob Richards, Matthias Richards, Benjamin Say, Ebenezer Seaver, Samuel Shaw, Dennis Smelt, John Smilie, John Smith, Daniel C. Verplanck, Jesse Wharton, Robert Whitehill, Isaac Wilbour, and Alexander Wilson.

NAYS—Ezekiel Bacon, Burwell Bassett, John Blake, jr., Epaphroditus Champion, Martin Chittenden, Orchard Cook, John Culpeper, Samuel W. Dana, John

Davenport, jr., James Elliot, William Ely, Barent Gardener, Francis Gardner, James M. Garnett, Edwin Gray, John Harris, William Hoge, Daniel Hsley, Richard Jackson, Robert Jenkins, James Kelly, Joseph Lewis, jr., Edward St. Loe Livermore, Edward Lloyd, Matthew Lyon, Nathaniel Macon, Josiah Masters, William Milnor, Jonathan O. Mosely, Gurdon S. Mumford, Timothy Pitkin, jr., Josiah Quincy, John Randolph, Samuel Riker, John Rowan, John Russell, James Sloan, Jedediah K. Smith, Samuel Smith, Richard Stanford, William Stedman, Clement Storer, Lewis B. Sturges, Peter Swart, Samuel Taggart, Benjamin Tallmadge, John Taylor, John Thompson, Abram Trigg, Jabez Upham, James I. Van Alen, Philip Van Cortlandt, Archibald Van Horn, Killian K. Van Rensselaer, and David R. Williams.

Mr. W. ALSTON then moved to commit the resolutions to the committee to whom the bill on the subject of non-intercourse was referred.

This motion was opposed by Messrs. RANDOLPH, LYON, VAN HORN, BACON, GARDENIER, QUINCY, and MILNOR; and supported by Messrs. TAYLOR, W. ALSTON, and HOLLAND.

The motion was carried by yeas and nays—55 to 36, as follows:

YEAS—Lemuel J. Alston, Willis Alston, jr., David Bard, William Blackledge, Thomas Blount, Adam Boyd, William Butler, Joseph Calhoun, Matthew Clay, Richard Cutts, John Dawson, Josiah Deane, Joseph Desha, John W. Eppes, William Findley, James Fisk, Meshack Franklin, Thomas Gholson, jr., Peterson Goodwyn, Isaiah L. Green, John Heister, James Holland, David Holmes, Benjamin Howard, John G. Jackson, Richard M. Johnson, Walter Jones, Thomas Kenan, John Lambert, John Love, Robert Marion, William McCreery, John Montgomery, Nicholas R. Moore, Thomas Moore, Jeremiah Morrow, John Morrow, Thomas Newton, Wilson C. Nicholas, John Porter, John Pugh, John Rea of Pennsylvania, John Rhea of Tennessee, Matthias Richards, Benjamin Say, Samuel Shaw, Dennis Smelt, John Smilie, Jedediah K. Smith, James I. Van Alen, Jesse Wharton, Robert Whitehill, Isaac Wilbour, Alexander Wilson, and Richard Winn.

NAYS—Ezekiel Bacon, Martin Chittenden, John Davenport, jr., William Ely, Barent Gardener, Francis Gardner, Edwin Gray, John Harris, William Hoge, Daniel Hsley, Richard Jackson, Robert Jenkins, Joseph Lewis, jr., Matthew Lyon, Josiah Masters, William Milnor, Jonathan O. Mosely, Gurdon S. Mumford, Timothy Pitkin, jr., Josiah Quincy, John Randolph, Samuel Riker, John Russell, James Sloan, Samuel Smith, Richard Stanford, William Stedman, Lewis B. Sturges, Samuel Taggart, Benjamin Tallmadge, John Taylor, Abram Trigg, Jabez Upham, Philip Van Cortlandt, Archibald Van Horn, and David R. Williams.

Mr. VAN ALLEN moved to refer to the same committee a resolution offered by Mr. MUMFORD at the commencement of the session for a partial repeal of the embargo; but the House adjourned before a question could be taken.

The effect of the votes of this day, is to refer to the Committee on Foreign Relations, composed of Messrs. G. W. CAMPBELL, NICHOLAS, BACON, TAYLOR, FISK, J. MONTGOMERY, MUMFORD, CHAMPION, and PORTER, the several propositions for the repeal of the embargo, for arming the merchant vessels, for non-intercourse, for excluding

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armed vessels from our waters, and for declaring the first capture made in violation of the neutral rights of the United States to be a declaration of war, &c., with leave to report by bill.

The chief argument in favor of this general reference was, that these propositions might be merged in one bill which should present a general system, and thus render less complicated the proceedings of the House on these resolutions. The main arguments against it were, that it would destroy all that had already been done in Committee of the Whole, and probably present a system at length to the House which would not be approved, and thus produce no other effect at this late period of the session than to protract discussion; and also, that it would encourage that speculation now going on in the mercantile towns, and be ruinous to many men of moderate capitals who had embarked their all in the purchase of produce, in the certainty that the embargo would be raised on the 4th of March.

FRIDAY, February 10.

Mr. JEREMIAH MORROW, from the Committee on the Public Lands, presented a bill for the disposal of certain tracts of land in the Mississippi Territory, claimed under Spanish grants reported by the Land Commissioners as antedated, and for other purposes; which was read twice and committed to a Committee of the Whole on Monday next.

A message from the Senate informed the House that the Senate have passed a bill, entitled "An act to incorporate a company for opening the canal in the City of Washington;" to which they desire the concurrence of this House.

Mr. NEWTON, from the Committee of Commerce and Manufactures, presented, a bill authorizing the Accounting officers of the Treasury Department to give credit to certain collectors of the Customs, for allowances paid by them to the owners and crews of fishing vessels; which was read twice and committed to a Committee of the Whole to-morrow.

On a motion made by Mr. DANA, that the following be added as a new rule to the standing rules and orders of the House, to wit:

"The Speaker may admit within the Hall such Judicial officers of the United States, or either of them, as he may judge proper, and such gentlemen as have been members of either House of Congress."

The rule was read, and ordered to lie on the table.

Mr. POINDEXTER observed, that at present the courts of the Territories have no jurisdiction to try offenders against the laws of the United States. That in the Territory which he had the honor to represent, and probably in other Territories, violations of the embargo laws had taken place and would again take place; and that as the law stood they might take place with impunity, the Territorial courts having no jurisdiction to punish the offenders. He therefore moved for the order of the day on the bill for extending ju-

risdiction to the Territorial courts. The House refused to take it up, ayes 27.

On motion of Mr. W. ALSTON, the House resolved itself into a Committee of the Whole, on the bill making appropriation for the support of Government for the year 1809. The bill having been gone through, and the blanks filled with the various sums reported by the Treasury Department, the Committee rose and reported the bill, which was ordered to be engrossed for a third reading:

No division took place on any appropriation but one of five thousand dollars towards completing the Orleans road; which was opposed by Messrs. GARDNER, GARDENIER, and UPHAM, and supported by Messrs. W. ALSTON, EFFES, DESHA, BISS, and J. G. JACKSON, and carried 52 to 19.

NAVIGATION LAWS.

The House then resolved itself into a Committee of the Whole, 43 to 30, on the bill reported by Mr. DANA concerning associations for the security of navigation.

[The bill provides, "That in cases wherein the armament of merchant vessels for defence may be allowed by any law of the United States, it shall be lawful for citizens of the United States to agree, that any ships or vessels by them owned shall sail in concert and be associated for mutual assistance and protection in any voyage or voyages not contrary to law, and during any time or times which may be designated by instrument in writing duly executed by the owners or their authorized agents. The stipulations of the parties contained in such instrument may extend to the equipment and force of the vessels respectively, the relative authority of the masters or commanders, the appointment of places and times of rendezvous and sailing, the regulation of signals, the direction of the general course of the voyage or voyages, the orders to be observed in cases of separation or danger, and the making of arrangements for conducting and managing the respective vessels as may be most effectual for assistance in any case of peril or misfortune, and for protecting all or any of them against forcible seizure or annoyance: Provided, That no such agreement or stipulation shall contravene any instructions or orders issued according to law by the President of the United States. That the respective ships or vessels shall be holden for the stipulations contained in any such instrument concerning them, and shall accordingly be chargeable for such compensation or indemnity as may be justly required on account of any failure to perform the same, as well as for satisfying any reasonable claim of contribution on account of loss or damage incurred in pursuance thereof. The rates of contribution to be so made shall be apportioned to and among the respective vessels, as the parties may have consented and declared by such instrument, or, in failure of such declaration, the apportionment of the same shall be adjusted by the competent court," &c.]

The words in *italic* in the above were inserted by amendment, on motion of Mr. J. G. JACKSON.

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In explaining the operation of the provisions of this bill—

Mr. DANA said that it did not propose to change the state of our foreign relations with respect to any Power whatever; it decided nothing respecting the cases in which merchant vessels might be permitted to arm for their defence, but proceeded on the supposition that there might be cases in which arming the merchant vessels of the United States should be authorized by law. The object of the bill was to make such arming efficacious, by combining different vessels, that they might act together; the importance of concert being well known to every person who had attended to the difficulty of attaining any point by individual and unconnected efforts. It was well known that, for some trades, vessels were now permitted to arm; and if with respect to the great Powers of the civilized world the United States were to permit their vessels to arm, the bill would equally apply to associations for defence against them as against any other enemy. Such association might now take place by compact where vessels were permitted to arm; which however could be obligatory on the owner only. The object of the bill was, that the vessels engaged might be pledged for the performance of the compact.

Some desultory discussion took place on the details of the bill, in which Messrs. DANA, LOVE, BURWELL, D. R. WILLIAMS, SMILIE, and BASSETT, partook. Messrs. EPES and BASSETT appeared to be opposed to the principle of the bill, the objection to which appeared to be that it sanctioned armaments by individuals larger than the Government itself chose to support, and that the Government might be deemed in some sort pledged to a responsibility for their acts.

The Committee rose and reported the bill, which was ordered to a third reading, and the House adjourned.

SATURDAY, February 11.

On motion of Mr. JEREMIAH MORROW,

Ordered, That the Message from the President of the United States, of the 19th February, 1808, communicating an additional report of the proceedings of the Commissioners appointed under "An act to regulate the laying out and making a road from Cumberland, in the State of Maryland, to the State of Ohio," be referred to the committee appointed, on the 14th of December last, on a Message from the President of the United States relative to the same object.

A bill from the Senate to incorporate a company for opening a canal in the City of Washington was twice read, and, on motion of Mr. VAN HORN, was ordered to be read a third time to-day—55 to 29. The bill was read a third time, and passed.

The bill concerning associations for the security of navigation being about to be read a third time, was, on motion of Mr. EPES, with the assent of Mr. DANA, postponed till Monday, on the ground that it had not received that mature consideration

by the House to which the importance of the subject entitled it.

The bill making appropriations for the support of Government, for the year 1809, was read a third time, and passed.

Mr. LOVE, after a few prefatory remarks, offered the following resolution, which was referred to a select committee, with leave to report by bill, or otherwise:

Resolved, That the laws of the several States shall be regarded as the rules of proceeding on judgments and executions in the Courts of the United States, except where the laws of the United States shall otherwise provide.

On motion of Mr. JEREMIAH MORROW, the House resolved itself into a Committee of the Whole, on the bill from the Senate for extending the terms of payment for public lands. The bill being gone through, it was reported to the House, and ordered to a third reading.

On motion of Mr. D. R. WILLIAMS, the House proceeded to consider an additional rule to the standing rules and orders of the House, proposed yesterday by Mr. DANA; and the same being again read, was, on the question put thereupon, agreed to by the House, as follows:

"The Speaker may admit within the Hall such Judicial officers of the United States, or either of them, as he may judge proper, and such gentlemen as have been members of either House of Congress."

A message from the Senate informed the House that the Senate have passed a bill, entitled "An act to authorize the making of a turnpike road from Mason's Causeway to Alexandria; to which, they desire the concurrence of this House."

NON-INTERCOURSE.

Mr. NICHOLAS, from the Committee of Foreign Relations, (Mr. G. W. CAMPBELL being detained from his seat by illness,) reported a bill interdicting commercial intercourse between the United States and Great Britain and France; and for other purposes. The bill was twice read, and referred to a Committee of the Whole on Tuesday next.

[This bill provides for a repeal of the embargo, except so far as relates to Great Britain and France, on the 4th day of March next, repealing almost entirely the provisions of the embargo laws affecting the coasting trade, and for a total non-importation from Great Britain and France, to commence on the 20th of May. It also excludes from the waters of the United States all armed vessels, after the 4th of March next.]

MONDAY, February 13.

The bill sent from the Senate, entitled "An act to authorize the making of a turnpike road from Mason's Causeway to Alexandria," was read twice, and committed to the Committee for the District of Columbia, to consider and report thereon to the House.

Mr. MILNOR presented a petition of sundry freeholders and proprietors of land in that part of the county of Alexandria, in the Territory of Columbia, which is situate between the towns of Alex-

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andria and Georgetown, stating that they have been informed an application to Congress has been lately made for opening a new road through the lands of the petitioners, between the town of Alexandria and Georgetown ferry; and praying that the prayer of any petition or petitions for that object may not be granted.—Referred to the Committee for the District of Columbia.

On a motion, made by Mr. MASTERS, that the House do now adjourn, the question was taken thereupon, and decided in the negative—yeas 24, nays 54.

The House resolved itself into a Committee of the Whole on the bill for the disposal of certain tracts of land in the Mississippi Territory, claimed under Spanish grants, reported by the Land Commissioners as antedated, and for other purposes. The bill was reported without amendment, and ordered to be engrossed, and read the third time to-morrow.

The bill sent from the Senate, entitled "An act to extend the time for making payment for the public lands of the United States," together with the amendments agreed to on Saturday last, was read the third time. Whereupon, the bill, as amended, was recommitted to a Committee of the Whole to-morrow.

An engrossed bill concerning associations for the security of navigation was read the third time, and recommitted to a Committee of the Whole to-day.

The House resolved itself into a Committee of the Whole on the bill for imposing additional duties upon all goods, wares, and merchandise, imported from any foreign port or place; and, after some time spent therein, Mr. SPEAKER resumed the Chair, and Mr. MASTERS reported that the Committee had had the said bill under consideration, and, in the course of the discussion, the Committee found themselves without a quorum, and thereby dissolved.

The House resolved itself into a Committee of the Whole on the bill extending the right of suffrage to the Indiana Territory, and for other purposes. The bill was reported with an amendment; which was twice read, and agreed to by the House.

Ordered, That the said bill, with the amendment, be engrossed, and read the third time to-morrow.

On motion of Mr. MARION,

Ordered, That the bill for imposing additional duties upon all goods, wares, and merchandise, imported from any foreign port or place, be committed to a Committee of the Whole to-morrow.

DANIEL COTTON.

The House resolved itself into a Committee of the Whole on the bill for the relief of Daniel Cotton. The bill was reported without amendment. The bill was then read the third time, and passed—yeas 58, nays 36, as follows:

YEAS—Jemuel J. Alston, Joseph Barker, John Boyle, Robert Brown, Epaphroditus Champion, John Culpeper, Samuel W. Dana, John Davenport, jr., Daniel M. Durell, James Elliot, William Ely, William Findley, James Fisk, Barent Gardenier, Francis Gardner, Isaiah

L. Green, William Helms, Benjamin Howard, Reuben Humphreys, Daniel Hsley, Robert Jenkins, Richard M. Johnson, Walter Jones, James Kelly, William Kirkpatrick, Joseph Lewis, jr., Edward St. Lo, Livermore, Josiah Masters, William McCreery, William Milnor, Nicholas R. Moore, Jeremiah Morrow, Jonathan O. Mosely, Gurdon S. Mumford, Thomas Newton, Timothy Pitkin, jr., Samuel Riker, John Rowan, Lem'l Sawyer, James Sloan, John Smilie, Richard Stanford, Clement Storer, Lewis B. Sturges, Samuel Taggart, Benjamin Tallmadge, John Thompson, George M. Troup, Jabez Upham, James I. Van Alen, Philip Van Cortlandt, Nicholas Van Dyke, Archibald Van Horn, Killian K. Van Rensselaer, Daniel C. Verplanck, Jesse Wharton, Alexander Wilson, and Nathan Wilson.

NAYS—Willis Alston, jr., David Bard, Burwell Bassett, William W. Bibb, William Blackledge, Thomas Blount, Adam Boyd, William A. Burwell, Joseph Calhoun, Martin Chittenden, Matthew Clay, John Clopton, Joseph Desha, Thomas Gholson, jr., Peterson Goodwyn, John Heister, William Hoge, James Holland, David Holmes, Richard Jackson, John Lambert, Nathaniel Macon, Robert Marion, Daniel Montgomery, jr. Thomas Newbold, John Pugh, John Rea of Pennsylvania, John Rhea of Tennessee, Matthias Richards, Ben' n Say, Dennis Smelt, Jedediah K. Smith, Henry Southard, John Taylor, Robert Whitehill, and Isaac Wilbour.

TUESDAY, February 14.

An engrossed bill extending the right of suffrage in the Indiana Territory, and for other purposes, was read the third time, and passed.

An engrossed bill for the disposal of certain tracts of land in the Mississippi Territory, claimed under Spanish grants, reported by the Land Commissioners as antedated, and for other purposes, was read the third time. Whereupon, a motion was made by Mr. ROWAN, that the further consideration thereof be postponed indefinitely. And the question being taken thereupon, it was decided in the negative.

A motion was made by Mr. ELY, that the said bill be recommitted to the consideration of a Committee of the Whole House. And the question being put thereupon, it was decided in the negative.

A motion was made by Mr. BRAS, that the fourth and fifth sections of the bill be recommitted to the Committee on the Public Lands, further to consider the same, and report to the House. And the question being taken thereupon, it was decided in the negative.

Resolved, That the said bill do pass, and that the title be, "An act for the disposal of certain tracts of land, claimed under Spanish grants, reported by the Land Commissioners as antedated, and for other purposes."

Mr. LOVS, from the committee appointed on the 11th instant, presented a bill to regulate process, in certain cases, in the Courts of the United States; which was read twice, and committed to a Committee of the Whole to-morrow.

ADDITIONAL DUTIES.

The House resolved itself into a Committee of the Whole on the bill for imposing additional

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duties on all goods, wares, and merchandise, imported into the United States.

[This bill provides "that an additional duty of — per centum on the permanent duties now imposed by law, upon goods, wares, and merchandise, imported into the United States from foreign ports or places, shall be laid, levied and collected upon all goods, wares, and merchandise, which shall, after the thirty-first day of January, 1809, be imported into the United States from any foreign port or place; and *a farther addition of ten per centum shall be made to the said additional duty, in respect to all goods, wares, and merchandise, imported in ships or vessels not of the United States*: and the duties imposed by this act shall be levied and collected in the same manner, and under the same regulations, mode of security, and time of payment, respectively, as are already prescribed by law, in relation to the duties now in force on the importation of articles imported from any foreign port or place. That this act shall continue in force until the first day of April, 1810, and no longer: Provided, that the additional duties laid by this act, shall be collected on such goods, wares, and merchandise, as shall have been imported previous to the said day."]]

Mr. W. ALSTON, in the absence of Mr. G. W. CAMPBELL, the Chairman of the Committee of Ways and Means, moved to fill the blank in the bill with the words seventy-five, stating that the opinions of the members of the Committee had varied as to the proportion with which to fill the blanks, some being for one hundred, some for fifty; and seventy-five had been taken as the average.

The motion to fill the blank with "seventy-five" was negatived, 51 to 37; and "fifty" agreed upon, 59 to 30.

The words in *italic* in the above were struck out on motion of Mr. W. ALSTON.

The words "and allowances as to drawback," between the word "regulations" and "mode of," were inserted on motion of the same gentleman, security, &c.

A motion was made by Mr. MILNOR to strike out the first section of the bill, which gave rise to considerable debate; but was withdrawn by Mr. M., who moved that the Committee rise, with a view to recommit the bill. Motion negatived.

In the course of the debate, Messrs. MILNOR, LLOYD, TALLMADGE, SLOAN and QUINCY, opposed the principle of the bill, on the ground that the House had not before them any specified information on which to act; that the duties on imported goods were already very high; that an increase of them would encourage evasions of the revenue laws, by throwing out great temptations to smugglers; that the bill imposed additional duties indiscriminately on all articles imported, whilst the House, however it might tax some articles, should avoid burdening those articles used almost exclusively by the poorer classes of the people; that the tax, if raised as proposed, would operate as a complete prohibition

of the importation of some articles; that an additional duty would increase the value of goods now in the hands of monopolizers, and excite discontent in a part of the community; and, finally, that if the measure was proper in itself, it was at this time premature, the House not having decided what course of policy it would pursue.

Messrs. W. ALSTON, FISK, SMILIE, TAYLOR, EFFES, and RUEA, supported the bill. They remarked that those who were opposed to supporting the Government would undoubtedly vote against any proposition for raising revenue; that besides producing revenue, the bill would encourage our own manufactures, and thus render us more independent of foreign nations; that this measure had been proposed at the last session, though not acted on, and was therefore not a sudden proposition; that if the proportion proposed were too large, the Committee might refuse it and agree to a smaller; that it would be impossible at this late period of the session to form a new tariff of duties discriminating between the increase of duty on different articles imported; that, even supposing there were a difference of opinion as to the mode of laying the duty, the time for the Spring importations was nearly arrived; and by delaying the passage of the bill beyond the present session the benefits of it would be lost; that a bill for imposing discriminating duties would be wholly different from this, and could not be got through the House during the present session.

Messrs. LYON, BACON, COOK, and BURWELL, were in favor of the object of the bill, but wished it to be so amended as to discriminate between the articles on which the duty was to be laid, excepting from it those of the first necessity.

Mr. D. R. WILLIAMS wished to impose the additional duty exclusively on goods imported from England and France; and thus make the increase of duty a measure to operate on foreign nations as well as to produce revenue to the United States.

The bill having been gone through and a motion having been made that the Committee report the bill—

Mr. D. R. WILLIAMS moved to amend the bill by inserting after the words "goods, wares, and merchandise," in the beginning of the bill, the words "the produce or manufacture of Great Britain and France, and the colonies of either." Mr. W. said it would be perceived that this motion proposed wholly to change the aspect of the bill; and as it was late in the day, he moved that the Committee rise, to give time for reflection on it.

The Committee then rose, reported progress, and obtained leave to sit again.

WEDNESDAY, February 15.

Mr. LEWIS, from the Committee on the District of Columbia, to whom was committed, on the thirteenth instant, a bill sent from the Senate, entitled "An act to authorize the making of a turnpike road from Mason's causeway to Alexandria,"

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reported the bill without amendment: Whereupon, a motion was made by Mr. VAN HORN that the bill be now read the third time. And the question being put thereupon, it passed in the negative. The bill was then committed to a Committee of the whole House to-morrow.

Mr. WILLIS ALSTON, from the Committee of Ways and Means, presented a bill further to amend the several acts for the establishment and regulation of the Treasury, War, and Navy Departments, and making appropriations for the support of the Military Establishment, and of the Navy of the United States, for the year one thousand eight hundred and nine; which was read twice, and committed to a Committee of the Whole on Friday next.

A message from the Senate informed the House that the Senate have passed the bill, entitled "An act making appropriations for the support of Government, during the year one thousand eight hundred and nine," with an amendment; to which they desire the concurrence of this House. The Senate have passed a resolution for the appointment of a committee, on their part, jointly, with such committee as may be appointed on the part of this House, to consider whether any, and, if any, what measures ought to be adopted for the further accommodation of the President of the United States, for the term commencing the fourth day of March next, to report by bill or otherwise; to which they desire the concurrence of this House.

NON-INTERCOURSE.

On motion of Mr. NICHOLAS, the House resolved itself into a Committee of the Whole on the bill for interdicting commercial intercourse between the United States and Great Britain and France; and for other purposes.

Mr. MILNOR moved to strike out the first section of the bill, with a view to try the principle of the non-intercourse system. In support of this motion, he alleged the impossibility of carrying the system into effect; for he conceived that the embargo had been ineffectual from the impossibility of carrying it into complete effect, and the proposed system would be as difficult to enforce. He thought that it would be impossible to carry a non-intercourse system into effect, as long as vessels were permitted to go to sea. He had many other objections to this bill, among which were these: that, although it raised the embargo only in part, the permission to vessels to go out, would render the provision for a partial embargo nugatory; that, if the bill were to pass in its present shape, it was to be doubted whether any revenue officer of the United States would understand the duty enjoined on him by it; that a time only two days previous to the meeting of the next Congress was fixed upon as the day on which the non-importation should go into operation, and thus the bill appeared to manifest a distrust of that Congress, who certainly would be more competent than the present Congress to decide on its propriety at that time; that a non-intercourse between these countries, would but compel our citizens to pay a dou-

ble freight to and from the entrepôt, without producing any other effect than injuring our own citizens; that goods from these countries, although their importation were interdicted by law, would be introduced nevertheless; that the extent of the territory and seacoast of the United States was so great that all efforts to interdict the importation of goods must be ineffectual, for they would be introduced contrary to law; thus depriving the United States of the revenue which would be derived from them, if their importation were permitted by law. Rather than accept this system, Mr. M. thought it would be better that this country should remain yet longer under the pressure of the embargo, which he had no doubt must be repealed early in the next session.

Mr. QUINCY entered at considerable length into an examination of the system of coercion on foreign nations, by means of commercial restrictions. The idea of the efficacy of this system, he traced to a deeper root than any Administration under this Government. It was an error of the American people, originating in a period antecedent to the Revolution; it grew out of our colonial regulations. It began to be a favorite belief with the people, antecedent to the year 1760, and was then fostered by the patriots of that day, the idea being also encouraged by the patriots of England. Mr. Q. entered into a comparative statement of the exports from and imports to Great Britain from America at two different periods, viz: the nine years preceding the year 1775, and the nine years succeeding it, with a view to show that the average imports into Great Britain from all the world, during the nine years' peace with this country, amounted to but about one-thirteenth more than the average imports during the same period of war; and the exports diminished, nearly in the same proportion. From his statements on this head and a comparison of the present relative situation of the two countries, Mr. Q. drew the inference that this supposed means of coercing the European Powers, did not exist. He deemed it peculiarly unfortunate that a confidence in this power of coercion had so long existed, as it had prevented the United States from making preparations which they otherwise might have made. He hoped the idea would now cease. In relation to our present situation, he recommended a plain remedy, comprised in two words: "Follow nature." What did she first dictate for remedying any complaint? The removal of all obstructions on her operations. Mr. Q., therefore, recommended the removal of the embargo, the repeal of the non-importation act, and the abandonment of the non-intercourse system. He wished "peace, if possible; if war, union in that war;" for this reason, he wished a negotiation to be opened unshackled with those impediments to it which now existed. As long as they remained, the people in the portion of country whence he came, would not deem an unsuccessful attempt at negotiation to be cause for war; if they were moved, and an earnest attempt at negotiation was made, unimpeded with these restrictions, and should not meet with success, they would join

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heartily in a war. They would not, however, go to war to contest the rights of Great Britain to search American vessels for British seamen; for it was a general opinion with them that if American seamen were encouraged, there would be no occasion for the employment of foreign seamen. A removal of the embargo, without adopting any other measure, until the event of negotiation had been tried, Mr. Q. said, would, first, prevent any collision with the belligerents which might tend to embarrass negotiation; and, secondly, would give an opportunity to the country to ascertain what would be the practical operation of these orders and decrees, on our commerce; and give an opportunity to the next Congress to shape its measures according to their actual effect. If commerce did not suffer, the knowledge of this fact would supersede the necessity of any other measure, and peace would follow of course; if, on the contrary, a general sweep was made of all the property afloat, it would unite all parties in a war. Mr. Q. concluded a speech of two hours in length, by lamenting the state of the country, and invoking the spirit which "rides the whirlwind and directs the storm," to guide the nation to a happy result.

Mr. NICHOLAS replied to the observations of Mr. QUINCY on the subject of the legal opposition to the embargo laws in Massachusetts. He said, if the laws of the nation were to be resisted in the manner in which he lamented to say that he saw it contemplated in one part of the community, it became the duty of this Legislature to meet it; it was not compatible with their duty to shrink from it. He could not consent that thirteen or fourteen States should submit to one. As men vested with certain powers by the Constitution, Congress could not transfer the powers to any State Legislature, or to any town. In relation to negotiating with measures of coercion in existence, Mr. N. asked, when did the violations of our rights commence? So long ago that the precise time could not be fixed. When did our coercive measures commence? In 1806. Mr. N. noticed the negotiators during whose Ministry abroad these injuries had commenced, and continued. Mr. King, Mr. Monroe, and Mr. Pinkney, all honorable men, had successively represented the United States in Great Britain. And could anything be gathered from anything they had ever written or said, to induce a belief that this Government had not acted with sincerity? There was the most conclusive evidence to the contrary. Mr. N. said, he would ask nothing of Great Britain or France that would tend to sacrifice their honor; and he wished, when gentlemen dwelt so much on the regard of foreign nations for their national character, that they would respect a little the character of our own country.

Mr. D. R. WILLIAMS said, he had been decidedly in favor of issuing letters of marque and reprisal at once; he believed it would have cut off all that fungus matter now deteriorating the body politic—for the people of New England were as patriotic as any, and when the choice was between

their own and a foreign country, they would cling to their own. It was the hot-bed politicians who stirred them up; and it was necessary to do something promptly to put an end to their intrigues. Mr. W. disliked the non-intercourse system throughout. If he could not get war, or a continuance of the embargo, he wished, inasmuch as Great Britain and France had each interdicted us from going to the other, to declare that neither their armed nor unarmed ships should contaminate our waters. This was a system which required no exertion of patriotism to carry into effect, which could excite no animosities between the North and South. In relation to the non-intercourse, he believed that it could not be enforced, and used a variety of arguments to show that it could not. If it could be enforced, he believed it would be prodigiously partial. If the embargo was to be taken off, and war not to be substituted; if the nation was to submit, he wished to do it profitably. If the embargo were raised as to a single spot, it was raised entirely to all effectual purposes. Then, let your vessels go, said he, without let or hindrance; let them go and be burnt; your merchants will then feel that the embargo was a shield spread over them, and will come back to your protection, like the prodigal son, and unite like brethren in the common cause. Mr. W. said, his plan was to interdict the entrance of our ports to belligerent vessels, armed or unarmed, and lay a tax of fifty per centum on their manufactures. Great Britain must, then, either go to war or treat with us. If she was inclined to go to war in preference to revoking her Orders in Council, let her do so. But he was inclined to believe that she would treat. If she seized our vessels, however, the effect would be inevitable. Division amongst us would be done away, all would unite heart and hand in war. Mr. W. replied to a number of the observations of Mr. QUINCY, particularly in relation to his position that all obstructions ought to be removed with a view to negotiation. He asked, what security had the United States, if they did all this, if they submitted to such abject humiliation, that Great Britain would treat? Was it to be expected that she would treat more liberally with us, when we solicited as slaves, than she would while we magnanimously contended for our rights? The gentleman from Massachusetts, when repeating his creed, had forgotten a part, viz: "Unfurl the banners of the Republic against the imperial standard!" This would complete a project he had lately seen proposed from the East; and, as to its application, coinciding with the wishes over the water, would be just such a project as Mr. Canning might dictate. "Revoke your proclamation, remove the embargo," and "unfurl the republican banners against the imperial standard." Mr. W. concluded a speech of an hour and a half in length, with giving notice that he should move to amend the bill, when the present motion was decided, by striking out all that part of it relating to non-intercourse, and inserting a provision interdicting the entrance of our harbors to any vessel of Great Britain and France, and imposing

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an additional duty on all goods imported from those countries.

When Mr. W. concluded, the Committee rose, and obtained leave to sit again.

The Senate's amendment to the bill making appropriations for the support of Government during the year 1809, was committed to a Committee of the Whole, who reported their agreement to the same, and it was concurred in by the House.

THURSDAY, February 16.

The House proceeded to consider the resolution of the Senate, of the fifteenth instant, for the appointment of a committee on their part, jointly, with such committees as may be appointed on the part of this House, "to consider whether any, and, if any, what, measures ought to be adopted for the further accommodation of the President of the United States, for the term commencing the fourth day of March next, to report by bill, or otherwise." Whereupon

Resolved, That this House do agree to the said resolution; and that Mr. BASSETT, Mr. DAVID R. WILLIAMS, Mr. DANIEL MONTGOMERY, jun., Mr. STURGES, and Mr. VAN ALLEN, be appointed a committee on the part of this House, pursuant hereto.

Mr. JEREMIAH MORROW, from the committee appointed on the fourteenth of December last, presented a bill in addition to the "Act to regulate the laying out and making a road from Cumberland in the State of Maryland to the State of Ohio;" which was read twice, and committed to a Committee of the Whole on Monday next.

ADDITIONAL DUTIES.

The House resolved itself into a Committee of the Whole, on the bill for imposing additional duties on all the goods, wares, and merchandise, imported into the United States.

The bill was amended so as to take effect "from and after the passage thereof."

The proposition offered by Mr. D. R. WILLIAMS when the bill was before under consideration was withdrawn.

Mr. Cook renewed the proposition, viz: to confine the duties to be increased, to goods imported from Great Britain and France, and the colonies of either; and spoke an hour and a half in support of his motion, and in opposition to the non-intercourse system. He was in favor of discriminating duties, because he was opposed to the non-intercourse, which he considered the best means of depressing our navigating interest and advancing that of Britain; because the produce of the United States would be carried to some place of depot in the vicinity, and thence be carried to Europe in British bottoms, while a large proportion of American shipping would be inactive. He thought that, under the arming system, we could trade with at least as much honor and with much more profit than under the non-intercourse system. He contended that the non-intercourse system was precisely calculated to destroy that moral principle which had heretofore so

strictly enforced our revenue laws; that the system of restriction was partial, operating so equally on the people of the South, that no individuals particularly suffered from it, while in the North and East individuals were ruined by it, and thus a general distress produced; that it would be the most discouraging act to the mercantile interest, ever passed by the Government, for it would throw the trade in all the produce kept in the country by the embargo into foreign hands at the expense of the American merchant; that the system could not be enforced with so extensive a frontier and seacoast as we possess; that it was a measure calculated to produce irritation on foreign nations, without having the least coercive effect; that it was a political suicide, without the consolation of company in it. Mr. C. was, with his constituents, in favor of further negotiation, and a firm assertion of our rights, which, if refused to be acknowledged, he would maintain. It was high time to abandon visionary schemes and impracticable projects, and to pass good, plain, common sense laws. He believed that this discrimination of duties and arming our merchant vessels would be such a law. He spoke more than an hour and a half.

Mr. C.'s motion was negatived by a very large majority. The Committee then rose, and reported the bill.

The amendments made in Committee of the Whole were severally agreed to by the House; and, on the question that the bill be engrossed for a third reading, Mr. LIVERMORE called for the yeas and nays. There were for it 85, against it 27, as follows:

YEAS—Willis Alston, jr., David Bard, Joseph Barker, Burwell Bassett, William W. Bibb, William Blackledge, John Blake, jun., Thomas Blount, John Boyle, Robert Brown, William A. Burwell, William Butler, Joseph Calhoun, George W. Campbell, Matthew Clay, John Clopton, Richard Cutts, John Dawson, Josiah Deane, Joseph Desha, Daniel M. Durell, John W. Eppes, William Findley, James Fisk, Meshack Franklin, James M. Garnett, Thomas Gholson, jr., Peterson Goodwyn, Isaiah L. Green, John Heister, William Helms, James Holland, David Holmes, Reuben Humphreys, Daniel Hsley, John G. Jackson, Richard M. Johnson, Walter Jones, Thomas Kenan, John Lambert, John Love, Robert Marion, Josiah Masters, William McCreery, Daniel Montgomery, jun., John Montgomery, Nicholas R. Moore, Jeremiah Morrow, John Morrow, Gurdon S. Mumford, Thomas Newbold, Thomas Newton, Wilson C. Nicholas, John Porter, John Pugh, John Rea of Pennsylvania, John Rhea of Tennessee, Jacob Richards, Matthias Richards, Samuel Riker, Lemuel Sawyer, Benjamin Say, Ebenezer Seaver, Samuel Shaw, James Sloan, Dennis Smelt, John Smilie, Jedediah K. Smith, John Smith, Samuel Smith, Henry Southard, Richard Stanford, Clement Storer, Peter Swart, John Taylor, Jacob Thompson, Abram Trigg, George M. Troup, James I. Van Allen, Daniel C. Verplanck, Jesse Wharton, Robert Whitehill, Isaac Wilbour, Nathan Wilson, and Richard Winn.

NAYS—Ezekiel Bacon, Martin Chittenden, Orchard Cook, John Culpeper, John Davenport, junior, James Elliot, William Ely, Francis Gardner, John Harris,

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William Hoge, Richard Jackson, Robert Jenkins, James Kelly, Philip B. Key, Edward St. Loe Livermore, Edward Lloyd, Matthew Lyon, Josiah Quincy, John Russell, William Stedman, Lewis B. Sturges, Samuel Taggart, Benjamin Tallmadge, Jabez Upham, Philip Van Cortlandt, Archibald Van Horn, and Kilian K. Van Rensselaer.

Ordered, That the said bill be read the third time this day.

NON-INTERCOURSE.

The House again resolved itself into a Committee of the Whole, on the bill for interdicting commercial intercourse.

Mr. MILNOR's motion for striking out the first section being under consideration—

Mr. NICHOLAS rose and addressed the Chair as follows:

Mr. Chairman: I shall not conceal or disguise my opinion; it has been and continues to be, that when the embargo shall cease, war will be the only proper and honorable course for this country to pursue, if reparation shall not have been made for the injuries we have received. Under this conviction, I proposed a resolution limiting the duration of the embargo, and authorizing, at the same time, the issuing of letters of marque and reprisal. I trust, sir, I shall be pardoned for expressing the deep regret and affliction I feel for the failure of a measure so important in my judgment, to the best interests of my country. I voted for the embargo as a precautionary and as a coercive measure. In its first character, its wisdom must be admitted by all. Its effects as a coercive measure would, I believe, have been equally certain, if the misconduct of some of our own people, and the revolution in Spain, had not impeded its action. Unless we were determined to persevere in our claims for redress, and to assert our rights, the embargo, even as a measure of precaution, was unnecessary. It gave no protection to our property abroad, it gave it no security on its way home, it only preserved it after its return. When the injuries of which we complain were inflicted, our choice was between submission and resistance. We determined to resist, and commenced our resistance by laying an embargo, with the hope that it might of itself induce the belligerents to do us justice; and if this expectation were disappointed, that we might prepare for war, by preserving in our own possession our essential resources—men and money. If resistance was not our determination, I do not hesitate to say, that the embargo was unwise and unnecessary. If we intended ultimately to abandon our rights without another effort, we should have suffered less both in reputation and in property, by immediate submission, than by now receding from the ground we have taken. I do not believe that a single supporter of the embargo looked to it as the last resort of this country. For myself, I disclaim the impression, and declare that I was ready to abandon it for war, when its primary objects should be attained, and its coercive power fairly tested. I have stated that I considered the return of our citizens, the security

of our property, and the employment of time in preparation for war, as the great and more certain effects of the embargo. All these advantages we have derived from it. I believe it is time to change our measures, and to place our future reliance upon Providence, and upon the energies and valor of our citizens. Upon this point, however, I think with a minority. There has been a vote of this House against immediate war. Under these circumstances what ought I to do? I must either vote against every expedient which falls short of what I deem the most proper course, or assent to that which accords most with what I think right. If it were my individual concern, I should certainly rely upon my own judgment: but when everything dear to my country is at stake, I cannot justify to myself a pertinacious adherence to a proposition already rejected by a great majority, which would hazard the loss of a measure, the best, in my opinion, that can be obtained. After having offered what I thought the best, and seen it rejected, I think with the gentleman from South Carolina, that I am at liberty, and that it is my duty, to unite with others in support of attainable measures which appear to me to be conducive to the interest of the country. The bill upon your table appears to me to be such a measure. It maintains our attitude towards the belligerents better than any measure which I have heard proposed, and if it be not the most effectual resistance, at least, it is not submission. It continues our solemn protest against their violations of our rights; it takes new, and in some respects, stronger grounds against them. It excludes from our waters, ports, and harbors, all their vessels, public and private; it excludes from our country all their products and manufactures; and forbids our citizens to debase and degrade their country by a commercial intercourse which would stain and pollute them with the payment of an ignominious tribute to a foreign nation. It reserves the great question to be decided by the next Congress, which will be informed of the wishes of the American people; who can best determine how far they will submit to have their rights trampled on, at the will and pleasure of foreign nations. By keeping the question open for their discussion, I have the utmost confidence that our rights, honor, and independence, will be maintained. The gentleman from Pennsylvania asked yesterday, why not repeal the embargo laws, and provide for the enforcement of this system by a new law? In addition to the reasons I have stated, I will mention another, which has great weight. We are told that one of the States of this Union is about to pass a law, imposing penalties on persons employed in the execution of those laws, within that State. I will never consent, under these circumstances, to adopt any measure which might wear the aspect of yielding to a threat like this. No man laments more sincerely than I do, that the Legislature of any State should take such a step, but I think it of the utmost importance that the Government of the United States should maintain its authority, and that it should be ascertained whether its meas-

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ures may at any time be embarrassed by the Legislatures of one or more States, or its laws annulled by their authority. Such could not, I believe, have been the impression either of the people or of the States when the General Government was formed; and if this conduct be persevered in or submitted to, it will, in effect, supersede the Government, and must speedily terminate in its dissolution. I hope and trust that the wisdom and patriotism of the Legislature of Massachusetts will not permit such a law to be enacted. Otherwise, I do not doubt that the people at the Spring elections, will choose men solicitous to heal, by every means within their power, the wounds inflicted on the Constitution. It is a painful duty to notice this subject. I have ever been devoted to the Union of the States. I would cherish and support it at every hazard, and would sacrifice to its preservation everything but the rights and liberties of one section, in compliance to the wishes of another. On such conditions it would be vassalage, not union. To yield in the present instance, would be yielding the Government to a minority. It is not practicable, however, to act upon the subject during the present session, nor do I wish it. I have the utmost confidence in the people of Massachusetts, and have no doubt but that their good sense will apply the proper corrective. If they do not, it will then remain for the other States, after giving to the subject the solemn and deliberate consideration which it merits, to decide whether they have a Government or not, whether it is compatible with their happiness and interests to preserve a Government whose acts are binding on them only who are willing to obey them; whether they will submit that the public officers of the United States shall be punished for the faithful performances of their duty.

I have confined my observations within as narrow limits as possible. It is not now necessary to speak of our injuries, of the necessity of resistance, nor even of the superior advantages of any particular mode of resistance; for it is, I believe, a very prevalent opinion in this House, as well as with the nation, that we have already deliberated enough, and that it is incumbent on us to act. I will, therefore, very briefly notice some objections I have heard to the bill. It is urged that our products will find their way to Great Britain and France, but certainly to Great Britain, by circuitous routes, and that we shall derive less profit from them on that account, than if a direct intercourse were permitted. This cannot be denied, nor is there a man who would not prefer a free trade with the whole world, if it could be enjoyed upon equal and honorable terms, to a commerce so limited and shackled as ours is at this time by the belligerent edicts. The question is not how we can most advantageously avail ourselves of a momentary commerce, but how we can assert the national sovereignty, and best secure the permanent interests of the United States. No gentleman, I presume, will contend that it is better for us to permit a disgraceful intercourse with any nation, than to endure a temporary privation, until we

can trade on fair and honorable terms. Gentlemen cannot delude themselves with any expectation of advantage from the commerce now allowed to us. The two most valuable products of this country must ruin and beggar those interested in their culture—I mean cotton and tobacco. It is well known that the quantity of tobacco annually produced, is fully equal to the annual consumption, and that we have now two crops on hand; while the edicts of Great Britain and France are continued, it would be folly to cultivate this plant, and it is more or less true of every other product of our soil. If we were at war with these nations, our products would reach them through the same circuitous channels into which they will be forced by this law, but certainly that consideration would not be deemed a good argument for permitting direct intercourse with our enemies. As to the difficulty of excluding their products and manufactures, it is very possible that we may not be able to do it entirely, but I am satisfied that we shall do it essentially. The great avenue through which British goods can be most easily smuggled into this country is Canada, and that, I doubt not, will soon be closed if the edicts be not rescinded. The present state of things cannot long continue; I have no hesitation in saying that it ought not, and that the next Congress must either abandon the contest, or resort to more effectual means for the maintenance of our rights than commercial restrictions and prohibitions. The gentleman from South Carolina, whose eloquence I admire, and whose patriotism I honor, speaks of this measure as submission, and considers that which he proposed as resistance—not indeed as the measure of his choice, but as the one which is the next to it in his estimation. It must be obvious to the House, and I am sure it will be equally so to the gentleman himself, that if his system would be resistance, the course indicated by the bill has in that view superior merit. The gentleman acknowledges the principal advantage of his plan to consist in this, that it would deprive British vessels of the transport of our produce; if it can be shown that this object will be accomplished more effectually by the bill in its present form than by the proposed alteration, it is fair to expect for it his support. If his plan were adopted, Great Britain would regain her full share of the transport of our produce by augmenting the duties in favor of her own bottoms to an amount that would be an indemnity for a short voyage, by opening the port of Halifax, and another port at St. Mary's, to our vessels, and all that would then remain to our own vessels would be the profits of the coasting trade from our harbors to those ports of deposit. If I believed this course the most honorable and effectual mode of resisting, I would willingly embrace it; but, sir, I can never consent to any plan by which a direct commercial intercourse is to be produced between this country and Great Britain and France, while their edicts continue in force. Nor will I ever abandon the hope and belief that my countrymen possess the manly spirit of independence, the honorable pride and character which will disdain to

barter for gold, or for a miserable fragment of commerce, those rights which were purchased by the valor and the blood of their fathers.

The question was taken on striking out the first section of the bill and negatived—yeas 24.

The House proceeded in the consideration of the bill. The period after which the entrance of vessels should be prohibited into our waters being under consideration—

Mr. NICHOLAS named the 20th of May. As the vessels coming in after the time fixed on were to be subject to condemnation, he thought it would be to the honor of the nation to give reasonable notice of the regulation.

Mr. LYON named the first of June, as being after the next meeting of Congress.

Mr. FISK hoped neither day would be agreed to. He was not for giving to England any longer notice of our regulations than she gave of the Orders in Council, viz: from the 11th of November to the 12th of January. He therefore named the 20th day of April.

The question on the first day of June was negatived—59 to 41.

The 20th of May was agreed to—80 to 24.

The fourth section having been read (prohibiting the importation of French or British goods,)

Mr. D. R. WILLIAMS moved to strike it out, and insert in lieu of it a provision for imposing a discriminating duty of 50 per cent. on all former duties, on goods, &c., imported from Great Britain or France or the colonies of either. Mr. W. made a number of remarks in support of his motion. His motion was predicated on a total repeal of the embargo. He said, to his extreme mortification (for he had not expected it) he had just learned that the Governor of the State of Connecticut had refused to execute the injunctions of the President made in pursuance of a law of the United States. If the embargo could not be executed, he contended that certainly a non-intercourse could not.

Mr. DANA inquired of the gentleman from South Carolina in what particular instance the Governor of Connecticut had refused to execute the directions of the President?

Mr. D. R. WILLIAMS replied that he had heard that he had refused to comply with the letter from the Secretary at War, written in conformity with the order of the President of the United States, requesting the Governors of the States to appoint an officer to superintend the militia, who was to be called upon to assist in the execution of the embargo laws. The Governor, he understood, had refused to execute it.

Mr. DANA said he had inquired, because he wished to know, whether the Governor had refused to do any act which the laws or Constitution of the United States gave the President power to require of him. If in a case where neither the law or Constitution authorized it, the President of the United States had applied to the Governor as a gentleman of rank or authority in the country, requesting him to do any act, it was certainly at his option to do it or not, as he chose.

The Committee rose, on motion of Mr. TAYLOR, and obtained leave to sit again.

ADDITIONAL DUTIES.

An engrossed bill for imposing additional duties upon all goods, wares, and merchandise, imported from any foreign port or place, was read the third time: Whereupon, the question was stated from the Chair, that the same do pass?

It was opposed by Messrs. DANA, MACON, VAN HORN, LYON, COOK, MILNOR, and SLOAN, and supported by Messrs. W. ALSTON and J. G. JACKSON. It was passed by yeas and nays—67 to 26, as follows:

YEAS—Lemuel J. Alston, Willis Alston, jr., David Bard, Burwell Bassett, William Blackledge, John Blake, jr., Thomas Blount, Adam Boyd, John Boyle, William A. Burwell, William Butler, Matthew Clay, John Clopton, Josiah Deane, Joseph Deane, Daniel M. Drell, John W. Epes, William Findley, James Fisk, Meshack Franklin, Thomas Gholson, jr., Peterson Goodwyn, Isaiah L. Green, John Heister, William Helms, James Holland, David Holmes, Benjamin Howard, John G. Jackson, Richard M. Johnson, Walter Jones, William Kirkpatrick, John Lambert, Robert Marion, Daniel Montgomery, jr., John Montgomery, Nicholas R. Moore, Thomas Moore, Jeremiah Morrow, John Morrow, Gurdon S. Mumford, Thomas Newton, Wilson C. Nicholas, John Porter, John Pugh, John Rea of Pennsylvania, John Rhea of Tennessee, Jacob Richards, Matthias Richards, Samuel Riker, Benjamin Say, Ebenezer Seaver, Samuel Shaw, John Smilie, Jedediah K. Smith, Samuel Smith, Henry Southard, John Taylor, John Thompson, James I. Van Allen, Daniel C. Verplanck, Jesse Wharton, Robert Whitehill, Isaac Wilbour, Alexander Wilson, Nathan Wilson, and Richard Winn.

NAYS—Ezekiel Bacon, Martin Chittenden, Orchard Cook, John Culpeper, Samuel W. Dana, John Davenport, jr., James Elliot, William Ely, Barent Gardener, Francis Gardner, James M. Garnett, John Harrie, William Hoge, Richard Jackson, Robert Jenkins, Edward St. Loe Livermore, Matthew Lyon, Nathaniel Macon, William Milnor, Josiah Quincy, John Russell, James Sloan, Richard Stanford, Philip Van Cortlandt, Archibald Van Horn, and Killian K. Van Rensselaer.

Resolved, That the title be, "An act for imposing additional duties upon all goods, wares, and merchandise, imported from any foreign port or place."

FRIDAY, February 17.

Mr. NEWTON, from the Committee of Commerce and Manufactures, presented a bill supplemental to the act, entitled "An act for establishing trading houses with the Indian tribes;" which was read twice and committed to a Committee of the Whole to-morrow.

A message from the Senate informed the House that the Senate have passed the bill, entitled "An act authorizing an augmentation of the marine corps;" to which they desire the concurrence of this House.

NON-INTERCOURSE.

The House again resolved itself into a Committee of the Whole on the bill interdicting commercial intercourse.

Mr. D. R. WILLIAMS's motion of yesterday be-

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ing yet under consideration, viz: to strike out the fourth section of the bill and insert in lieu of it a provision for laying a discriminating duty of 50 per cent. on all former duties on goods imported from Great Britain and France—

Mr. LOVE called for a division of the question, so as to take it first on striking out the section.

Mr. LOVE offered a number of arguments in opposition to the motion of Mr. WILLIAMS. He wished to retaliate the belligerent systems as much as possible, by repealing drawbacks on goods imported from those countries; for although we cannot lay export duties, the repeal of drawbacks would have the same operation. As a permanent peace system he had no objection to adopt some such provision as that proposed by Mr. WILLIAMS, but as a substitute for non-intercourse he could not accept it.

Mr. TAYLOR next spoke for near an hour in support of Mr. WILLIAMS's amendment. He had been decisively in favor of issuing letters of marque and reprisal immediately on a removal of the embargo. He was totally opposed to the present bill. The House had been charged with passing too many supplementary (embargo) laws for the purpose of resisting foreign aggression; this bill, Mr. T. said, might be considered "a supplementary bill for carrying into effect the British Orders in Council"—for it gave the monopoly of our commerce to the British nation, under the name of an interdiction of all commerce with her. This however could not be the object of the amendment under consideration, which he liked better than the bill, though he did not pledge himself to vote for either. Mr. T. gave notice, in the course of his speech, that when this bill came into the House (now in Committee) he should move a proposition for immediately issuing letters of marque and reprisal against Great Britain, in order to enter his vote at least in favor of it.

Mr. BISS next took the floor. He accorded perfectly with the sentiments expressed by Mr. TAYLOR. He looked at the bill on the table with humiliation and astonishment; for he considered it as involving a submission to the belligerent edicts. He was in favor of a further continuance of the embargo, at least until June. If the embargo was repealed he was for war; and in that war he had no idea of entering into a triple contest—an idea which he treated as absurd. He was for choosing his enemy, and felt no hesitation in saying, that he should be for declaring war against that enemy whom we could reach, and who had injured us most. He thought that the people of the United States ought to hurl from their seats in this House, every man who had originally voted for the embargo, and should now vote for a removal of it without any efficient substitute—and he believed they would do it. Although opposed to any half-way measure, he preferred the amendment under consideration to the original bill, and should therefore vote for it.

Mr. TROUP said, that the sentiments which had fallen from the two gentlemen last up were in perfect coincidence with his own. He was wholly opposed to the bill, and gave reasons for that op-

position. He commented upon Mr. QUINCY's *projet* of yesterday. The gentleman really appears to be gifted with the spirit of prophecy, said Mr. T.—an excellent modern prophet. Modern prophets are distinguished from the ancients, sir, only as being instrumental in verifying their own predictions. The gentleman told you some time ago that you could not stand to your embargo—I believe he went so far as to say that you dare not; he threatened you with rebellion if you did. Well, sir, it seems you cannot stand to it. When he was last up (yesterday,) he gave you a *projet*; his style to be sure was not so imperious as it usually is; but recollect the embellishment of the "black cloud" and the "tempest" which accompanied it, and it will become imperative. If he talks much more about his "black cloud," sir, I am afraid you will come into all his measures, repeal all you have done, and make humble supplication at the footstool of His Britannic Majesty for peace. In another part of his observations, Mr. T. said, What is your situation now, sir? No man could say it with more regret or more pain than myself, but I do it from a sense of high and indispensable duty—pressed without by a foreign enemy, and with boldness by a domestic faction within, perhaps stimulated by the gold of that enemy, the great Legislature of the Union is yielding to the pressure of a faction and counteracting everything, even the interest and certainly the wishes of a great majority of the American people—distracting the public mind with a variety of propositions undigested and almost without object. Mr. T. condemned the proposed non-intercourse system as submission, without even money in return for it.

Mr. D. R. WILLIAMS expressed his surprise that no gentleman attempted to defend the bill or oppose his amendment, which he supported. In point of revenue his amendment would secure some, whilst the bill as it stood would destroy three-fourths of the revenue of the United States, and raise the price of foreign articles to the consumer, without a possibility of carrying it into effect, so as to exclude foreign goods. Although wholly opposed to anything else than war or embargo, believing anything else to be submission, he had offered his amendment as the least of the two evils; for he believed that it would embrace at least profitable submission. I am for war, said he, the people south of the Delaware are for war; but you have been humbled into an acknowledgment of the truth of the declaration, that you cannot be kicked into a war, because the Eastern people will not follow you.

Mr. W. ALSTON observed, that he thought that the amendment under consideration proposed a system which would be at least as difficult to execute as a non-intercourse. He was himself in favor of a continuation of the embargo; but as a majority seemed to be disposed partially to repeal it, he was willing to take the non-intercourse system till the next meeting of Congress. He thought it probable that Great Britain might retaliate the system of increasing the duties; and that it would be better at once to interdict inter-

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Mr. LOVE replied, to Mr. WILLIAMS.—He considered the non-intercourse as having more of resistance in it, by avoiding any connexion with those nations which had injured us, than the proposition of the gentleman from South Carolina. It had been objected to the bill that it was a threat. Mr. L. thought no language or measure could be too strong; and he had no objection to the measure being considered in that light. He had been in favor of war whenever the embargo should be removed, unless our injuries were redressed; but as a majority was not in favor of that, he would take the next strongest measure he could get.

Messrs. MILNOR, LYON, and COOK, also spoke in favor of the amendment offered by Mr. WILLIAMS.

Mr. MILNOR suggested the repeal of the non-intercourse act also, as a measure inefficient in itself, being daily evaded.

The question was then taken on striking out the fourth section in order to insert Mr. DAVID R. WILLIAMS's amendment; which was negatived, 53 to 47.

Some further progress was made in the bill; when the Committee rose and obtained leave to sit again, and the House adjourned.

SATURDAY, February 18.

Another member, to wit: MARMADUKE WILLIAMS, from North Carolina, appeared and took his seat in the House.

On motion of Mr. SMILIE,

Ordered, That until the end of the present session, the daily hour of meeting shall be ten o'clock; and should a quorum not appear, the names of the members shall be called, and those present noted in the journal of each day.

The bill sent from the Senate, entitled "An act authorizing an augmentation of the Marine Corps," was read twice and committed to a Committee of the Whole on Monday next.

Mr. DANA, from the committee appointed on the twentieth of December last, presented a bill for the benefit of seamen of the United States; which was read twice and committed to a Committee of the Whole on Tuesday next.

The SPEAKER laid before the House a letter from Thomas P. Cope, offering to the acceptance of Congress, in behalf of the American Convention for promoting the abolition of slavery and improving the condition of the Africans, lately assembled in the city of Philadelphia, a book, entitled "Clarkson's History of Slavery," which is requested to be deposited in the Library of Congress. The said letter was read; whereupon, a motion was made by Mr. MILNOR, that the House do come to the following resolution:

Resolved, That the Speaker be requested to acknowledge the receipt and acceptance of "Clarkson's History of Slavery," presented by the American Convention for promoting the abolition of slavery, and improving the condition of the Africans; and that the said work be deposited in the Library.

And the question being put thereupon, it was resolved in the affirmative—64 to 16.

NON-INTERCOURSE.

The House again resolved itself into a Committee of the Whole, on the bill interdicting commercial intercourse, &c.

The CHAIRMAN proceeded in reading the bill.

The twelfth section having been read, which provides for a repeal of the embargo, excepting as relates to Great Britain and France—

Mr. CLOPTON said: Mr. Chairman, being one of those, who are not willing to exchange the embargo for the system of non-intercourse now proposed, I move you to strike out this section of the bill. In making this motion, sir, I cannot say that I entertain much hope of success, although indeed I do sincerely wish that the motion may prevail. It has been uniformly my opinion, sir, and still is, that the embargo ought to be adhered to until a majority of the great body of the people of the United States should prefer war itself to a longer continuance of it. I cannot perceive any middle course between those two alternatives, which can truly maintain the honor of the nation; and shall this nation descend from that ground to any degree of submission, either openly or covertly, to any nation on earth? God forbid, sir. Forbid it everything that is dear and valuable to us as members of a free and independent nation!

It has been frequently suggested that the nation has become restless under the embargo; and some gentlemen have spoken as if they thought that the people were generally anxious for a removal of it at any rate. Sir, that is by no means my opinion. I have no reason to believe that the people of this country in general would prefer a removal of it without some efficient substitute—that they would prefer a removal of it with such a substitute as the one now proposed. On the contrary, is there not more reason to believe that a large majority would prefer a longer continuance of the embargo, rather than such a substitute? that they would prefer this measure to be superadded to the embargo? I think it is much more probable: and I acknowledge for one, sir, that I should rejoice to see such a course taken at this time—a course, which in the early part of the session I fondly expected would be taken.

The same argument, Mr. Chairman, which has been principally urged against a continuance of the embargo system, entire, may be urged more forcibly against the proposed non-intercourse system. I mean the abuses or evasions of it. If evasions of the embargo laws cannot be prevented, much less can evasions of the non-intercourse be prevented. They cannot, sir, and I apprehend a great many may ensue immediately after much of our property has been taken. Sir, if we go to war—if we are to bring on a war, let us not do it by first throwing such advantages into the enemy's hands. Let it commence with activity, and as much advantage as possible on our own side, whenever it shall commence. Let us keep our property within our own ports until we are ready to go to war.

In considering this subject, Mr. Chairman, I am naturally led to reflect on the most prominent

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feature of the Administration of our own Government respecting the belligerent nations, as being connected with the embargo in its origin, and as showing the policy of its continuance heretofore.

Long indeed has our country sought the establishment of neutrality, but sought it honorably. The great and prominent object with the United States, as to their exterior relations, always has been to maintain peace—but to maintain it honorably and consistently with the rights of the nation. In pursuit of this object Great Britain will receive the principal benefit of the trade, notwithstanding the prohibitions of this bill. If American vessels are permitted to go out at all, most of them will go, if not to British ports, to some particular ports, as has been observed, from whence Great Britain will finally receive their cargoes; and in a short time, perhaps, upon cheaper terms than they could be obtained for in our own ports; and I do not know what is to secure them from capture when bound to other ports, if they fall in with British cruisers, unless indeed they should go into British ports, pay the detestable tribute and accept licenses; and the law will be abundantly evaded by smuggling into the country articles of British manufacture—and no doubt, many of French manufacture too. Besides, sir, the consequence of this measure very probably will be war at last, and at no distant period; a war, too, which will commence under great disadvantages to our own country.

In this situation of things, Mr. Chairman, under this accumulation of injuries, the measure of embargo was resorted to—a measure having in view a counteraction to the whole system of aggression carried on against the United States—a measure which has been pursued as a means of bringing about a relinquishment of that atrocious system on the part of the belligerents, and a redress of injuries inflicted on us, together with the preservation of peace. This measure has been thus far pursued for these great purposes; and it has been patiently borne with to this day, by the nation at large, the partial discontents which have appeared in some particular parts of the country only excepted. The nation at large has cheerfully acquiesced in the privations, the inconveniences, and the difficulties incident to such a state of things. It has exhibited a memorable example of self-denial in sustaining this situation, with a view to obtain redress of wrongs and recognition of its maritime rights, without a sacrifice of peace. With this object, fair and honorable negotiation has been resorted to from time to time for a series of years. By this means redress of wrongs has been repeatedly sought, and sought in vain. By this means the Government of the United States has exercised itself to procure relinquishment of outrages and violation of our neutral rights; but as often have all its efforts proved unavailing. No wrong redressed—no cessation of outrage yet appeared; on the contrary more numerous and more aggravated ones followed in quick succession. A long series of injurious acts, the offspring of new and (if possible) more atrocious principles than what

constituted the pretended ground of former outrages, were pressed with accumulating weight into the train of former outrages, insomuch that those which followed after, taken along with those which had preceded, made up a combined system which threatened to sweep from the ocean almost every particle of canvass, and all the floating property of this great Republic.

These, sir, are the objects for which this measure has been thus far and so patiently pursued. Great and momentous objects, and worthy of a great and magnanimous nation! Why, then, should it be now determined at all events to abandon this measure? Why should it be so determined, at a period of all others most propitious to the embargo, if continued and executed—a period, of all others, I think, best calculated to give it effect by this House manifesting a firm disposition to adhere to it? For, sir, I consider this as the most critical period, which could possibly arrive, as to the real effect of the embargo. I consider it as the most important period, at which the conduct of this House might render that measure effectually coercive, if it ever can be made so at all—and why, sir, do I think so? Because, in the first place, I conceive it cannot even be a question whether the British Government has not calculated on the discontents, which appeared in some particular parts of the Union, so as to derive at least some expectation therefrom that those discontents might make such impression on Congress as to induce them to raise the embargo in the course of this session. Those discontents, no doubt, excited grateful expectations of its removal. It is perfectly natural to suppose that such events taking place in any part of this country must have produced calculations of that sort. I cannot but believe, sir, that they have looked forward to the period of this session, with anxious solicitude, to mark the temper of Congress in relation to this very interesting subject; and, as they must have presumed that Congress could not view such serious events with indifference, some expectation that the effect might be so strong as to induce a repeal of the system could scarcely fail to be the conclusion. Such conclusion was to be expected, even if the extent of dissatisfaction had been fairly reported to them—even had it been in no degree misrepresented. But, sir, there are a thousand chances to one that the reports, which conveyed the information to that country, greatly exaggerated the facts—that the picture was drawn in much stronger colors than were consistent with the real truth—that the instances of discontent were stated not only to have been deeper in their nature than they really were, but that a much larger number of persons had partaken of it than really did—that a spirit of disaffection had spread itself far and wide. Not a shadow of doubt rests on my mind, sir, that, in all respects whatever, the unpleasant occurrences to which I have alluded, were greatly magnified. With these circumstances others have combined to render the embargo inefficacious as yet, or at least to prevent it from having its full effect. It is to be recollected, sir, that very soon after the

law laying an embargo was passed efforts were made to render it unpopular and to excite dissatisfaction. Dissatisfactions were not only excited; but many unprincipled persons found means to evade the law and make exportations contrary to its provisions. Under a combination of circumstances, then, so encouraging to the hopes of the British Government as those must have appeared to them, the continuance of their Orders in Council until the temper of Congress, during this session, could be known to them, is not much to be wondered at. The hope of ultimate success in rendering our commerce tributary to them, which those circumstances, no doubt, contributed not a little to inspire, with such a Government, was of itself sufficient ground to induce a continuance of those orders. Long experience of British policy, which the United States have had, justifies this opinion. Long experience of a systematic design in that Government to shackle our commerce and subject it to their arbitrary restrictions, leaves no room to doubt of their disposition to pursue that design until the conduct of this Government should convince them of its total inefficacy to produce the object sought for. The slightest prospect of succeeding in their design, however delusive that prospect might be, keeps up their hopes until the delusion vanishes. It remains, then, for the Congress of the United States, at this very interesting crisis, to dispel that delusion by a firm adherence to this measure, and thus to disperse every gleam of hope which may have resulted from the circumstances of discontent which had appeared, and the evasions of the law which took place in the country. At this truly critical period, to which their anxious attention has been directed, let this body manifest an inflexible perseverance, and demonstrate to them that all their hopes, founded on those or any other circumstances, are vain indeed. Let it be demonstrated to them that this Government cannot only resolve upon, and carry into effect, measures of energy, though attended with inconveniences and difficulties, but that it can pursue such measures so long as they shall be deemed expedient for the object in view. Let every declaration and every conception concerning the American character, as a nation, in respect to its cherishing an overweening attachment to gain, so as to be willing to submit to indignities for the sake of it, be completely falsified. Let it be demonstrated, beyond a possibility of doubt, that there exists not in the great body of the people of this country any love of gain comparable to the love of real national independence and freedom; that this love of national independence and freedom animates the true American soul far beyond any other sentiment, and that, in support of it, the greatest sacrifices of interest are cheerfully acquiesced in. But, sir, what will be the inference drawn from this measure proposing a repeal of the embargo, as it does, after it shall have been adopted. Will it not justify assertions, that this Government has not stability or firmness enough to carry into effect energetic measures, or such as check the current of wealth

for any considerable time from flowing into the country? Such assertions, or assertions to that effect, have, I believe, been frequently made; and they have been often repelled by words as slanderous reproaches on the Government. Sir, let us not take from them the demerit of being slanderous, by affording any ground for the justification. But I fear, sir, I greatly fear, that a repeal of the embargo laws, as now proposed, will go far towards justifying such assertions.

This measure, it seems, is contemplated under a belief that the embargo cannot operate as a coercion on the belligerents, because they have not yet rescinded their orders or decrees. Sir, I apprehend the principal reason why such effect has not been yet produced, at least as to one of them, is, that it has not yet had time enough to produce that effect, or, at least, that much of the time which has elapsed since the embargo was laid has been attended with circumstances unfavorable to the production of such effect; so that, although the pressure of the embargo might have been ever so severe, it would nevertheless have been borne with under the expectation that the measure would soon be abandoned—under the expectation that the discontents which have been manifested, and the evasions of the law which have taken place, would induce a repeal of the system. That they have felt, and severely felt, its pressure, I do not know that there is any room to doubt. But it was to be expected that the British Government, particularly, would feel much, and bear much, before they would rescind their orders, while flattered with any prospect of a removal of the pressure. But take away that prospect, which a firm adherence to, and a strict execution of, the measure would do; and then the pressure would not only have its full weight, but would immediately begin to produce the desired effect. The numerous privations produced, and which would be produced, by the embargo, would then be seriously considered. When every ground of expectation that this Government contemplated a repeal of the embargo laws at any definite period should be taken away, they would then reflect on the consequences; they would discover the expediency of making different calculations from those which they had before made. They would not then calculate between the supposition of vast advantages resulting to themselves from a removal of the embargo, together with a subjection of our commerce to their arbitrary restrictions on the one hand, and on the other hand, the mere temporary privations to be sustained by them while it should be continued; because there would then be no ground for such supposition. But their calculations would be founded on a view of what, most likely, would be the losses accruing to them from a continued real non-intercourse with this country, which there would be if this section of the bill should be stricken out, and some other sections of it should be passed, compared with the benefits to be derived from a free and unrestrained commerce with it. The question of interest would be shifted, and placed upon different ground.

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They would then be brought to decide whether their interest would be promoted in a greater degree by having no trade at all with this country, than it would be promoted by a free and liberal trade without interruption to its commercial rights as a neutral nation. Sir, if the firmness, the decision, and perseverance of this House, were to be such as to convince them that they are to choose between these two alternatives, could they hesitate long after such conviction? Could they hesitate in preferring our trade and relinquishing their impositions on it, when thus convinced that it was by no other means to be obtained? Sir, does not every degree of probability lie on this side of the question? Really I cannot perceive any room to doubt it. What, then, ought we to do, but to persevere in this measure? Sir, I wish it could be continued some time longer. Let us rigidly persevere in it as the best course which the Government can yet pursue; and let us not doubt of its ultimate success.

At any rate, sir, let the embargo continue as it is, until the next meeting of Congress in May; and let that Congress determine as to a repeal of it, according to the then existing state of the public mind, the circumstances of the country, and the then conduct of the belligerents. By that time events may take place in Europe, which may materially influence the conduct of at least one of them. By or before that time, the fate of Spain very probably will be decided; and if Bonaparte should have succeeded in fixing his brother on the throne of that Kingdom, the resources of which Great Britain would be deprived by that event, would certainly affect her in a considerable degree; and such privations would, doubtless, have a correspondent influence on her conduct.

In support of the position which has been advanced, that the embargo cannot coerce Great Britain, it seems to be apprehended that sufficient resources from other quarters would be drawn in to her aid; that the supplies which she had heretofore derived from this country, would be obtained from other countries; and thus the effect of the embargo, as to her, would be defeated.

Sir, if gentlemen will recur to the orders of the British King, to the commanders of his ships of war and privateers, directing them not to "inter-rupt any neutral vessel laden with lumber and provisions, and going to any of his colonies, islands, or settlements, in the West Indies or South America, to whomsoever the property may appear to belong, and notwithstanding such vessel may not have regular clearances and documents on board," I think, sir, they will perceive unquestionable evidence that, so early as April, 1808, when those orders were issued, they must have felt the want of our trade in provisions and lumber to those places; and had it not been for the discontents which, soon after that time, became known to them, and the scandalous evasions of the law which took place, I have no doubt but that, before this time, the Orders in Council would have been revoked; had the law not been so much defeated in its operation by worthless unprincipled men, who, regardless of all the sa-

cred ties of duty to their country, seized the moment of rapid progression to wealth, accepted the infamous royal invitation to violate the solemn laws of their country, and, under the shameful protection thus held out, conveyed to them such supplies as not only enabled them to hold out longer, but encouraged them to hope that the system would soon be abandoned altogether as impracticable, and an export trade allowed from this country, under the restrictions which they had imposed on it.

There is another circumstance of recent date which I would also notice. What, sir, are we to think of the late famous, or rather infamous, letter of Mr. Canning, misrepresenting Mr. Pinkney's communication to him, relative to the proposal of the President, to suspend the operation of the embargo as to British ports, on that Government rescinding its Orders in Council? For what purpose could that letter have been written and published, as it was, unaccompanied with Mr. Pinkney's answer, in the very section of the country where discontent most prevailed? Was it not intended to inflame that discontent, and increase the clamors against the embargo? Indeed, sir, I must believe that such was the design, as well as to foment disaffection to the Government. If so, what could have been the inducement to it, but a strong desire in the British Government that the embargo should be removed? And what could produce such desire but its pressure?

This circumstance, sir, and the orders of the King, encouraging Americans to violate the embargo laws, are both, to my mind, irrefragable evidence of that pressure, which evidence has been frequently corroborated by subsequent information; and, whatever may have been said to the contrary, or whatever may be conceived to the contrary, the embargo, if continued and enforced, must be very distressing to Great Britain. Withhold from her supplies of raw materials for her manufactures, particularly cotton, naval stores, timber, and other materials suitable for naval purposes; and from their West India possessions, withhold supplies of provisions and lumber, and I cannot conceive how she could sustain such privations much longer. The French dependencies in the West Indies would also be greatly distressed for want of supplies of provisions, and, therefore, a continuance and enforcement of the embargo would be severely felt there.

But the greatest objection to a continuance of the embargo, seems to arise from apprehensions that it cannot be enforced. Sir, the evasions which took place previous to the last act passed on the subject, were supposed to have proceeded from defects in the laws passed at the former session of Congress. But, is nothing to be expected from that last act? It has been in existence but little more than a month, and has not had time enough yet to operate in any material degree. It is presumable that, if continued in force, it will be more efficacious than the former one.

But, sir, is there no such thing as patriotism in

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those parts of the country where evasions of the law have taken place? Has that sacred principle fled away entirely from those places? I cannot believe it, sir; I cannot, indeed. I cannot abandon the idea of patriotism in those parts of the country. I cannot abandon the hope that there is yet patriotism enough to carry the laws into effect. Nor can I, for one, sir, consent to abandon the ground solemnly taken by the Government, merely to appease the clamors, or to gratify the avarice of a set of individuals, whose numbers can bear but a very small proportion to the community at large.

I have made these observations, Mr. Chairman, under an impression, that it was my duty to do so, at this very critical and momentous period, on a subject of such vast magnitude as the one now under consideration. Believing, as I do, most sincerely, that the proper course still to be pursued, is the one I have advocated, I should have been guilty of a dereliction of that duty, had I refrained from expressing to the Committee the sentiments I have expressed. Sir, it is not an opinion of the present moment, or one which has arisen from any late occurrence. It is an opinion which I brought with me when I came to this place, and I have uniformly retained the same opinion to this day.

Much has been said concerning the last act passed for enforcing the embargo. It has been frequently denounced as unconstitutional. Sir, that act was passed by a very large majority; and, for one amongst those who voted for it, I can truly say, that I never should have given my vote for it, if I had not believed it to be within the legitimate powers, the Constitutional authority of Congress to pass it. I am far from believing that it merits the denunciations which have been lavished on it. I consider it as strictly within the limits of the powers vested by the Constitution in this body. If I had, at any period since the passage of the act, been convinced that I had been in error, and that the passage of it was not authorized by the Constitution, I should freely and candidly acknowledge it. It never was my disposition, sir, to resort to rigorous measures in any cases where the objects of them were attainable without such. I truly lamented, and do lament the occasion which produced that act; but I considered it to be of vast importance, as far as possible, to prevent evasions of the embargo system.

This is a period of our political existence, Mr. Chairman, which renders firmness in the Councils of the Nation peculiarly requisite. The crisis is vastly momentous and trying, and attended with circumstances, both from within and from without, which strongly call for decision in the Legislature. The existence of the Government seems almost to depend upon their firmness and decision. Whilst the members of this body respect the rights of individuals, let them consider the consequence of being driven from a measure of great importance by the conduct of a small part of the community. It is the duty of each part equally to respect and obey the laws; and

if apprehension of the consequence of a faction, clamoring against the acts of the Government, should deter it from pursuing its course, such would be an alarming manifestation of its weakness. Sir, I fear for the Government, almost to trembling. I feel emotions which I cannot express. It is at a point of awful trial and responsibility. The system, which, it appears, is about to be abandoned, will be exchanged for a miserable one, which, on our return to our homes, will not draw on us many smiles.

The motion of Mr. CLOPTON was negatived, 59 to 35.

Mr. MILNOR moved to amend the same section so as to strike out the exception, and making the repeal of the embargo total.

Mr. VARNUM supported this motion. If the non-intercourse system was to prevail, he thought it made much more intelligible to the revenue officers by repealing the embargo laws, and enacting the non-intercourse as a new system throughout. He spoke in favor of the repeal of the embargo laws, stating the evasions which had taken place, and that these evasions had not been confined to any particular section of the Union. He observed that a partial repeal of the embargo would destroy all the coercive effects of the measure, inasmuch as produce would be let out, and would find its way to every quarter of the world. Mr. V. observed that were the amendment agreed to, he should be ready to go with gentlemen in any other practicable measure which they would select for maintaining our rights.

The motion of Mr. MILNOR was negatived, 57 to 53.

The question having been put that the Committee rise and report the bill—

Mr. GARDENIER rose in opposition to it. He lamented the situation of the country, which he depicted as gloomy in the extreme. If the measures now contemplated, and apparently about to be adopted, were persisted in, the country must be utterly ruined. He conceived that the measures of interdiction could not operate on France, unless to make her rejoice. There is, therefore, said he in the introduction of the words "and France" into our resolutions and statutes, a cruel and solemn mockery; for my abhorrence of which, I can find no expression. Words might disguise the substance, but it was right to rise superior to them when it was ascertained that the effect of the system was to support Bonaparte in that system of commercial warfare by which alone he could ever hope to destroy England, who was, at this moment, the only barrier between him and the dominion of the whole earth. Mr. G. said that the great cause of complaint now against England was the Orders in Council. He thought it unfortunate that such was the irritation in this House on the subject, that they had never received that serious consideration to which they were entitled. He entered into an examination of the Orders in Council, which he believed, and went into an argument to prove, that Great Britain had the right to issue. He contended that, during the existence of the Berlin decree, the United States

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could not, with honor, have traded to France, and thus, that the Orders in Council only declared that the United States should not do that which they could not do, because they could not honorably do it. He did not say that the orders were lawful, or that they were not infringements of our rights as a neutral nation, as it might offend the prejudices of the House. But I may be permitted to say, observed he, that if they were unlawful, I have proved that they are not hurtful; that the British Orders in Council only supplied to that which our sense of honor would lead us to do, their sanction.

In regard to the subject of tribute, Mr. G. said that previous to the British Orders, we could not trade, honorably, to France; and, therefore, this paying tribute for going to a place where we could not go was merely ideal. If you have got to that pitch, said he, that after such a decree you could trade to France, it would be a disgrace, and you could not be more disgraced by touching at a British port to commence it. I think it perfectly fair in Great Britain that, if you were determined to disgrace yourselves, she should say you should first touch at that island. Mr. G. again dwelt at great length on the power of the Gallic Emperor, and insinuated that this bill would meet his wishes. He wished to know why, in this House, there were no expressions of abhorrence of that Power which had destroyed all the nations of the earth. Although I do not believe in French influence, said he, yet there is, in this House, an animosity to, and hatred of Great Britain, that makes us go into French measures by repulsion as effectually as it could do by attraction. Considering Great Britain as the only barrier between us and universal dominion, he asked gentlemen whether it would not be good policy—considering too, that we had very little, if any, cause of quarrel with Great Britain—to preserve the barrier as it was, instead of attempting to weaken or destroy it, and overwhelm ourselves in its ruin? Mr. G. next turned his attention to the bill before the House, which he conceived to be a weak and imbecile measure. He said that it savored more of an expedient to serve appearances, to keep the public on tip-toe, than to subserve the essential interests of the nation.

Mr. VARNUM replied to some of the observations of Mr. GARDENIER, whose sentiments and premises he believed to be erroneous, and therefore, his conclusions were incorrect. He spoke of the various proclamations of blockade by Great Britain, preceding the Berlin decree, which were at least as good ground for retaliation by France, as the French decree was for retaliation by Great Britain. As to having no cause of quarrel against Great Britain, Mr. V. expressed his astonishment at hearing such sentiments avowed by any gentleman on this floor, and protested against it. He believed it to be the determination of the Governments of Europe to press us, until we should yet be compelled to take the last resort, however desirous we might be to avoid it.

Mr. BURWELL called the attention of Mr. GAR-

DENIER to a speech which he made a few weeks ago, in which he expressly admitted that the Orders in Council were not intended to retaliate on France, but, under cover of such retaliation, to retaliate on the United States for the non-importation law. He suggested to him that there was an evident inconsistency in his remarks at the two different times. Mr. B. entered at some length into a view of the orders and decrees in reply to Mr. GARDENIER. He regretted to hear in the debates of the House so much of foreign countries and so little of our own. If there was anything in the world that could give him sincere pleasure, it would be the union of all parties in the great work of resistance to foreign oppression; that all should be American in language and sentiment as well as in name. Divided as the nation now was, it was as feeble as if there was not a man in the country. As long as they legislated on suspicion of one another it was impossible they should prosper. Mr. B. said, that the bill now under consideration was not palatable to him, though he liked it better than any of the amendments which had been offered.

Mr. MASTERS commented with some severity on the observations of Mr. GARDENIER. He rebuked him for his defence of the British Orders in Council, which he had never expected to have heard attempted to be justified on the floor of Congress. Mr. M. was not partial to the bill.

The Committee then rose and reported the bill; and the House adjourned without considering the report.

MONDAY, February 20.

Mr. NEWTON, from the Committee of Commerce and Manufactures, presented a bill to remove the office of collector from Tappahannock to Fredericksburg, and to make Tappahannock a port of delivery, and, also, to abolish the offices of surveyor at Fredericksburg, in Virginia, and at St. Mary's, in Maryland; and to establish a light-house at the entrance of Bayou St. John; which was read twice, and committed to a Committee of the Whole to-morrow.

The House proceeded to consider the amendments reported on Saturday last from the Committee of the Whole to the bill to interdict the commercial intercourse between the United States and Great Britain and France, and their dependencies, and for other purposes; and the same being twice read at the Clerk's table, were, on the question severally put thereupon, agreed to by the House.

Ordered, That the said bill, with the amendments, do lie on the table.

The House resolved itself into a Committee of the Whole on the bill concerning invalid pensioners. The bill was reported with several amendments thereto; which were twice read, and agreed to by the House.

On a motion made by Mr. ELY, the House proceeded to reconsider the first amendment reported from the Committee of the Whole to the said bill, and the same being amended, was, on the

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question put thereupon, agreed to by the House. The bill was then further amended at the Clerk's table, and, together with the amendments, ordered to be engrossed, and read the third time to-morrow.

A message from the Senate informed the House that the Senate have passed a bill, entitled "An act supplementary to the act, entitled 'An act for the better government of the Navy of the United States;'" to which they desire the concurrence of this House.

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The House took up the report of the Committee of the Whole on the bill interdicting commercial intercourse, &c.

Mr. MASTERS proposed a new section to the bill, declaring that the bill shall be in force till the end of the next session of Congress, and no longer; and that the embargo shall be repealed at that time.

On the suggestion of Mr. RANDOLPH, Mr. M. withdrew his motion for a time; and Mr. R. moved to strike out so much of the 12th section of the bill as makes exceptions to the general removal of the embargo.

Mr. BISS made a motion which superseded Mr. RANDOLPH's, viz: to strike out the whole section, so as to keep on the embargo in its present situation.

Mr. RANDOLPH hoped the House would not go directly to this subject by the means proposed by his friend from Georgia; for, if he understood the motion, it went to prevent the repeal of the embargo either in whole or in part. As it was his object not to repeal the embargo partially, but *in toto*, Mr. R. said he could not vote for the motion of his friend from Georgia, and hoped, therefore, that it would not prevail. At the same time, said Mr. R., it would be no very great stretch of candor to allow that if this House do repeal the embargo in any degree, it would comport more with its dignity and reputation, as well as with the interest of the nation, to repeal it *in toto*, than in this sort of way. I believe that even what is termed a *partial repeal* of the embargo, will, to the interest of the nation, be a most important measure, whatsoever bearing it may have on the reputation of the Legislature of the United States; but, if we mean to preserve at once our own credit and to consult the good of the Union, we ought to repeal the embargo in words as well as in fact, totally—and, indeed, let not the words of the wisest man under the sun ever again be quoted to prove that there is nothing new under the sun. Unquestionably a partial repeal of an embargo is a new thing under the sun in legislation. A partial repeal of an embargo! What is an embargo, sir? An inhibition of vessels going from a particular port or from all the ports of a nation. It is limited to a single port, as Bordeaux, or to a whole empire. But a *partial embargo* is such a thing as verily, I think, never was heard of. An embargo is a prohibition of every vessel from sailing; and here is a permission to any vessel to sail. Look at your embargo

laws. Have they any reference to the place of destination of a vessel? No, sir; you might as well undertake partially to pull the House over your heads as partially to repeal an embargo. The embargo, with all its supplements—God knows how many, but this litter of misshapen cubs is sufficient to exhaust their original parent—these laws refer to the act of sailing from the United States to any port of a belligerent or of a neutral, if, indeed, he could find such an animal in political zoology. If we repeal any part of an embargo, we repeal it, in point of fact and practice, altogether. If it were consistent with the gravity of this dignified Assembly, I would say that this bill reminds me of the ingenious project of a citizen of Virginia—a naturalized one—and (strange as it may appear when the story is told) not an Irishman, to let off his gun by degrees—when that scheme was mentioned, it was due to the nation to state that he was not a native—by gently pulling the trigger, he proposed to let off his gun by degrees. This project is precisely such an one—a twin brother. If, sir, you are not able, without any partial repeal of the embargo, with all your penalties and gunboats, to keep the people from going where they will with their cotton, fish, &c., can you expect to prevent them from doing so when you let them go out? Is it in your power to direct their course after they cross the Gulf Stream? Is there any magic in your laws to control them when out of your jurisdiction? If they are not interrupted by the physical force of some belligerent nation, they will, free as the wind that blows, go where they list; and really I consider this as one of the idlest propositions ever submitted to a deliberative Assembly. A partial repeal of the embargo! If it be partially repealed, very well—half a loaf is better than no bread, especially when the grant of half the loaf gives possession of the other half also. If the House choose to proceed in this way, it is not for an anti-embargo man, it may be said, to object anything against it.

In the course of the remarks which I shall offer to your consideration, sir, I shall not think it at all necessary to take notice of the very—I will not give a character to the observations made by the gentleman from New York, (Mr. GARDNER,) on Saturday last. Sir, I was surprised, for one, I confess, that gentlemen who seemed extremely opposed to the sentiments which fell from that gentleman were not willing at the same time to give him an opportunity of continuing them. I cannot conceive anything that could be said by a gentleman in what is called the majority of this House which could have half so strong an effect in favor of their measures as what had fallen from the gentleman from New York against them. I should not—really I should not—think it necessary to notice them in any way were it not that I looked at the gentleman from New York at that moment with the sort of sensation which we feel in beholding a sprightly child meddling with edged tools, every moment expecting (what actually happened) that he will cut his fingers. There are circumstances under which a man would not

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like to see an adversary placed. The gentleman has powers, and of no ordinary cast; and he has certainly given to the House a strong proof of his candor, whatever it may have been of his discretion. He unburdened himself without reserve; but I do believe—I certainly hope—that there is not another gentleman in the House who takes the same view of the subject which that gentleman has taken. And, sir, the gentleman's friends (if any he have, and I have no right to presume that he has none, but the contrary) will do well to keep such dangerous implements out of his way for the future. At the same time, I am very far from impeaching the correctness of the gentleman's motives. His conduct appeared to me the effect of youthful inexperience; and I have no doubt that when he has attained a greater knowledge of the world, and a greater knowledge (I am sorry to say it) of the rights and interests of his own country, his error will be corrected.

But, sir, to come to the point, which is the repeal of the embargo. No question can exist, it would appear to me, in the mind of any practical man, that the embargo must be repealed; and this vote for a partial repeal of the embargo is a proof that there exists a conviction in this House that some way or other the embargo must be gotten rid of. I look upon the embargo as the most fatal measure that ever happened to this country—as the most calamitous event. On account of pecuniary loss? No. Great as that is, I do not view it so on that account. On account of the vexations to which our citizens have been exposed under it, not only from officers of Government, but from their fellow-citizens—from one another—tearing one another to pieces in the courts, where they were open, and unable to satisfy each other's just demands? Not, sir, on that account. Suppose we had answered, in November last, the almost unanimous expectation of America, how different would have been the result! But, by that blind perseverance in this most unfortunate measure, we have lifted the veil which concealed our weakness—we have exposed our imbecility. The veil of the temple of the Constitution is rent in twain; the nakedness of the fathers of the country has been exposed to their unnatural, impious children. That is our situation. You never can redeem it. The Constitution has received a wound that ages cannot heal. But, if we had only come up to the expectation of our suffering people—if we had been content with a twelve-month's embargo, instead of an embargo *ad eternum*, the nation would have obeyed, would have been united.

Gentlemen may say what they will; they may declaim as much as they please about the vices of the people; but their virtue has stood a test which that of no other country on earth ever did or ever will stand; but, sir, hope delayed maketh the heart sick; and the heart trifled with under such circumstances has nothing left but desperation. The consequences we all know. We are marked, not merely to Europe, but to ourselves, as a divided people, imbecile, distracted—and why? Were we a divided people eighteen months ago? We were not, sir; we were strong in the sentiment

of obedience to the laws; that sentiment which constitutes the vital principle of every Government pretending to be free, was not nearly defunct; it was in its full force; and when you see that sentiment destroyed, you may prate about vice and immorality—its destruction can come from but one source—unwise counsels. Want of wisdom, or virtue, or of both, in the councils of the nation, alone can produce such an effect on a people like ourselves; and, in my opinion, it is something to our honor that it took a longer period of suffering than any man could have anticipated, before that spirit was in the least impaired in any part of the community. But, sir, in our measures throwing away the operation of moral causes and relying wholly on physical force, on main strength, which we had not, we have prostrated the majesty of the laws, and I fear shall hand over to the successor of the present President of the United States a broken sceptre. I believe it is no secret that that gentleman is not among the first of my political favorites—but, do every man justice, sir—in the situation in which we abandon this Government to him, he will deserve immortal honor if he steer the nation through the peril which surrounds it; more especially, if you give it to him clogged with your embargo systems. He will have a task to perform as great as human strength is competent to execute; and if he does it even not very well, he ought to have the credit. The arduous duties of the station—I speak of the officer, not of the man—ought to be weighed.

On the subject of the embargo, sir, I have always understood it, like a vessel for holding liquor, to derive all its value from its tightness; and whenever you begin to drill holes in the bottom, no matter of what diameter, it is good for nothing. We have trusted our most precious interests in this leaky vessel; and now, by way of amendment, we are going to bore additional holes in this machine, which, like a cask, derives all its value, if it have any, from being water-tight. From some notion of honor or dignity, quite incomprehensible to me, we are to stick to this thing; it is to be hung around our necks, or to be trailed after us like a canister tied to the tail of a miserable persecuted dog. This is not all; we are not content to lift the covering which hid, I will not say our nakedness, but we are, I fear, breaking up from the very foundation every principle and maxim of policy which governed the country from the institution of the Federal Constitution to the present moment. I listened the other day with very great pleasure to the remarks of my worthy colleague, (Mr. BURWELL,) made in his usual plain, sensible manner, and to some of them I subscribe; but, in the extent to which they were carried by him, I could by no means agree to them. I understand my colleague to be divided between two opposite and contradictory sentiments, which conflict very much with each other—a desire to protect trade and our maritime rights on the ocean, and a desire to put down trade for the purpose of fostering our manufactures at home; and, until the period when trade

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shall be so curtailed that we shall be compelled to manufacture for ourselves, he considers that we shall not be independent. If we are to be governed by this policy, there was no occasion for a Constitution or Federal Government; for we might have set up our spinning-wheels and prevented the importation of foreign goods without the Constitution. But the object of the Constitution was to regulate commerce, and to do more, to draw a revenue from trade, which from trade alone could be drawn, for paying the debts and providing for the common defence and general welfare of the Union. But now it seems all this is to be set aside. We are to go upon an opposite policy—to give up the duty on imports and tonnage, and rely altogether on excises and direct taxes. I defy the ingenuity of man to devise any other mode of collecting a revenue than by imposts, excise, or direct tax. If we give up imposts, we have nothing left but internal and direct taxes. Cast back your mind, sir, to the time when the present Administration came into office, and see what was its policy. To rely wholly on impost, to abolish internal taxes, not certainly to burn our fingers with a land tax; though it may not be improper to observe, that a great part of the proceeds of the internal and direct taxes was brought into the Treasury after the 3d of March, 1801—that, however, was not our fault. We set our faces—for, sir, when I speak of the good old times of 1802-'3, &c., I will say *we*—we set our faces against the internal taxes. Why did we so? From their oppression on the people, and operation on the revenue of the States; from the vast patronage and number of officers which they gave rise to; because the impost was the cheapest tax in collection, least oppressive in its operation, and least injurious to the States. Are we now to turn completely round, to give up imposts, and go back to internal taxes? I am very far from being an enemy to domestic manufactures; but if they do not thrive at present, we cannot make them. There is something ungrateful in the soil, ungenial in the climate—the tree will not grow at all if it does not thrive apace under present circumstances.

One thing, sir, I am very free to allow; that, do what we will, we never can expect (neither do I know that it is desirable) to enjoy as great a degree of foreign trade as we did enjoy at the time we took the humor of quarrelling with our bread and butter, and going into the system which has led to our present condition. As long as we carried her manufactures to France, and the Continent generally, Great Britain connived at our trading there; and why? Because she drew an advantage from it. But the moment that France said that her products should not be imported in your ships, she had no idea of your going on in this way with your one million two hundred thousand tons of shipping, without producing her something, unless she drew a benefit from it. I do not think it necessary to say that she acted wrongfully and hurtfully—the question is, the remedy. If a man knocks you down, you do not require to be told that he has broken the

peace. The question is, how will you get reparation?

Whilst noticing the observations of my worthy colleague and friend, permit me to say that I differ from him in two material points. In the first place, the explanation given by the Minister of Marine of the Berlin decree was not a satisfactory one, because the Minister himself declared that he had no authority for giving it. My colleague seems to think that that put off, a mere evasion of the French Government—for it is very easy for a minister of foreign affairs to evade an answer, if you will put up with one from an unauthorized person—was a satisfactory explanation of the Berlin decree. It was not; not only, as it turned out, that the French Government *did not* so consider it; but that the officer, in giving the explanation, declared that it was no explanation at all, inasmuch as he had no authority to give it. I cannot help thinking that there must have been an application to the officer who had authority to give one; but as I have seen no such correspondence, I cannot determine anything on this point. Whilst on the subject of our foreign correspondence, I think it extremely unfortunate that the motions which I made in the early part of the session for giving publicity to a part of that correspondence did not prevail—not more for the purpose of showing the public what we had, than what we had not. For example, I believe it is generally supposed that the overture made by our Government to the Government of France, on the subject of the decrees, is contained in that correspondence. What does the President say:

"The instructions to our Ministers, with respect to the different belligerents, were necessarily modified with reference to their different circumstances, and to the condition annexed by law to the Executive power of suspension requiring a degree of security to our commerce which would not result from a repeal of the decrees of France. Instead of a pledge, therefore, of a suspension of the embargo as to her in case of such repeal, it was presumed that a sufficient inducement might be found in other considerations, and particularly in the change produced by a compliance with our just demands by one belligerent, and a refusal by the other, in the relations between this other and the United States."

We are then told that the offer was made to Great Britain to repeal the embargo, in relation to her, in case she revoked her Orders in Council. The reasons are assigned why this offer was not made to France; but what offer was made to France we know not. And I think it proper to state this, because I perceive that there is a general impression abroad that it is contained in the private communications made to us. It is not. As to offering to France to repeal the embargo as to her, if she would revoke her decrees, it would have been a strange proceeding, indeed. France wanted the embargo; and to take from her what she wanted, as an inducement to do what she did not like, would be curious, indeed. If we had have offered to continue the embargo, it might, indeed, have been an inducement to her. I therefore differ from my friend from North Carolina,

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(Mr. MACON.) I think it wise that the offer was not made. At the same time, I should like to know what offer was made.

Mr. BLACKLEDGE said, if the gentleman would turn to pages 20 and 21 of the document he held in his hand, he would find the offer made to France.

Mr. RANDOLPH.—I believe I have read the papers, sir. This, by the way—I am extremely obliged to my friend from North Carolina—I remember him at college. He was a very expert mathematician, and doubtless is so still. But, although I am but a poor scholar, I have a small smattering in political algebra, and should have no great difficulty in proceeding from known to unknown things, if I had the necessary data. With the aid of X, Y, or Z, we might perhaps get at it—letters, I believe, which generally designate unknown quantities.

In another instance I differ from my good friend and colleague—in relation to the note accompanying the treaty negotiated by Messrs. Monroe and Pinkney. That note certainly, sir, made no part of the treaty negotiated by our Ministers with the British Commissioners. If the treaty had been ratified, that note would have made no part of it. But, sir, when we take into view who the persons were with whom that treaty was negotiated—that very (now) minority, in Parliament, who are so often quoted in support of our rights, and who really appear to have acted towards this country in as strong a spirit of conciliation as any Ministry that has ever existed, or probably ever will exist in England—I take this note as a sort of *caveat*, in a different point of view from my friend from Virginia. I take it rather as a mark of good faith than of the contrary; for, if you make a treaty with your adversary, and he points out (previous to your ratification of it) circumstances under which he must be compelled to violate it, he acts more like a man of honor than if he had waited till the circumstances occurred, and then have broken it, and assigned the very causes for so doing which he had in contemplation when it was agreed upon. Is it not better and fairer to make such a declaration in the first instance, than to keep it back as a mental reservation? Undoubtedly it is. There is another circumstance, applying not to this note, but to that informal understanding respecting impressment, which I wish we had accepted. It is this: that treaties, any more than embargo laws, have no talismanic power—no magic virtues—which prevent them from being violated. And if we cannot trust to the honor of a party, we cannot trust, with one jot more of wisdom, to their hand and seal. In society, you trust a man of whose honor you are doubtful, under his hand and seal; because, if he depart from his engagements, there is a power to compel his performance. The reason why you take bond of a man in whom you have confidence, is, that he may die; but bodies politic never die. But, if there could be a man who was immortal, and over whom no civil power had control, surely if you could not trust to his honor, you could not to his bond. And there is said to be a species of honor among a class of people (with whom, thank God! I have

no acquaintance) more binding on them than even the laws of God or men. I believe we should have an equal chance in trusting to the faith of the British or any other Government in an informal arrangement, as in trusting to any other security whatever. These things being premised, sir, let me say a little on the subject of the offer to repeal the embargo, and other subjects which preceded the proposition. One of the principal objections urged by me on the night when the first embargo bill passed, was, that hitherto the people had been obedient to the laws—not in the sense of not making insurrection against the laws—I mean voluntary obedience, from the heart as well as the hand. The character of a smuggler was disreputable on the exchange and in the coffee-house: this is an honorable trait in the character of our merchants. I anticipated from the embargo that we should put men to a school of smuggling *out*, and, after the embargo was repealed, they would keep their hand in by smuggling *in*; more especially, as, after having put them apprentices to the business, we have given them an additional premium of 50 per cent. lest they should not set up for themselves in it. We have given them a stock—lent them a lift. I was going to say that I am surprised, but I am not, cannot, be surprised. *Nil admirari* is a maxim which every man conversant in politics must sooner or later subscribe to. The demon of infatuation—unless indeed I am mad, and perhaps I am; for they say that the difference between a madman and other people is, that the madman thinks all the rest of the world is mad, and they know *him* to be mad—the demon of infatuation must have come over this House, before it could consent to pursue its late and (I am sorry to say it) its present policy. You want revenue. Let us take the thing the regular way. The cart before the horse—that is the style of driving now—you lay double duties, and then interdict commerce, and that is the way we are to get revenue! A rumor has been brought into the House this morning that the British Orders in Council are rescinded, and a treaty made. Under any circumstances I should rejoice at this intelligence, but more especially under the present; for, send but a copy of the Journal of this session across the Atlantic, and you may whistle for a treaty with any nation of the earth—even with the Barbary Powers, unless you bribe them to it—except you grease the fists of their Bashaw well with money.

Here a member from New York, near Mr. RANDOLPH, said the news was false—that the *Union* had not arrived at New York, as was reported in the morning.

Mr. RANDOLPH.—I am told, sir, that the report is unfounded—that the *Union* has not arrived. The *Union* has not indeed arrived, sir, nor ever will arrive, unless we change our measures, and give up this system of vibration from point to point—this wonderful discovery of partially repealing an embargo. But, sir, on the subject of this double-duty bill, (as it is called, though improperly,) I believe it is only 50 per cent. now; in May, I suppose, we shall have another 50. Suppose a rich merchant, such as my friend from Georgia (Mr

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Troup) spoke of the other day—Mr. Gray, of Salem, for instance, to have a seat on this floor; who could he vote on such a bill? Voting for it, when he has millions of dollars worth of foreign goods in his warehouses, he must vote to put into his pocket a per centage on those goods equal to the tax imposed. I have no acquaintance with that gentleman; I am told (and it costs me nothing to believe it) that he is a very good man. Except he were a very bad man, he could not have the face to get up here and put 50,000 or 100,000 dollars into his own pocket, without rendering to the public one atom of service. One of the great and crying grievances of the British nation, though they have not advanced at quite as rapid a pace as we have begun to do in raising the customs, is, that every additional excise on malt, for instance, if you please, was so much money at an instant put into the hands of the great capitalists who had large stocks on hand; thus securing, by an ingenious species of bribery, all the weight of those capitalists on the side of the Ministry, at the expense of the great consuming body politic; and thus, by a strange and wonderful political invention, establishing the position (paradoxical, yet true) that, in proportion as you raise taxes, you acquire the power to raise them. In other operations there is friction, or resistance of the atmosphere—something to weaken them—but in this you embody all the capitalists at every turn of the screw, and acquire new power to increase its force. Every revolution of it goes to render the rich richer than they were, and the poor still more wretched. This has caused the yeomanry of that country, in some districts, almost to disappear. Under the operation of such a system, they are swallowed up in two classes—the overgrown rich and the miserably poor. The middle class—that great staff and stay of the community—falls into the one or the other of these descriptions, until it wholly disappears in the ruin of the State. In our wisdom, do we recollect that there is now a supply in this country of some articles—perhaps a seven-years' supply—brought in with a view to exportation, and entitled to drawback—of coffee, for instance, of sugar, and all those articles which pay a high specific duty? Of India goods and dry goods, all of which pay an ad valorem duty, there is an immense supply. We lay a tax of 50 per cent. on the existing duties. One of two things must happen: either that the non-intercourse law will give us some trade, or that it will destroy all trade. If it destroys trade, you give so much money out of the pocket of the consuming public to the great capitalists, and that is all the operation of it. You give a handsome bonus, as the Ministry of Great Britain do on loans to the Baring, or whoever are the favorite bankers of the day, but get nothing in return for it, and here it ends. But gentlemen say, sir, that we shall have this circuitous trade, as I remarked three or four years ago; that you will go to some neutral island, as you did in the last war to St. Eustatia, and give a *joe* for a striped blanket. Yes, sir; and we are to do it now—to go to a neutral island, and there make sale of your produce—for whose

profit? Who will get the freight? The nation who has the command of the ocean. You will sell cheaper and buy dearer. You are there to get British manufactures. I have no more doubt of it, and that Cognac brandy will still be drank here, your embargo and non-intercourse to the contrary notwithstanding, than that we breathe the vital air; and that we are to get them too at double freight, insurance and commissions, and under the additional duty of 50 per cent. besides. And do you expect that you can compete with those merchants who have goods here? No, sir. You must then wait, sir. This circuitous trade will come when the price shall have been such as to enable foreign supplies, with the additional duty on them, to compete in the market. If I had four or five millions of pounds of coffee or sugar, sir, I do not know what weight it might have on my vote, but I should not think myself a good juror. If neither the people nor the Government of the United States chose to challenge me, I should except to myself; I should say that I was not a good juror, and quit my seat. There are merchants in this country—not one or two, but many—who have from half a million to several millions of foreign dutiable articles, which were brought into this country in the direct way, paying only the old impost; and if you expect that your new importations, forbidden by the letter of the law, under double charges and additional duties, will compete with these supplies, you must be totally in an error: they cannot do it.

To what point have we got, sir? When General Washington first set up this Government, if I may say so, for if he had never existed I believe the Government never would—in what situation were the poor old Congress? Instead of such palaces as this, paying at the rate of twenty-five thousand dollars a year (the amount of our contingent expenses) for candle-ends and cheese-parings, they had not money to go to market—they were literally paupers. When General Washington came to the Government, the first year's revenue was four millions. Let any gentleman compare the revenue of the eight years of General Washington's Administration with that of the eight years, ending the third of March next. The difference is enormous. Whence is this great revenue derived? From duties on imports and tonnage. You sanctioned this system; you tore down all the system of internal taxation with a glorious and strong hand—thank God, I assisted in the work, and shall not soon assist to build it up again—you kept up the imposts until your revenue exceeded sixteen millions of dollars a year. This Government began a poor people, with a beggarly exchequer; but we have long been wallowing in wealth; we have been boasting of our millions in the Treasury, besides the payment of former loans. We have got into a habit of expense—and with nations, as individuals, custom is second nature. We have become, in many branches of our expenditure, profuse and extravagant to an alarming degree. Our clerks in the departments have higher salaries than Governors or Judges in respectable States—look at

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this edifice, too, and the money spent on this ill-thriven brat, the Territory of Columbia. When I see my friend from South Carolina, (Mr. D. R. WILLIAMS,) an apt illustration presents itself. The people of South Carolina and Georgia have, for years, become enormously rich from the culture of cotton. Suppose a projector were to tell them they had better cultivate flax; they would say that they had thriven by cotton, and having thereby accumulated many surplus dollars which they could not get rid of without going every summer to Ballstown Springs, and other watering places, they would stick to the culture of cotton. This was our situation; and now, it seems, we have found, not only that General WASHINGTON was wrong in his system, but that we who continued it were wrong; that everything done in the first years of our Administration was wrong; for if we were not wrong, it would be wrong now to lay internal taxes. And if we become what my friend from Virginia wishes to see us, living wholly within ourselves, without trade, in the name of God, how is money to be raised but by internal taxes? We cannot therwise procure it—we must send a gauger into every man's house. Be it so, but I do not wish to see it—I had rather adhere to the old system.

Yes, sir, we are departing from our first principle, which was to derive revenue from commerce. Yes, sir, we are killing the golden goose like the foolish boy in the fable; and, hereafter, like Venice, Genoa, and other Republics, which have been once rich, great, and powerful, the only vestige of their departed splendor may soon only be found in rich edifices as this—palaces of marble, imperial residences, the astonishment of the world; but poverty, misery, and want, inhabiting within them. So man, if travellers are to be believed, can avoid being struck with the contrast in the places to which I have alluded between their ancient splendor, the monuments of which are stable as the foundations of the earth, and their present wretched, impoverished condition. Yes, sir, we shall see rags and ruffles—tawdry poverty—shabby indigence, of all things on earth the most mean and repulsive; a situation which will but illly comport with our present luxurious and expensive habits.

But, sir, it seems that to repeal this embargo wholly would be to descend from our dignity. The committee of exterior relations told us as much at the beginning of the session. I will thank my gentleman, who has it, for a copy of the report. The report being handed to him by a member, Mr. R. quoted the following passage:

"There is no other alternative than war with both nations, or a continuance of the present system. For war with one of the belligerents only would be submission to the edicts and will of the other; and a repeal whole or in part of the embargo must necessarily be war or submission. A general repeal, without arming, would be submission to both nations. A general repeal and arming of our merchant vessels would be war with both, and war of the worst kind, suffering the enemies plunder us without retaliation upon them. A partial repeal—"

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The very proposition, as I understand it, which I wish to get rid of. It is not necessary for me to read the whole of the committee's reasoning on this subject, more especially as I do not, never did, nor ever shall subscribe to it—*nullius in verba*—"a partial repeal must, from the situation of Europe, necessarily be actual submission to one of the aggressors, and war with the other." It seems that we are neither to have war with both nations nor a continuance of the present system; which will bring the Committee into a dilemma—but as to me, (I speak in the singular,) my withers are unwrung. Suppose, sir, that, instead of this indecisive state of acting, this House had, at the commencement of the present session, repealed the embargo, and armed in our defence *instantly*—what would have been the consequence? That you must have had at this moment, whilst I am speaking, war with both nations, or an accommodation with one, and war with the other, or an accommodation with both; and I believe that the last would have ensued.

Will gentlemen hint, that arming the merchantmen is not a dignified resistance, and that the embargo, or this wretched thing, is? What is the embargo? It compels your own produce to die on your hands. It has been said, that our merchants would go to England and pay tribute. The embargo is tribute, and of the most destructive sort. It leaves your own produce to perish—to rot—permitting your adversary to throw in her own goods to any amount, and saddle you with a debt which you will be able to pay no one. Two years' importations are to be met with one year's crop. This is a tribute, sir. I am against any tribute; but if we must pay it, I had rather pay it with a full pocket than one nearly empty. A system of resistance to the belligerents, by arming and defending yourself, is paying tribute; but going out under this bill to London, and taking a license, is not tribute. Going to St. Bartholomew's, and disposing of your produce to British capitalists for what you can get, is not paying tribute; but actual fighting is paying tribute. That is all right, sir; for we ought to have a new nomenclature; everything is left-handed. The political heart is in the wrong place, where the mock-doctor placed it in the play. This bill, however, is at least as much resistance as the embargo, and more so: for the embargo runs you in debt, destroys your produce, and levies a contribution on you to an amount which cannot be calculated.

I shall conclude what I have to say on this subject, with remarking, that if we do not repeal the embargo, or do something speedily, we are accessory (innocently, I hope) to one of the vilest species of swindling that ever existed in any country. I speak from correct mercantile information, of the most respectable kind. Before the proposition was made by the gentleman from Virginia, (Mr. NICHOLAS,) to repeal the embargo, the public expectation, though not high, was at a sort of regulated standard, tolerably steady, looking forward to a repeal at some time or other. The motion of the gentleman from Virginia—and I beg you, sir, to recollect from whom it came, the influ-

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ence of that gentleman, and his supposed acquaintance and high credit with the Administration—made the prices of commodities start, in a night, like mushrooms: sales were made to a great amount; when, on a sudden, as if by the stroke of a torpedo, the proceedings of this House are benumbed. The Committee of the Whole, after the vote to repeal the embargo, is discharged, a recommitment takes place, and what is the result? The mercantile barometer not only went down, but did not stop at the point at which it was before; it fell even lower than ever. It now is fluctuating a little, but is not up to the point at which it stood when the motion was originally made. Now, suppose a man in the secret, when that motion was made, had sold out, perhaps, to the amount of half a million, at an advance of from 25 to 33 $\frac{1}{4}$ per cent.; a few days afterwards he would be able to buy the same commodity at perhaps a price as much below par as he sold it above—making a difference of from 50 to 66 $\frac{2}{3}$ per cent. Should such gambling be encouraged? The people want to know what way we are going—whether North or South, East or West. If they could guess, within five points of the political compass, (and I doubt whether we can within fifteen,) they would be satisfied: they will know what they have to depend on. For, whether we take off the embargo *in toto*, or partially remove it in *law*, and wholly, in point of *fact*; or whether we shall go to war, or have a non-importation, with double duties on importation to procure a revenue, is not more material than that they should know what we are going to do. And whatever it is, let us do it with all possible expedition. Let us decide; for there are now but a very few days to the end of our political life: and, really, with this sort of management, I am not without my fears that the session will be spun out without doing anything, and the embargo will be wholly kept on till the fourth Monday of May.

Mr. G. W. CAMPBELL said he felt himself compelled very reluctantly to state to the House a few of those reasons which would influence him to vote for striking out the 12th section of the bill, and those dependent upon it. The present temper of the House affords, indeed, but little encouragement (said Mr. C.) to say a single word on the subject. It would seem from what has taken place while other gentlemen have been up on this subject, as if every member of the majority had made up his opinion, and felt an indisposition to hear the question examined. This however cannot justify me in omitting a duty I deem important. I hope also I shall find some excuse for the short time I may occupy, in the circumstance, that it has not been in my power for sometime to attend the House, and have not therefore had the benefit of the discussion that has taken place on this subject. And this may be one cause of the great surprise I feel at finding the House at this moment occupying a ground so different from that they occupied a few weeks ago. It may be if I had witnessed the several steps taken in the progress to the present stage of the business my astonishment might be less, but I do not believe

my approbation of the present measure would be greater. If, in any remarks I may make, my surprise at and opposition to this measure should be expressed in terms that may be thought by some either too harsh or too strong, I trust it will be ascribed to the proper cause, and not to any design to wound the feelings or impeach the motives of any gentleman. I deem it however my duty to state as explicitly as in my power to my constituents and the nation the view I entertain of the subject; and as consistency is, in my opinion, of some importance in every pursuit of life, and much more so in legislation than in any other, I consider it necessary to endeavor to show that my conduct in voting against the proposed measure of a partial repeal of the embargo is consistent with the course I have heretofore pursued and the opinions I have expressed. If I could do this without at the same time exposing what appears to me inconsistent in the conduct of some other members of this House, for whom I entertain the highest respect, it would give me much pleasure; but this may not probably be in my power; for really it appears to me, sir, from the observations I have made during the few hours I have lately been able to attend the House, that something like enchantment had entered these walls and thrown its influence over some of the members of the House, of which they are sensible, but the effects of which they do not wish to be removed, as if there was something delicious in the delusion they would not willingly part from.

The state of my health will not permit me to discuss at length the merits of this measure. I shall only be enabled to state some of the more prominent reasons that induced me to vote for the motion. I have not, as already stated, heard all the arguments of gentlemen on this subject. I shall not, therefore, attempt to answer those of any gentleman in particular, but only present the House with the view I entertain of the subject. If, in doing this, I should repeat arguments advanced by other gentlemen, as probably will be the case, I shall find an excuse in the reasons already given.

I am in favor of the non-intercourse law now before you, and always have been, as connected with the embargo; believing those combined measures would constitute a strong and energetic system that would operate most powerfully on the interest of your adversaries, and maintain the rights, the character, and honor, of your own country. But I am opposed to a repeal of the embargo, either wholly or partially, unless you take a measure at least equally strong in its place. This was my opinion since the commencement of the session, and I had fondly indulged the hope until very lately it was the opinion of a large majority of the House. It is my opinion that, under existing circumstances, the best interests of the nation, as well as its honor and character abroad, require the embargo to be continued until the time arrives, at which it will be necessary and proper to take, in its place, a stronger ground, a more efficient measure of re-

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sistance, which, in my view, must be war alone. I need hardly repeat what I have already stated on this floor, that it has always been my opinion, the moment you retrace your steps, or abandon the ground you have taken by a retrograde motion, you sink the character, and give a vital blow to the honor of the nation. You have assumed a certain stand; if you retreat, you acknowledge at least a partial victory gained by the enemy, without striking a single stroke, and fix a stain on the reputation of your country that years of valorous exertions, and the blood of thousands of your brave citizens, will hardly efface. I cannot believe the public sentiment will justify such a measure; and in less than six months, the members of this House will be convinced they have mistaken the present disposition and wishes of the American people, if they suppose, as has been suggested, they would wish the embargo removed without substituting a measure at least equally strong in its place. I have always considered it a slander upon the people to assert they were unwilling to suffer any privations, or meet even all the calamities of war, to maintain their rights and independence. But, at this time, a continuance of the embargo, strengthened by a non-intercourse, until the extra session in May, would, in my opinion, best, promote the real interests of this country, according to every view that can be taken of the subject. I consider the present the most critical moment that has occurred for a long time; and the chances for a general peace in Europe greater than at any period since the commencement of the war. It is also the most likely to produce an accommodation between this country and the belligerent Powers. If the subject were pursued, these points could be established beyond a reasonable doubt. It cannot be denied that Great Britain feels your embargo at this time much more severely than at any former period—that its pressure is increased at this moment almost a thousand fold. She is shut out from the Continent, whence she can receive no supplies, and where she cannot find a market for her manufactures. For fourteen months she has been substantially deprived of supplies from this country, whatever may be said respecting the evasion of the embargo. Every circumstance conspires to make it her interest as well as her duty to adjust her differences with your Government. Your own people have endured the pressure of the measure during the same time, and have suffered almost all the difficulties they would have to bear until a fair and full experiment of the measure was made. For I am and always have been of opinion, if you persevered in the embargo system until the next session of Congress in May, it would not be for the interest, or consistent with the honor of the nation longer to continue it. During that session an honorable peace, securing our rights, or actual war, must probably result from the present state of things. You have but two or three months longer to persevere in your measure to make the experiment complete. By that time the result of the war with Spain must be known—

the final result of the negotiations between the great belligerents will also be ascertained. Those Powers will have taken their ground; if they do not withdraw their destructive edicts before that time, I would say, (what the whole nation would I presume support,) "it is in vain to wait longer relying on those measures;" I would risk all the calamities of war, rather than longer submit to foreign aggressions. But to repeal the embargo at this time, is to expose to all the hazard of capture the property that has been saved by it for fourteen months, and for the preservation of which it was laid and borne by your people during that time; and which will in all probability be swept from the ocean by the cruisers of the belligerents.

If those Powers would have taken your vessels when the embargo was laid, what is there to prevent them from taking them now? I have heard of no change in their measures, or in their disposition towards us; no such thing is pretended. I know of no protection we can now afford our commerce that we could not then have given. If it is proper the embargo should now be only partial, it certainly ought to have been so laid originally. The reverse of this must also be true; which is the proposition intended to be established; that if sound policy required the embargo originally to be general, which seems to be acknowledged by all those who voted for it, it ought still to continue so; and, as no change of circumstances has taken place, there is nothing to justify a change of measures. I am not for war at this time, or at any time, if it could be avoided; but I would, at this moment, vote for war against one or both of those Powers, rather than for a partial or total repeal of the embargo, or any measure whatever, that would degrade the nation. I am opposed to a partial repeal of the embargo, the question now before the House, because it is, in the first place, surrendering the ground you have taken. It, also, in my opinion, amounts substantially to submission to both Powers, and, in fact and practice, is submission to one—Great Britain. The ground on which you resisted those Powers, was, that as they had cut off your trade from Europe, you would cut off their supplies from America. There was no other ground on which the measure would be supposed to operate coercively. By the proposed partial repeal of the embargo, you furnish Great Britain with all the supplies she may want from you, at her own price, as there will be little or no competition in the market; and, in addition, you deprive your own merchants of the benefit of carrying your produce the greater part of the voyage, and throw it into the hands of those of Great Britain. You say to your own citizens, you shall not carry your produce directly to Great Britain, but you may go to Bartholomews, or to Lisbon, unless it be in the possession of France, which however is very probable, or to Gottenberg, if not in a similar situation, and there deposit your produce, to remain unsold, as there will be no other demand for it until Great Britain shall receive it at her own prices. She will only have to wait until the

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market is glutted, which will be the case in a few weeks, to get it at a price less than first cost. I must ask of the House to be indulged in reading, in support of this statement, part of a report made by the Committee on Foreign Relations, to this House, some time ago, which contains my sentiments, and which I wish to be considered as part of my reasoning on this subject. It begins on the twelfth page of the report:

"A partial repeal must, from the situation of Europe, necessarily be actual submission to one of the aggressors; and war with the other. The last position is the only one on which there can be any doubt; and it will be most satisfactorily demonstrated by selecting, among the several modifications which might be suggested, that which may on first view appear the least exceptionable; a proposition to repeal the embargo, so far as relates to those Powers which have not passed, or do not execute, any decrees injurious to the neutral rights of the United States.

"It is said that the adoption of that proposition would restore our commerce with the native Powers of Asia and Africa, and with Spain, Portugal, Sweden, and Russia. Let this be taken for granted, although the precise line of conduct now pursued by most of those nations in relation to the United States, is not correctly ascertained. So far as relates to any advantages which would result from that measure, if confined to its ostensible object, it will be sufficient to observe that the exports of articles of the domestic produce of the United States, during the year ending the 30th September, 1807, amounted to \$48,700,000, and that the portion exported to the countries above enumerated, falls short of seven millions; an amount too inconsiderable when compared with the bulk of our exports to deserve attention, even if a question affecting the independence of the nation was to be decided by considerations of immediate profit.

"But the true effect of the proposition would be to open an indirect trade with Great Britain, which through St. Bartholomew's and Havana, Lisbon, Cadiz, or Gottenburg, would receive, at prices reduced by glutted markets, and for want of competition, all the provisions, naval stores, raw materials for her manufactures, and other articles which she may want. Whether she would be satisfied with that favorable state of things, or whether, considering that boon as a pledge of unqualified submission, she would, according to the tenor of her orders, interrupt our scanty commerce with Russia, and, occasionally, under some new pretext, capture rather than purchase the cargoes intended for her own use, is equally uncertain and unimportant. Nor can it be doubted that a measure which would supply exclusively one of the belligerents, would be war with the other. Considered merely as a question of profit, it would be much more eligible at once to raise the embargo in relation to Great Britain, as we would then, at least, have the advantage of a direct market with the consumer. But the proposition can only be defended on the ground that France is the only aggressor, and that, having no just reason to complain of England, it is our duty to submit to her orders. On that inadmissible supposition, it would not only be more candid, but also a more dignified as well as more advantageous course, openly to join England, and to make war against France. The object would be clearly understood, an ally would be obtained, and the means of submission might be better palliated."

These were sentiments presented to the House

about three months ago, as having been agreed to by all the members of the committee who report them except two, and considered in a great degree as the prevalent opinion of a great majority of the House. How the gentlemen have found it convenient since to change their opinions, especially those who agreed to that report, is not for me to say. What circumstances have since taken place to justify a change, are wholly unknown to me. But as I cannot reconcile it to myself to change my opinion without some reason for it, and believing what was then for the interest of my country is still so, I must entertain the same opinions now I did then; and cannot justify myself to the nation in shifting my ground, when no change of circumstances has taken place to authorize it, and saying that what was then considered dishonorable, is now become honorable and proper. You will observe, sir, that when the report of the Committee of Foreign Relations, together with the resolution accompanying the same, were presented, in which it was stated that there was no alternative but a continuance and enforcement of the present suspension of commerce, meaning the embargo, to be aided by a non-intercourse or war, it never entered the head of any man as far as is known that the non-intercourse was to be considered a substitute for the embargo. And, with all due deference to the opinions of gentlemen, I can see as much reason in asserting that night is a substitute for day, as that a non-intercourse or non-importation, as proposed, is a substitute for the embargo. I have another reason which operates with me to vote against a partial repeal of the embargo. The present state of things renders it more than probable, that we shall soon have to enter the lists of war with one or both of the belligerent Powers. Your great and powerful enemy, Great Britain, has now within your territory property to the value of about twenty millions sterling. By this very measure you open a door to her to get home all her property, and in those very articles, too, which she most wants for her manufactures, and for supplies of provisions. In case, therefore, you go to war, you, by this means, deprive yourself of the strongest hold you could have upon your enemy. Yes, sir, you do this at the very point of time when that Power which has, for years, been committing every species of depredation on you, is evidently on the tenterhook of suffering, and probably, on the point of relinquishing, as necessary to her own interest, that unjust system which you have long been contesting. At this important moment you step forward, and, instead of holding out till the result is known, you throw into her lap all she can require; you give her your trade and surrender your neutral rights and character. This will most indubitably be the result of this measure, and I might defy its friends to show that it would produce any other. At the very time when your own people are rallying round the standard of their Government; when they are about to shake off that timidity, that alarm, that restless disposition which the first pressure occasioned by the suspension of com-

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merce naturally produced; when they are, in almost every quarter of the Union, declaring their determination, and solemnly pledging themselves to support your measures, to maintain the embargo or go to war, if necessary; to do anything but submit—at that very moment, instead of being invited by a similar patriotic enthusiasm to throw ourselves in front, and to lead them on to the honorable contest, you abandon the ground you have already occupied, you check their generous enthusiasm, and leave them the mortification of seeing their country disgraced, and their best interests sacrificed by a timid, temporizing policy, that must, if persevered in, ruin the nation. The people already feel the reproach your measure will draw down upon them from foreign nations, they tell you, in the strongest terms, that you have deserted your former ground, which they were ready and willing to support; and they will, sir, shortly tell you so, in a tone that will make many of the advocates of this famous non-descript measure tremble in their political seats. Sir, I once before stated on this floor, when I had no idea that I should ever have to oppose a measure of this kind, supported by those who appear now to be its friends, that such would be the very measure your bitterest enemy, Great Britain, would wish you to adopt; that, if she had an agent on this floor, she could not present to this House a measure better calculated to answer her purposes, and to carry into effect her Orders in Council. I am still of the same opinion, for her navy will prevent, in a great degree, all trade to France, and thus throw into her hands all your produce, all the supplies she wants, through the medium of depots, more advantageous to her and more ruinous to you than if she had a direct trade with you. I cannot, sir, change my opinion of the measure demanded by the true interest of this country on account of the yell of insurrection, rebellion, or everance of the States, however loudly vociferated in certain quarters of the Union. I cannot, on this account, see our relations with foreign Powers in a different point of view from that which they before presented to me; they still appear to me the same.

There is another reason which powerfully operates with me to oppose this part of the bill, and one which I conceive to be of much importance, though not equal to that which I have stated. It is this: that though you relieve your enemy, you do not furnish any substantial relief to your own people. No, sir; I am convinced that, in less than three months from this day, should this measure succeed, produce will sink below the price which it now bears, or has borne for the last year. There are but few places to which you can go, and those will naturally become glutted for want of competition; and, in a short time, the prices will not pay the original cost. It will, therefore, afford no substantial relief. The relief, too, which it may afford will be partial, confined to certain portions of the Union, and not equally beneficial to the whole. Tobacco will find no market; cotton a temporary market only—for, although Great Britain will receive it, yet, as we

have more on hand than she will immediately want, or can make use of, and as we cannot go to France, and our trade to the Continent will undoubtedly be interrupted by Great Britain, she has nothing to do but wait a few days, weeks, or months, and buy it at her own price.

Another ground has some weight on my mind, and I conceive ought to have some weight with every member of this House. I do believe this measure, unless considered by Great Britain as a favor to her, unless she believes you have at last seen the propriety of taking part with her in the contest against France, will produce war, and that of the most disastrous kind, upon your own commerce. So soon as your immense commercial property is again afloat on the ocean, your enemies, who have told you from time to time that your measures were of a hostile nature, will find it convenient to consider the course you are now to take as sufficient cause of war, and will, under this or some other pretext, sweep your property from the ocean, and this you cannot prevent; you have not the means of protecting your commerce, and what is still more provoking, this will take place after you have imposed, for more than a year, a severe pressure on the people, for the express purpose of preserving your trade from precisely such a fate as I think it will share. You have heretofore saved your property and seamen by the embargo. This is not denied by any human being of common sense and candor. I conceive you are now about to throw at the mercy of Great Britain your whole commerce and seamen that have been so long preserved from her grasp. This appears a strong reason against rescinding the embargo, more especially as it will afford your own people no substantial relief, who must still sustain the pressure of low prices and markets for their produce.

There is another reason that operates conclusively with me to oppose the repeal of the embargo: there is no adequate substitute proposed in its place. You are told indeed by some gentlemen that the non-intercourse is a complete substitute for it, and a more efficient measure. I could hardly believe, if I had not heard the assertion made, that any man who had reflected on the subject would hazard such an opinion. The non-intercourse, or rather non-importation, deprives your enemies only of a market for their manufactures. It cannot, therefore, produce any immediate effect. Great Britain sends you her goods in semi-annual exportations; she could not of course feel its effects sensibly in less than six months or a year. On the other hand, the embargo deprives her of supplies—of the provisions necessary for the support of her people, and the raw materials necessary for her manufactures. The loss of these she would certainly feel much more sensibly than the want of a market for her goods. Besides, the embargo has been pressing severely upon her more than a year, and its effects are at this time most seriously felt through all her dominions. To say, therefore, that the non-importation is a complete substitute for, or is as strong a measure as the embargo, appears

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to me as absurd as to assert that midnight darkness is as bright as the noonday sun. There is one other circumstance which would seem to put this point beyond all doubt. The embargo is to be repealed on the 4th of March, the non-intercourse or non-importation is not to take effect until the 20th of May, of course there is a chasm between the termination of the one and the commencement of the other of more than two months; during this time it will not be pretended there is any substitute whatever for the embargo, unless gentlemen can fancy the shade of the non-intercourse will anticipate its real existence and fill up the chasm. During this period, then, there is neither embargo nor non-intercourse, nor even the pretext of a substitute of any kind; it is a void to be filled up with the offering of humble submission and national degradation. Again: it appears to be a very general opinion that during the next session, if justice be not done us by the belligerents, war must be the result; that it would not comport with the interest, the honor, or independence of the nation longer to endure aggressions. The non-intercourse expires at the end of the session; its duration cannot, as now limited, exceed a few weeks; its life and death might be announced almost by the same toll. With what pretext, then, gentlemen can consider it a substitute for the embargo, or calculate on its coercive operations, is difficult to conceive.

There is another ground of objection to this measure which has been noticed by the gentleman from South Carolina, (Mr. D. R. WILLIAMS,) and urged with considerable force, which is this: That putting the non-intercourse in place of the embargo, relieves one part of the Union, and imposes the pressure upon the other part. The embargo operates equally in a great degree on the different parts of the Union. The non-intercourse would press most severely on the Southern and Western States, who depend chiefly on the immediate exchange of their productions for foreign goods, and would throw almost the whole commerce of the nation into the hands of the Eastern States, without competition, and also add a premium on their manufactures at the expense of the agricultural interest to the South and West. Foreign goods being excluded, the manufacturing States would furnish the rest of the Union with their manufactured goods at their own prices. Hence the non-intercourse would operate partially against the Southern and Western, and completely in favor of the Eastern States, and hence the most cogent reasons I have yet discovered why the Eastern gentlemen are almost to a man in favor of it. I shall always feel disposed to support measures that operate as equally as possible on the different parts of the Union, but shall deem it my duty to oppose such as operate partially; and shall feel it more particularly my duty to resist such when their effects are against the interest of those I have the honor to represent. I had supposed a correct view of the effects of this measure would have been conclusive with every member from the

Southern and Western States to vote against it. I will briefly notice here a proposition as connected with this subject, which has been frequently mentioned in discussion, as well as in private, as a substitute for the embargo, which is, to authorize your merchant vessels to arm for defence against the belligerent Powers. This appears to me a novel, weak, and undignified measure. It would afford no substantial protection to your commerce, might irritate, but could not sensibly injure your enemies, and being unknown to the law of nations in the shape proposed to be adopted, would at least have the appearance, if no more, of injustice. It is believed to be unprecedented in the annals of nations to authorize merchant vessels to arm for defence against the public ships of civilized Powers in whose Governments there is ground to place confidence. You arm against pirates as you do against robbers, because you have no confidence in their justice, or regard for the common rights of society, and feel no security even in their promised friendship.

When, therefore, you authorize your merchant vessels to arm against Great Britain and France, you announce to the world that they are in your estimation *pirates*, worse than the Barbary Powers; you treat them as such, and avow your want of confidence in their Governments, laws, and treaties; in fact it would amount to a declaration that you would have no treaties with them. How those Powers would act on such an occasion I shall not pretend to say.

If your merchant vessels were merely permitted to arm without any express authority from Government, they would be considered as pirates, and treated as such by every Power with whose cruisers they came in collision. If on the other hand you give them express authority to arm, they carry your flag; they are under your protection, and you will be responsible for their conduct; you will have to account for their acts, and they will undoubtedly involve you in war. These reasons appeared to me to be so conclusive against adopting this measure, that it was matter of some surprise to hear it so often noticed with approbation in private conversations, as well as on this floor.

It has been said in support of the proposition, that on a former occasion in this Government you passed a law authorizing merchant vessels to arm against France. I shall not at this time investigate this subject at any considerable length, but will only refer the House to the laws passed at that time respecting it; and gentlemen will see that so far from arming our merchant vessels alone for the protection of commerce, it was a regular system of war commenced and carried into effect by several laws, all passed in a few days. The system of arming our merchant vessels alone was never calculated on as a separate measure, and could not have been intended to be carried into practice, without authorized war, and reference to the laws themselves will prove this. The first law passed at that time on the subject bears date the 28th of May, 1798; it authorized

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the President of the United States "to instruct and direct the commanders of the armed vessels belonging to the United States to seize, take, and bring into any port of the United States, to be proceeded against according to the laws of nations, any such armed vessel which shall have committed, or which shall be found hovering on the coast of the United States, for the purpose of committing depredations on the vessels belonging to citizens thereof; and also to retake any ship or vessel of any citizen or citizens of the United States, which may have been captured by any such armed vessels." The next law which passed on the 20th of June, 1798, is the law alluded to, authorizing merchant vessels to "oppose and defend against any search, restraint, or seizure, which shall be attempted upon such vessel or upon any other vessel owned as aforesaid, by the commander or crew of any armed vessel sailing under French colors, or acting, or pretending to act, by or under the authority of the French Republic; and to repel by force any assault or hostility which shall be made or committed on the part of such French or pretended French vessel pursuing such attempt, and may subdue and capture the same; and may also retake any vessel owned as aforesaid, which may have been captured," &c.

What was the result of this law? Before your merchant vessels could arm and be prepared for sea, before this measure, so extraordinary in itself, if considered separately, could be carried into effect, or practised upon, on the 9th of July following, only fourteen days after its adoption, a law was passed, evidently a part of the same system and most probably before the Legislature at the same time, authorizing the President of the United States to instruct the commanders of the public armed vessels of the United States to subdue, seize, and take armed French vessels, &c., wherever found, &c., and also to grant to the owners of private armed ships and vessels of the United States who shall make application therefor, special commissions, &c., authorizing them to subdue, seize, and capture, armed French vessels, &c., in the same manner as the public armed vessels of the United States may be by law, &c. This was in substance and effect issuing letters of marque and reprisal.

[Mr. RANDOLPH asked leave to explain—Mr. CAMPBELL gave way. Mr. RANDOLPH: As the gentleman who has just given way to me was not in the House at the time that some observations were made by myself on this subject, I could not suppose that he had alluded to them. They were made in reply to my friend from South Carolina (Mr. D. R. WILLIAMS.) Unquestionably the gentleman is totally mistaken in the view which he has taken of the proposition, if he refers to that made by myself for arming our merchantmen. And certainly it is not matter of surprise that he should be so mistaken, as he is mistaken as to the operation of this bill. He says the non-intercourse will not take place till next Summer, though the fact is directly the reverse; and he is equally mistaken as to the operation of that law,

which he says granted letters of marque and reprisal, which authorized the capture of armed vessels only, and not of unarmed vessels. I have nothing more to say at this time.]

Mr. CAMPBELL said, he really did not perceive the necessity there was for the gentlemen to say anything on the present occasion; for he did not hear the observations he had made on this subject when formerly before the House; and did not allude to him at all. In regard to mistakes, said Mr. C., I presume the gentlemen attends more to those of others, than to his own. The time proposed for the non-intercourse to commerce, is stated in the bill, which is on every man's table; and is the 20th of May. There could therefore be no mistake on this point. I did not even know the gentlemen had made such proposition as he states in regard to permitting merchant vessels to arm, and I could scarcely believe any one would seriously risk his reputation in making such. I merely noticed the proposition as it has been frequently mentioned in discussion and in conversation. The laws which I quoted are precisely as I have stated them; there was no mistake whatever made in regard to them, and the gentleman can point out none. And in order to show the House that in this respect the gentleman himself must have been mistaken, I will turn to the laws and read those parts to which I before alluded.

[Here Mr. CAMPBELL read the laws before quoted].

The House must now perceive those laws were correctly stated. They authorized the capture of all armed French vessels, by the public and private armed vessels of the United States. With regard to the practical construction given to the terms "letters of marque and reprisal," very little will be found on the subject in the writings of the best jurists, with which we are acquainted. The meaning of the terms themselves would enable us to form a pretty correct idea of the authority they would give—and the authority to capture armed vessels is as much within their meaning, and has I presume been always so considered until this time, as the authority to capture unarmed vessels. Letters of marque and reprisal might include the authority to capture either vessels of the one or both descriptions. The authority however given by the law in question was to capture all French armed vessels, public as well as private, and clearly proves the position I have taken, that the object was open war with France; that there was no intention of relying on arming your merchant vessels for the defence of commerce, without war; that when Government authorized their merchant vessels to arm for defence, they did it as a part of a system of open war, which was then in a state of preparation, and immediately afterwards carried into effect. In this they acted consistently with the practice heretofore of civilized nations. And it is believed no instance can be adduced of one civilized nation's authorizing her merchant vessels to arm for defence against the public vessels of another civilized nation, with whom the former was at the time on terms of peace.

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It was not my intention, sir, to have detained the House so long. To their indulgence I owe an acknowledgment. I will close the remarks I have to make, by briefly repeating—that believing, as I do, that the proposed partial repeal of the embargo will be abandoning the ground of resistance to foreign aggressions we have taken, will degrade the honor and character of the nation—will not afford any substantial relief to your own people; that you adopt no real substitute in its place—that it will favor the views of your enemies at home and abroad, whilst it will disappoint and damp the spirits of your best friends, and incur the disapprobation of a great majority of the American people; and also in addition to all this it will most probably produce a war of depredation in which your commerce will become an easy and sure prey to your enemies; believing all this I am decidedly opposed to it, and shall vote in favor of the motion to strike out the section. Should this motion not prevail, as will probably be the case, I will not at present declare what my vote may be on the final passage of the bill. It sometimes becomes necessary to make a choice, though it will be a very reluctant duty, between evils; we are compelled to take the less in order to avoid the greater. This may probably be such a case.

Mr. MACON said that there was not a clearer proposition under the sun, than that the embargo had been and was still the shield of our safety. In the early part of the session he had stated his impression that there were but three alternatives, to go to war, continue the embargo, or to submit. He was still of the same opinion, and thought it demonstrable that every proposition made, which had for its object the removal of the embargo, was either war or submission.

Take off the embargo, said he, in any way you please, if the orders and decrees remain in force, and where can you go? Only into trouble. The embargo did and does prevent Great Britain from getting your property under the Orders in Council. The merchants of this country, when orders were issued by Great Britain, which did not go half so far as at present, forced upon you the prohibitory law. I did not wish it. I thought the measure was unwise. At that time the Chesapeake had not been attacked. Those decrees had not been issued, which now make me wish to continue the embargo for a longer time. I would try it till September. I have stated before to the House, that if we went into the war we should be thrown on the side of France—I hope not into her arms, for I want no entangling alliances, nor treaties, more than we are compelled to make. Suppose you repeal the embargo, and in order to go to France, first go to England and pay her what duty she chooses to exact. Would not that be submission? Suppose you refuse to trade with France in consequence of the Orders in Council—would not that be submission? Both these cases would to my mind be submission; and that all the evils imputed to the embargo are chargeable to the decrees and orders, I believe, as I do that this measure has saved you from their nefar-

rious doings. Let your merchants out, and, no matter where they go, the whole system is at an end. The merchants will trade to England. Let it be recollected that Mr. Erskine, in one of his letters to Mr. Madison, stated that the object of the duty on cotton was to prevent the manufactures of France from rivalling the manufactures of Great Britain. Do you expect then, that Great Britain will let the cotton go free? No, sir. How is it with another article—tobacco? I talk about these articles, sir, because they are the product of my constituents, by the culture of which they live. Of this article Great Britain consumes about one-seventh of our whole export; France two-fifths. Upon this two-fifths of our whole export, a tax of three dollars per hundred weight is imposed, almost equal to its whole current value in this country. Sir, I was opposed to the 50 per cent. additional duty bill; but when that duty on imports is compared with the duty which Great Britain lays on our exports, which we have not the power to tax at all, the duty sinks to nothing. We are contending for our existence as a nation. It has been said, a thousand times said, in this House, that tribute ought to be put out of the question. Sir, suppose this tax had been laid on the tonnage of our vessels, instead of the product of the soil, should we have been told not to repeat the word tribute so often? You might as well ask the people of this country to rescind the Declaration of Independence, as to ask them to permit their property to be taxed as a foreign Government pleases. Whenever gentlemen talk about taxes, and can coolly see a foreign nation tax this community more than the General and State Governments united, I scarcely know how to express my wonder at their apathy. The taxes laid by Great Britain on the soil amount to more than the taxes laid in this nation by corporations, towns, State and General Governments, all put together.

If your merchants go out under this bill, in my opinion they will evade it in the way in which Great Britain has evaded the French law; and there is no way to keep out of war, and at the same time avoid paying tribute, if the embargo be thus repealed. I had rather have British custom-house officers here at once, and be done with it. Reverse this thing for a moment. Suppose that the United States and Spain were at war, and the United States were to say that Great Britain should carry nothing to or from the Spanish colonies without coming here and paying an enormous tax on it—we should be thought mad. But this is just a parallel case with our present situation. You are compelled to carry all your produce to Great Britain; and, if you do not there sell it, to purchase a license to export it. Nothing can be more true than what has been several times said, that if we go to war with France, we need not pay any tribute. But, sir, were we to go to war with France, thus to avoid that duty, it would be the basest submission, and you had better go and pay it at once.

A thousand contradictory things have been conjured up in the course of this debate. At one

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time you are told that Great Britain does not value Canada or you. At another moment, in the fertility of gentlemen's imaginations, cotton and tobacco spring up there, like mushrooms, in a night. If you then talk about taking it, you are told that you will catch a tartar. Let foreign nations respect our rights and we will not concern ourselves with them. If we yield now, they will trample us to death.

Upon this subject, too, it is said by some gentlemen, "let commerce take care of itself." If this be proper, why are the same gentlemen the most strenuous supporters of a navy? If commerce is to protect itself, what is a navy to be sent out for? The commercial part of the nation ought to consider itself as linked with every other part. If commercial men have grown rich from the product of the soil and the labor of the agriculturist, is it fair and honorable for these men to want to destroy that which has given them wealth—I mean the agriculture of the country? Surely not; but it unfortunately happens that it is nevertheless true that the heaviest of these foreign taxes are imposed upon that part of the nation which the gentleman from Connecticut told us the other day has not the greatest portion of physical force. The amount of trade or commerce carried on would be the same, tax or no tax, but the price of the produce of the country would be less, and especially that part of it which can be carried but to one market.

I agree with the gentleman from Massachusetts (Mr. QUINCY) in many points which he took the other day—that we should not fight Great Britain because she takes her own seamen from our ships. If she would take only her own and let ours alone I should be content. Notwithstanding all the distress under which gentlemen appear to labor on the subject of a treaty, I have no doubt that if we were to spend less upon treaties, and regulate our commercial affairs more by law, we should find it to our advantage. With whom should we treat? With France and Great Britain, the two most powerful nations in the world, who pay no respect to treaties longer than it suits their own convenience? I would restrict them by navigation laws as they restrict us. That is a sort of system which you can continue, sir. Without saying that our exports are of more value to them than theirs are to us, admit that they are but equally valuable, and we may retort their own doings upon them.

Much has been said about the amendatory embargo law. I have no fear but it will be enforced. It is not to be expected that you will not find smugglers under that as under every other law. I do not believe a word about any State's undertaking to set the law at defiance. I have no such expectation; and I go upon the idea that whatever is for the good of the whole all will obey. Make an experiment under the law. Recollect a case in what are called the *hard times*, sir, when a great portion of the nation thought the sedition law unconstitutional. The judges decided to the contrary, and the law was enforced. And, talking of hard times, there are several in this House

who can better tell what they were than myself, yet I saw enough of them, and felt a little, too, though not as highly honored as some others, who were thrown into jail under the law. The highest honor decreed to me was to have the rogues' march played under my windows. Now I have heard of no personal injury or insult to any members of Congress in the present "hard times." To the hardship of former times many worthy characters, and the records of those days, will bear testimony.

I will here state a fact which did not occur to me till I saw it in another place, in one of the most luminous speeches I ever heard or read. When the attack on the Chesapeake was made, every one applauded the measure (the proclamation) adopted by the President. I came to this place, sir, at the subsequent session a little too full of a vindictive spirit, and others perhaps partook of the same feeling. This feeling continued for some time; and the first word I heard in reprobation of the proclamation was after the British Envoy had been here some time. I speak of a fact which is unquestionable.

The gentleman from Massachusetts, in the conclusion of his speech, uttered an expression, in which I hope he was mistaken, viz., that "his arguments or impressions might be attributed by some to foreign influence." I hope he is mistaken. Nothing can be so grating to an American as to suppose that his arguments may be attributed to that source. I speak of it from a degree of experience; for in the "hard times" it has been attached to me. There is no man to whom foreign partialities have been imputed, that cannot feel the impression the charge makes upon a mind purely American. Every one recollects the time when opposition to every measure of the Administration was attributed to French influence. Though I have felt it, I never believed that those amongst whom I was born and raised would give credit to the charge.

It has been said, and great pains have been taken to establish the fact, that the embargo bears harder upon the Eastern than upon the Southern country. The reverse appears to me to be the fact. Upon the towns it may bear harder than upon the country; but take the nation at large, and the embargo, if gentlemen persist in charging all our evils on the embargo, bears harder on the South than on the East. We lose the capital of the trade, whilst they lose but the profits to be made upon the export and import. Can the profits be equal to the capital? Certainly not.

My perseverance in this embargo system may be deemed to be a little fool-hardy; but we are called upon to retire before we are routed. I have no fear of being routed. We cannot retire without disgrace under this non-intercourse bill. Take off the embargo, and we have no alternative but war. Arming merchantmen, issuing letters of marque, &c., all this is fighting. I am not for it if we can avoid it. The country is not ruined as has been said. Our property is safe at home. We have not now to negotiate with France and Great Britain for indemnity for the plunder

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they would have made but for the embargo. I had rather have my little property in this situation, embargoed at home, than have to depend upon negotiation to procure compensation for it when captured. True it is Great Britain once agreed to pay you for spoiliations, and so far acknowledged some such thing as the law of nations; but I doubt whether she will do it again. How did it happen? You agreed to pay her the amount of it and more too. France too agreed to pay for spoiliations; but how? You bought Louisiana, and she gave you credit for the amount due to you. She has no Louisiana now to sell you, nor has England. All the property taken from you would be clear loss.

The gentleman from Massachusetts told us, some time ago, to take care of his constituents. This is the desire of every man. The gentleman must agree that the articles of tobacco and cotton, without anything else, are equal to the lumber which he talked about. As to his idea of the fertility of the land and riches of the inhabitants of the Southern country, he is wholly mistaken. On the rivers there is some such thing; but in the upper part of the State in which I live, the greatest equality of property exists. These men bear with their present situation, because they see that there is no other alternative than war, and they had rather bear it than go to war. I do not believe that any one of the Southern States has more than three banks, whilst in the Northern States there are from twenty to forty of one kind or other in each State.

The letters read by the gentleman from Georgia (Mr. TAOUR) the other day, had the same effect upon my mind which they appeared to have upon his. I have no doubt that some part of our cotton has been carried away; but it is but a small portion of the necessary quantity. As to making cotton in France, as a gentleman from Connecticut attempted to prove from a French author, I have no fear of that. I never had a good opinion of theoretical agriculture; and on hearing that book read, I admire it the less. I have no more fear of cotton being raised in France, especially if they take the author's advice as to the mode of doing it, where they have not spare ground to make tobacco, than I have of its being raised in Canada. And really, sir, as to the Barbary Powers making cotton for the European market, I should as soon expect the Cherokee, with his wallet of corn, to travel from his native soil to Roanoke to sell it.

A quotation was made by a gentleman from Virginia (Mr. RANDOLPH) the other day, from the language of, perhaps, the most eloquent man in the Virginia Convention, for considering the Federal Constitution. I could name a man not quite so eloquent but quite as great a man, one of whose objections to the Constitution was, that you would be taxed by those who had no fellow-feeling for you. Great and prescient as he was, he never dreamed of Great Britain again attempting to tax us. Has Great Britain any fellow-feeling for you? No, sir; she and France have, and will continue to have, a hatred for you

so long as you continue free. We are here struggling with this embargo, getting out of it one way or the other, and told that the laws are set at defiance. The bones of our Revolutionary soldiers are scarcely buried—and are we, their descendants, already threatening the Union with discord; tearing characters to pieces, as though the American character was worth nothing? In the city of New York, but the last year, one of the most solemn processions took place which was ever witnessed in the country, to bury the bleached bones of our patriots. And, gracious God! are they so soon to be forgotten? I hope not, sir; that we shall pursue our course with firmness, and not be turned from it by threats, come from whence they will; that we shall not repeal the embargo by passing this bill.

Mr. HOLLAND followed on the same side of the question. He had originally voted against the embargo, because he believed it premature; but he was decidedly of opinion that, when it was imposed, some time would be necessary to try its effects as a coercive measure. He believed that the United States generally sacrificed at least enough of their happiness to the commercial interest; but having taken this ground, he wished to maintain it. And although he was not inclined to favor exclusively external commerce, yet in favor of our indisputable rights on the ocean, he would go to war when efforts of peace failed. He was in favor, therefore, of a further continuance of the embargo, and replied to many arguments against it. He lamented the propensity that existed among gentlemen, because they could not obtain a favorite object in life, to set their faces against everything else. Thus, one gentleman in the other branch of the Legislature, because he had been removed from office some years ago, thought everything had since gone wrong. One in this House might think the same, because he had not been able to obtain an office; another, because he could not move the seat of Government, &c. Mr. H. said he firmly believed, nevertheless, that it was happy for the United States that the one was removed, another disappointed in an office, and that the seat of Government was in its old place. The reasons operating with those gentlemen had no effect on him. He was for pursuing a direct course and adhering to the embargo, until its effect was fully tested. Mr. H. spoke about an hour.

Mr. WINN moved to postpone the further consideration of the subject. Negatived.

On motion of Mr. TAYLOR, the House adjourned about four o'clock, without taking a question.

TUESDAY, February 21.

The bill sent from the Senate, entitled "An act supplemental to the act, entitled 'An act for the better government of the Navy of the United States,'" was read twice, and committed to a Committee of the Whole to-morrow.

Mr. JEREMIAH MORROW, from the Committee on the Public Lands, to whom was committed, on the twenty-eighth ultimo, a bill sent from the

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Senate, entitled "An act for the relief of certain Alabama Indians, reported their agreement to the same, with an amendment; which was twice read, and agreed to by the House,

Ordered, That the said amendment be engrossed, and, together with the bill, be read the third time to-morrow.

An engrossed bill concerning invalid pensioners was read the third time: Whereupon, a motion being made by Mr. HOLMES that the said bill do lie on the table, it was resolved in the affirmative.

A message from the Senate informed the House that the Senate have passed the bill, entitled "An act for the disposal of certain tracts of land in the Mississippi Territory, claimed under Spanish grants, reported by the Land Commissioners as antedated, and for other purposes," with several amendments; to which they desire the concurrence of this House. The Senate have passed a bill, entitled "An act making provision for the further accommodation of the household of the President of the United States;" also, a bill, entitled "An act to interdict the commercial intercourse between the United States and Great Britain and France, and their dependencies, and for other purposes;" to which bills, respectively, they desire the concurrence of this House.

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Mr. BIBB moved to postpone the further consideration of the unfinished business till to-morrow. A similar bill was before the Senate, which, he believed, would be more generally satisfactory than the bill now before the House, and which would, probably, soon be received. The question now pending was not lightly to be decided; for it was known what effect a mere decision in Committee of the Whole on a part of a resolution had lately produced. The House would be better prepared to vote on it when they had the whole ground before them.

Mr. LYON objected to this procedure as unworthy of the dignity of the House. This House had no right to know what was doing in the Senate, except, indeed, it was to be guided in its proceedings by what the Senate should choose to do. For one, he said, he would not be led by the nose by the Senate or any other department of the Government.

Messrs. LYON, DURELL, BACON, and GARDNER, also opposed postponement; Mr. BIBB advocated it.

The question being now taken on the motion for postponement, it was negatived—yeas 38, nays 72, as follows:

YEAS—David Bad, Burwell Bassett, William W. Bibb, William Blackledge, Thomas Blount, Adam Boyd, Robert Brown, William Butler, Joseph Calhoun, Matthew Clay, John Dawson, Josiah Deane, Joseph Desha, James Fisk, Peterson Goodwyn, William Helms, James Holland, David Holmes, Richard M. Johnson, Thomas Kenan, John Love, Nathaniel Maceon, Thomas Newton, John Porter, John Pugh, John Rea of Pennsylvania, John Rhea of Tennessee, Jacob Richards, Lemuel Sawyer, Benjamin Say, Samuel Shaw, John Smilie, John Taylor, John M. Troup,

Daniel C. Verplanck, Jesse Wharton, Robert Whitehill, and Marmaduke Williams.

NAYS—Evan Alexander, Lemuel J. Alston, Willis Alston, junior, Joseph Barker, John Blake, junior, John Boyle, William A. Burwell, Martin Chittenden, John Culpeper, John Davenport, jun., Daniel M. Durrell, James Elliot, William Ely, John W. Eppey, William Findley, Francis Gardner, James M. Garnett, Thomas Gholson, junior, Isaiah L. Green, John Harris, John Heister, William Hoge, Benjamin Howard, Reuben Humphreys, Daniel Isley, Richard Jackson, Robert Jenkins, James Kelly, John Lambert, Joseph Lewis, jun., Edward Lloyd, Matthew Lyon, Robert Marion, Josiah Masters, William McCreery, William Milnor, Daniel Montgomery, junior, John Montgomery, Thos. Moore, Jeremiah Morrow, John Morrow, Jonathan O. Mosely, Thomas Newbold, Wilson C. Nicholas, Josiah Quincy, John Randolph, Matthias Richards, Samuel Riker, John Russell, James Sloan, Jedediah K. Smith, John Smith, Samuel Smith, Henry Southard, Richard Stanford, William Stedman, Clement Storer, Lewis B. Sturges, Peter Swart, Samuel Taggart, Benjamin Tallmadge, John Thompson, Abram Trigg, James I. Van Alen, Philip Van Cortlandt, Nicholas Van Dyke, Archibald Van Horn, Killian K. Van Rensselaer, Isaac Wilbour, David R. Williams, Alexander Wilson, and Nathan Wilson.

The House then resumed the consideration of the said bill: Whereupon, a motion made by Mr. BIBB, which was depending yesterday at the time of adjournment, further to amend the bill by striking out the twelfth section thereof, being revived, the said section was again read at the Clerk's table, in the words following, to wit:

"SEC. 12. *And be it further enacted*, That so much of the act 'laying an embargo on all ships and vessels in the ports and harbors of the United States,' and of the several acts supplementary thereto, as forbids the departure of vessels owned by citizens of the United States, and the exportation of domestic and foreign merchandise to any foreign port or place, other than Great Britain or France, or their colonies, or dependencies, or places in the actual possession of either, be, and the same is hereby, repealed, after the fourth day of March: *Provided*, That all penalties and forfeitures which shall have been previously incurred by virtue of the said acts as is repealed by this act; or which have been, or may hereafter be, incurred by virtue of the said act, on account of any infraction of so much of the said acts as is not repealed by this act, shall be recovered and distributed in like manner as if the said acts had continued in full force and virtue."

Mr. CULPEPER.—Mr. Speaker: As it is my misfortune very frequently to vote in the minority, and I may be equally unfortunate in my vote on the present occasion, I rise to offer to the House some of the reasons which will govern me in the course I expect to pursue on this subject. I voted against the amendment proposed by the gentleman from Pennsylvania, (Mr. MILNOR,) and I expect to vote against the amendment proposed by the gentleman from Georgia, (Mr. BIBB,) with a design to vote for the amendment of the gentleman from South Carolina (Mr. WILLIAMS) and the second amendment of the gentleman from Pennsylvania (Mr. MILNOR.) I intend to vote for the bill under consideration, and desire it may

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be so modified as to prevent, if possible, the ruin and disgrace of my country.

I do not expect to vote for this bill for its intrinsic merit, for I am not very well pleased with the system; but I have long thought, and I yet think, if the several acts laying an embargo on all ships and vessels in the ports and harbors of the United States are never repealed until we are all pleased with what gentlemen call a substitute for the embargo, my country will be ruined under the operation of this measure, which so much resembles Fielding's clock—it never can operate as a measure of coercion upon the European Powers; he describes the clock as most exquisitely formed in all its parts, but for the want of conformity in the several parts to each other it could not be put in motion. Just so is your embargo, though its advocates represent it as a political machine calculated to preserve the honor and interests of the country, for want of conformity to the habits of the American people and to the present situation of the country it cannot be executed to advantage. And as we differ in political sentiment, and no doubt, honestly differ, I deem a spirit of conciliation absolutely necessary for the preservation of the country. I feel willing to meet gentlemen who differ from me in sentiment, whenever I discover a disposition in them to do so too. And I think it is time to join and adopt that plan which will be least offensive to any portion of the American people, or their representatives. Under these impressions I expect to vote for this bill, as preferable to your embargo system. If the amendments proposed by the gentlemen from South Carolina and Pennsylvania are adopted, I believe we shall derive some benefit from this system. And should it fail in producing the expected good, it certainly will be productive of less evil than the embargo; it will partially restore our almost ruined commerce. For, however gentlemen may differ from me on this subject of commerce, I consider it a great excitement to industry; a source from which the rich derive most of their opulence, and the poor derive many of the necessities of life; and gentlemen all acknowledge it to be the source from which we derive the whole of our revenue. To prove these positions, I will call the attention of the House to the commercial prosperity of the nation under the operation of the Treaty of '94, called Jay's Treaty. This treaty has been represented as ruinous and disgraceful. Such were the clamors against it, that I confess I disapproved of it at first; but under its operation we were a happy and a prosperous people. By reference to the several reports of the Secretary of the Treasury, I perceive our customs arising from imposts and tonnage during the four years prior to the adoption of that treaty, averaged, \$4,224,728, and our customs arising from the same source, the first four years under the operation of the treaty, averaged \$9,720,198, and the last four years averaged \$12,340,491; and our exports increased in the same proportion—and we increased as fast in individual as national wealth. Yes, sir, under the operation of that treaty, our farmers were induced

to cultivate the soil, and their industry was well rewarded; our seamen employed in navigating the ocean, and our canvass whitened every sea. United at home and respected abroad, we held the second rank among the commercial nations of the earth. But these privileges, though great, were trifling when compared with such as were to be procured by a new system, and when in 1804, Lord Harrowby, the then British Minister, proposed to renew that treaty, it was rejected. In 1806, a partial non-importation act was passed to exclude many articles of British manufacture from our ports—this was to compel the British lion to admit the American eagle to an equal participation in what gentlemen call the great highway of nations. When this plan, so promising in theory, failed in practice, an embargo was added—this was to compel not only the Government of England, but the enlightened Government of France to yield to us, in a state of dignified retirement; what they refused to grant us while pursuing our usual course of honest industry. Sir, what has been the consequence? What have we gained by this method of dignified resistance? I am certain if the citizens of the United States were to be consulted, and were to compare the political blessings we enjoyed under the treaty, with this political (what shall I call it?) curse, to which we have been exposed under the operation of the embargo system—they would not hesitate a minute, but would decide in favor of such a treaty.

But we are told, by the committee of exterior relations, we must have abject and degrading submission or war with both England and France, or a continuance and enforcement of the embargo, or present suspension of commerce. And as the first cannot require any discussion, and the pressure of the embargo is so sensibly felt that the country cannot or will not much longer submit to the privations of this system, gentlemen exclaim what is to be done? Has the nation no honor to maintain? Yes, sir, I hope she has; I hope we will still retain some of our national honor, but I trust in God, we never shall make another attempt to maintain our honor by abandoning our rights. I shall perhaps be told we have not abandoned our rights; this system is not an abandonment, but a suspension of our rights. Be it so, Mr. Speaker, for although I conscientiously consider it an abandonment of our rights, I believe the advocates of the measure consider it only as a suspension. God grant that their expectations in this may be realized; but I fear it will happen otherwise. But gentlemen exclaim, how are we to avoid degrading submission? I hope, sir, we shall abandon or modify this system, and resume the navigation of the ocean, and convince the world we do not intend to abandon our rights.

I am as anxious to maintain the honor of the nation as any gentlemen on this floor; but I subscribe to the position, that, in an agricultural and commercial Republic, honor and interest are convertible terms. I believe, sir, that our honor is our interest, and our interest is our honor. I am

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confirmed in this belief by gentlemen who profess to differ from me upon this subject. Sir, our actions outweigh our words, and while gentlemen from the South and West, whose constituents are cultivators of the soil, exclaim against a repeal of the embargo as disgraceful, they say the duty demanded by the British Government must be paid by the growers of produce, and that the carriers will receive full freight; and gentlemen from the North and East, whose constituents are many of them commercial, others seafaring men, urge the repeal of the embargo, because it deprives their constituents of commercial and nautical profits. These arguments prove to me that different habits and pursuits produce diversity of sentiments; but that we all consider honor and interest convertible terms. But I for one disclaim any share in that honor, which is contrary to our interest; nor do I wish to see our national concerns governed by the laws of chivalry, and see nations, like imprudent individuals, destroying each other without the prospect of gaining anything but a premature and inconsiderate death.

But gentlemen inquire, do you not prefer war to disgraceful submission? Yes, sir, I do prefer war to submission—but I ever have preferred, and yet prefer a candid, a full, and friendly explanation, to the honor of dying like Abner, as a fool lieth. For these reasons, I am for another attempt at negotiation. And as this attempt, however honest and sincere it may be on our part, may fail, I am for adopting some method to unite the American people. And although this bill, should the amendments proposed by the gentleman from South Carolina and the gentleman from Pennsylvania be adopted, is not just what I prefer, for I am decidedly in favor of repealing the whole embargo and non-importation system, and for permitting our merchants to arm in their own defence; it is the best terms I expect to get, and I am for accepting of it. And should the attempt at negotiation fail, and it prove necessary, I would then prepare in earnest for war; I would proceed to vindicate the honor of the nation and repel force by force. Then, sir, we shall have nothing to fear. The brave but peaceable citizens of the United States, when convinced of the justice and necessity of such a war, will unite as a band of brothers, not to support the embargo party nor the Federal party, but as free Americans to vindicate the honor of the nation, and maintain our rights, and transmit to posterity the rights and privileges which our fathers fought and bled to procure for us. But they are not so fond of war as to prefer that course, when they understand that these privileges could have been secured by a treaty. Believing this to be the desire and the interest of my constituents, and of the majority of the citizens of every portion of the Union, I am for pursuing this course. I am for making this bill as perfect as possible, in order to satisfy the citizens in every portion of the Union. Some gentlemen represent it as disgraceful to yield to the clamors or murmurings of the people. But I consider it the duty of the Representatives to re-

peal a law whenever it is known to be contrary to the wishes of the people. But gentlemen tell us this system is not displeasing to the people, that notwithstanding all that has been said upon the subject they do not believe it—they do not believe the people disapprove of the embargo. Sir, unbelief has ruined many, and I do awfully fear it will be our ruin. I am certain it will, if we persist much longer in it.

Mr. BRIS observed that, whatever should be the decision of the House, he should obtain one object; he should obtain the names of those who, in the commencement of the session, told the House that the proposition now under consideration was the most dishonorable that could be proposed, and would now vote in favor of it.

Mr. W. ALSTON said, notwithstanding the threat of the gentleman from Georgia, he should vote against his motion. He had a right, as well as the gentleman from Georgia, to judge of the nature of the proposition submitted to him. Every one who voted on the report of that committee, did not adopt its reasoning, and might have voted in whatever way he deemed proper, without consulting their explanation of it. He believed the nation looked forward to a modification of the embargo, and he should therefore vote for the bill.

Mr. LOVE opposed the motion to strike out the twelfth section. He thought it premature, at least, as there were considerable amendments contemplated to the bill. Mr. L. took an extensive range of argument to show that if the embargo system was repealed the non-intercourse would be the best substitute; that the effects of it would be felt by our enemies, perhaps in a greater degree than the embargo, especially after it was understood, in foreign nations, that the execution of the laws was opposed, even under the sanction of State authority; that the mode of treating infractions of our laws, as it respected our citizens, was a different thing, and he hoped would meet with proper attention. He thought the system to be substituted would probably bring our differences with foreign Governments to an issue of some kind, if the provisions were such as he wished. It was certainly desirable that a termination of some kind should be had to those differences. The honor and independence of the United States required it. Mr. L. replied to observations which had been made of the great power and revenues of England, by stating that the United States were better able now to meet the power of England, if war was to be resorted to, than in the year 1776, when the same causes of war existed, as at present, and when the resources of America were literally nothing. Mr. L. regretted the motion had now been made, as he feared it was calculated to make another false impression on the people of the United States; and, although he should vote against the motion, he should not consider it as committing himself on the final question.

Mr. COOK was against the motion. He considered the embargo as a measure which, in its friendship for commerce, was destroying it by

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grasping it too tight. He wished its grasp to be loosened.

Mr. G. W. CAMPBELL next took the floor. He was in favor of the motion under consideration. He said he was surprised at the change which a few weeks, during which he had been absent from indisposition, had produced on the minds of the members of the House. It seemed as if some enchantment had spread itself over them, which they perceived, and yet did not wish to remove. He urged many reasons against a repeal of the embargo, and against the bill proposed. But a few weeks ago, the House decided in favor of a continuance of the present system as the only means of honorably avoiding a war; and some of the very same gentlemen were now about to adopt a measure, which the report of the Committee on Foreign Relations had declared to be submission, viz: a partial repeal of the embargo. A removal of the embargo would render our property liable to capture, and give an opportunity to British subjects to take from the country in the manner most advantageous to themselves, twenty millions of property, which would otherwise be in the power of the United States in case of war, which was at least probable. It was a measure which would relieve our adversary without benefiting our own citizens in the slightest degree. Mr. C. expressed his astonishment how gentlemen, whom he perceived supporting this bill, could reconcile it with consistency to do so, when no change of circumstances had taken place, which could authorize a change in their opinions. Mr. C. also noticed the system of arming our merchant vessels, which he pronounced to be novel and futile. He did not state how he might vote on the bill when on its final passage.

Mr. RANDOLPH replied to some of the observations of Mr. CAMPBELL on the subject of the arming system, and in relation to consistency.

Mr. REEA, of Tennessee, replied to some of the remarks of Mr. CAMPBELL, and defended himself, as one who voted on the report of the Committee of Foreign Relations, from the charge of inconsistency. He was in favor of the present bill, and in voting for it should not change his ground. He thought that this bill was what the embargo ought to have been in the beginning. In commenting on Mr. CAMPBELL's observation in relation to the property in this country, he said, that when we went to war for a moral right, he would not say that twenty millions of private property in this country should be taken possession of by us.

The question was then taken on Mr. BIBB's motion, and negatived—yeas 39, nays 84, as follows:

YEAS—David Bard, Burwell Bassett, William W. Bibb, William Blackledge, Thomas Blount, John Boyle, William A. Burwell, William Butler, Joseph Calhoun, George W. Campbell, Matthew Clay, John Clopton, Josiah Deane, Joseph Desha, Meshack Franklin, James Holland, David Holmes, Benjamin Howard, John G. Jackson, Richard M. Johnson, Thomas Kenan, William Kirkpatrick, Nathaniel Macon, Robert Marion, John Montgomery, Jeremiah Morrow, John Morrow,

Thomas Newbold, John Porter, John Rea of Pennsylvania, Benjamin Say, John Smilie, Richard Stanford, John Taylor, George M. Troup, Daniel C. Verplanck, Jesse Wharton, Robert Whitehill, and David R. Williams.

NAYS—Evan Alexander, Lemuel J. Alston, Wilks Alston, jr., Joseph Barker, John Blake, jr., Adam Boyd, Robert Brown, Epaphroditus Champion, Martin Chittenden, Orchard Cook, John Culpeper, Richard Cutts, Samuel W. Dana, John Davenport, junior, Daniel M. Durell, James Elliot, William Ely, John W. Eppea, William Findley, James Fisk, Francis Gardner, Jas. M. Garnett, Thomas Gholson, jr., Peterson Goodwyn, Isaiah L. Green, John Harris, John Heister, William Helms, Reuben Humphreys, Daniel Hsiey, Robert Jenkins, Walter Jones, James Kelly, Philip B. Key, John Lambert, Joseph Lewis, jr., Edward St. Lee Livermore, Edward Lloyd, John Love, Matthew Lyon, Josiah Masters, William McCreey, William Mithor, Daniel Montgomery, jr., Thomas Moore, Jonathan O. Mosely, Gurdon S. Mumford, Thomas Newton, Wilson C. Nicholas, John Pugh, Josiah Quincy, John Randolph, John Rhea of Tennessee, Matthias Richards, Samuel Riker, John Rowan, John Russell, Lemuel Sawyer, Ebenezer Seaver, Samuel Shaw, James Sloan, Jedediah K. Smith, John Smith, Samuel Smith, Henry Southard, William Stedman, Clement Storer, Lewis B. Sturges, Peter Swart, Samuel Taggart, Benjamin Tallmadge, John Thompson, Abram Trigg, Jabez Upham, James I. Van Alen, Philip Van Cortlandt, Nicholas Van Dyke, Archibald Van Horn, Killian K. Van Rensselaer, Isaac Wilbourn, Marmaduke Williams, Alexander Wilson, and Nathan Wilson.

Mr. RANDOLPH moved to strike out of the twelfth section the exceptions to the general removal of the embargo.

Mr. B. supported the motion on the ground of the expediency, for general reasons, of a total repeal of the embargo. And, in addition to the general reasons in favor of a repeal, he observed that although the embargo was to be but partially repealed, in point of practice, no attention would be paid to the remaining part of it. He deprecated the fostering in the people of this country, the sentiment which existed in almost every other country than ours, that obedience was due to the laws so long as the whip of the executioner was flourished over the head, and no longer.

Mr. BACON was in favor of the motion, because he wished, by so doing, to make way for the amendment of a gentleman from South Carolina, (Mr. D. R. WILLIAMS,) for imposing additional discriminating duties, &c. If the non-intercourse system was to be adopted, Mr. B. was also in favor of repealing the provisions of the embargo laws, and enacting others which should be more intelligible to the revenue officers, than as it would be, were it not repealed.

Mr. QUINCY advocated the motion from the total impossibility of enforcing the embargo, after the fourth of March, in some parts of the country, particularly in the district of Maine.

Mr. MACON said he cared but little about this question, for the die was cast when the House decided partially to repeal the embargo. He never had an idea, however, that the law could not be enforced; for, if it had been repealed on that

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ground, any large State would hereafter have it in its power to procure the repeal of any law which it conceived to militate against its interests. He declared that, notwithstanding all that had been said to the contrary, he would maintain that the embargo had never brought an evil on this country.

Mr. NICHOLAS said that if the embargo were to be repealed, in order to erect the non-intercourse system on its own basis, provisions nearly similar to those contemplated to be retained in force would be necessary. As to yielding to resistance to the laws, if it was to take place, let it come. It was time for the people to know whether they had a Government or not.

Mr. ALEXANDER gave the reasons why he should vote in the affirmative on this motion, declaring that he was not influenced to do so by any opposition to the laws, in any quarter of the Union.

Mr. SMITH had been in favor of the embargo, which he had considered the only means of preserving us from war; and, as it was determined to repeal the embargo and not go to war, he was in favor of non-intercourse; and he said that the system of non-intercourse was not such a weak or novel system as had been represented. He quoted the instance in which it was adopted in the year 1775, and agreed to in 1793, though not put in practice, because the President ordered a special mission. Amongst the votes in favor of the measure at that day were enrolled some of the most respectable names to be found in American history. What were the causes which had produced a change in the minds of members of the House, in relation to the embargo system, Mr. S. said he did not know; but certain it was, that the threats of some gentlemen from the East had influenced in bringing it about. Mr. S. censured an insinuation made by Mr. DANA a few days ago, on the subject of the relative physical strength of the North and South, as improper to be used on the floor, and unfounded in fact; for the States of Pennsylvania, New Jersey, and New York, contained a population one-seventh greater than that of all the New England States together.

Mr. RANDOLPH supported the measure on the ground that as the law now stood, compounded with the five supplementary embargo laws, it would be almost unintelligible to the revenue officers. He expatiated at some length on this point. If you will have a system of non-intercourse, said he, enact it; but let us, for God's sake, sing a requiem to the ashes of the embargo; let not our successors have to take up the doleful ditty where we left off.

Mr. KEY followed on the same side of the question. He was happy to find that the doctrine which at the commencement of the session was almost heretical, was now becoming orthodox. He was not without hopes that, if he maintained his ground, he should soon be found in the right church, preaching sound and saving doctrine. Mr. K. said that the provision of the bill by which the commencement of the non-importation was fixed for the 20th of May was evidence that it could be still further postponed. If we can rock

our honor asleep till the 20th of May, said he, could it not be cradled a little longer for the public good? Mr. K. appeared to be wholly opposed to the non-intercourse system.

Mr. W. ALSTON observed, in the course of some observations in reply to Mr. KEY, that there were some gentlemen whom no system that ever was invented would suit. As to political doctrines, said Mr. A., God forbid that I should ever see the day when the doctrines of that gentleman will become orthodox.

The question on Mr. RANDOLPH's motion was then negatived—yeas 47, nays 75, as follows:

YEAS—Evan Alexander, Ezekiel Bacon, Joseph Barker, William W. Bibb, William Blackledge, Epaphroditus Champion, Martin Chittenden, Orchard Cook, John Culpeper, Samuel W. Dana, John Davenport, jr., James Elliot, William Ely, Barent Gardener, Francis Gardner, Jas. M. Garnett, John Harris, William Hoge, Daniel Hsley, Richard Jackson, Robert Jenkins, James Kelly, Philip B. Key, Joseph Lewis, jr., Edward St. Lee Livermore, Edward Lloyd, Matthew Lyon, Josiah Masters, William Milnor, Jonathan O. Mosely, Josiah Quincy, John Randolph, John Rowan, John Russell, James Sloan, Samuel Smith, William Stedman, Lewis B. Sturges, Benjamin Tallmadge, John Taylor, Abram Trigg, Jabez Upham, Philip Van Cortlandt, Nicholas Van Dyke, Archibald Van Horn, Killian K. Van Rensselaer, and David R. Williams.

NAYS—Lemuel J. Alston, Willis Alston, jr., David Bard, Burwell Bassett, John Blake, junior, Thomas Blount, Adam Boyd, John Boyle, Robert Brown, William A. Burwell, William Butler, Joseph Calhoun, Matthew Clay, Richard Cutts, John Dawson, Josiah Deane, Joseph Desha, Daniel M. Durell, John W. Eppes, William Findley, Meshack Franklin, Thos. Gholson, jr., Peterson Goodwyn, Isaiah L. Green, John Heister, William Helms, Jas. Holland, David Holmes, Benjamin Howard, Reuben Humphreys, John G. Jackson, Richard M. Johnson, Walter Jones, Thomas Kennan, John Lambert, John Love, Nathaniel Macon, Robert Marion, William McCreery, Daniel Montgomery, jr., John Montgomery, Nicholas R. Moore, Thomas Moore, Jeremiah Morrow, John Morrow, Gurdon S. Mumford, Thomas Newbold, Thomas Newton, Wilson C. Nicholas, John Porter, John Pugh, John Rea of Pennsylvania, John Rea of Tennessee, Jacob Richards, Matthias Richards, Samuel Riker, Benjamin Say, Ebenezer Seaver, Samuel Shaw, John Smilie, Jedediah K. Smith, John Smith, Henry Southard, Richard Stanford, Clement Storer, Peter Swart, George M. Troup, James I. Van Alen, Daniel C. Verplanck, Jesse Wharton, Robert Whitehill, Isaac Wilbour, Marmaduke Williams, Alexander Wilson, and Nathan Wilson.

Mr. GHOLSON moved to strike out "the fourth of March," the day at which the partial repeal of the embargo is to take date, and insert the "first of June." Having before given his sentiments on this subject, and so much having been said on it, Mr. G. said he would now add nothing.

The House adjourned before the question could be taken.

WEDNESDAY, February 22.

On a motion made by Mr. HOLMES that an engrossed bill concerning invalid pensioners, which was read the third time yesterday, and ordered to

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lie on the table, be recommitted to the consideration of a Committee of the whole House, it was resolved in the affirmative, and the bill was made the order of the day for this day.

The bill sent from the Senate, entitled "An act supplementary to the act, entitled 'An act to amend the charter of Georgetown,'" was read twice and committed to a Committee of the Whole to-morrow.

The bill sent from the Senate, entitled "An act making provision for the further accommodation of the household of the President of the United States," was read twice and committed to a Committee of the Whole to-morrow.

The bill sent from the Senate, entitled "An act to interdict the commercial intercourse between the United States and Great Britain and France, and their dependencies, and for other purposes," was read twice and committed to a Committee of the Whole this day.

A message from the Senate informed the House that the Senate have passed a bill, entitled "An act freeing from postage all letters and packets to Thomas Jefferson;" also, a bill, entitled "An act supplementary to the act, entitled 'An act to amend the charter of Georgetown,'" to which bills, respectively, they desire the concurrence of this House.

The bill sent from the Senate, entitled "An act freeing from postage all letters and packets to Thomas Jefferson," was read three times and passed.

The bill sent from the Senate, entitled "An act for the relief of certain Alabama Indians," together with the amendment agreed to yesterday, was read the third time, and passed.

EXPENDITURE OF PUBLIC MONEYS.

Mr. RANDOLPH, from the committee appointed to inquire whether any advances had been made by the War Department to the Commander-in-Chief, contrary to law, and to what amount, stated to the House that the committee had received from the office of the Accountant of the War Department a number of documents, which they had directed him to present to the House as their report.

The documents were read, and a motion made to print them was agreed to.

On the question how many should be printed, a desultory conversation of near three hours took place, not confined to the question before the House, but touching somewhat the subject of the legality or illegality of the advances made.

Questions were severally taken on printing 5,000, 1,200, 1,000, 900, and 600 copies, and negatived by large majorities. The usual number were ordered to be printed.

NON-INTERCOURSE.

The bill from the Senate for interdicting commercial intercourse between the United States and Great Britain and France, and for other purposes, was twice read, referred to a Committee of the Whole, and made the order of the day for this day.

The unfinished business of yesterday (the non-intercourse bill of this House) was ordered to lie on the table, 64 to 35.

And the House resolved itself into a Committee of the Whole, yeas 65, on the bill from the Senate for interdicting commercial intercourse, &c.

Mr. MASTERS moved to strike out of the 11th section, the words "and to cause to be issued under suitable pledges and precautions, letters of marque and reprisal against the nation thereafter continuing in force its unlawful edicts against the commerce of the United States."

Mr. MILNOR supported the motion on the ground that the Constitution of the United States provided that Congress alone should have the power to declare war, and this bill, by giving the President a discretion to judge when that war should commence, transferred the power to him. Could it be supposed that if it was not proper now to go to war, it would be proper before the next meeting of Congress? Certainly not. And if not, should the President of the United States have the power of declaring war before that time? It was giving a pledge to one nation that if she would withdraw her decrees, we would take part with her in the war against the other, without giving the other a chance to withdraw hers, and thus prevent war; and he was, therefore, opposed to it, because it tended to promote war.

Mr. LIVERMORE also contended that the part proposed to be struck out was unconstitutional. The power of Congress could not be delegated to the President or any other person. They might as well delegate to the President power to make or revoke all laws. The bill did not contemplate a legislative act for issuing letters of marque or reprisal against a particular enemy, but gave a power to the President to choose with which of the belligerents he would take sides and against which he would declare war. If the nation was in favor of war, this was not the proper way to make it. He conceived that if they passed this bill their constituents would tell them that they were traitors to the Constitution; that they had betrayed the trust reposed in them. There was a time when he should have been astonished to see such a bill as this come from the Senate; but the age of miracles was not passed. He should scarcely now be surprised at anything which could be proposed. Its passage would be a precedent which would redound to the everlasting disgrace of the Congress of the United States. He said also that it was a clause which he conceived would shake the Government of the United States to its foundation. He only considered it in a Constitutional point of view; as to its inexpediency, that was a minor consideration when put in competition with its unconstitutionality.

Mr. LYON followed on the same side and on the same grounds as Messrs. MILNOR and LIVERMORE. He believed that the people did not wish for war. No men wished for it but those who wished offices or some other benefit from it. He wished the nation to be permitted to grow. He knew of no mode by which this nation could more effectually be plunged into war with Great

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Britain and alliance with France, than by this provision of the bill. Although Mr. L. did not like the embargo, because he considered it ruinous to the people, he would rather continue it for seven years than to plunge into war.

Mr. HOLLAND spoke in reply to the preceding gentleman. He was astonished that gentlemen should declare every proposition the worst that ever was made. A short time ago gentlemen would rather have war than the embargo. But this bill neither was a declaration of war, nor a discretion to the President to make it. It authorized the President, at the moment of one of those Powers withdrawing its orders or decrees, to issue letters of marque and reprisal. It conferred no legislative power on the Executive. The event was fixed on the happening of which being made known to the President, he should forthwith issue letters of marque and reprisal. The bill obviated the great objection which had been made to war, viz: that it must be a war against two nations. Now this bill gave choice to those nations which would make herself our enemy; and it would be equally the interest of both to withdraw its decrees or orders, and place the United States at war with the other. He had no idea of consulting the interests of those nations more than our own; and if it was ascertained that those nations were determined to continue their orders and decrees, no gentleman in the House would say that this nation should not resist them, except perhaps the gentleman from New York (Mr. GARDNER) or the gentleman from Kentucky (Mr. LYON.)

The Committee then rose, and on the question that it have leave to sit again, it was, after debate, granted.

THURSDAY, February 23.

A motion was made by Mr. REEA, of Tennessee, that the House do come to the following resolution:

Resolved, That an order of this House of the 18th instant, directing "that, until the end of the present session, the daily hour of meeting shall be ten o'clock, and should a quorum not appear, the names of the members shall be called, and those present noted in the Journal of each day," be rescinded.

The resolution was read and ordered to lie on the table.

The House proceeded to consider the amendments proposed by the Senate to the bill, entitled "An act for the disposal of certain tracts of land in the Mississippi Territory, claimed under Spanish grants reported by the Land Commissioners as antedated, and for other purposes." Whereupon.

Resolved, That this House doth agree to the first, second, and third amendments.

Resolved, That this House doth agree to the fourth and last amendments of the Senate to the said bill; and that the title be, "An act for the disposal of certain tracts of land in the Mississippi Territory, claimed under Spanish grants reported by the Land Commissioners as antedated

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and to confirm the claims of Abraham Ellis and Daniel Harregal."

INVALID PENSIONERS.

The House resolved itself into a Committee of the Whole on an engrossed bill concerning invalid pensioners; and, after some time spent therein, the Committee rose and reported an amendment thereto. The House then proceeded to consider the bill: Whereupon, the amendment reported thereto from the Committee of the Whole House, to strike out the fourth section, in the words following, to wit:

"SEC. 4. *And be it further enacted*, That every person who has been or shall be admitted to a pension under the provision of the aforesaid act of the tenth of April, one thousand eight hundred and six, shall be entitled to receive a sum equal to the aggregate amount of such pension, calculated from the time when the disability, in consequence of which it was granted, was incurred, to the time of his admission on the pension list"

being twice read at the Clerk's table, the question was taken that the House do concur with the Committee of the whole House in their agreement to the said amendment, and passed in the negative—yeas 48, nays 50, as follows:

YEAS—Willis Alston, jr., David Bard, Joseph Barker, John Blake, jr., Adam Boyd, John Boyle, William Butler, John Davenport, jr., Mesback Franklin, Thomas Gholson, jr., Peterson Goodwyn, Isaiah L. Green, John Harris, John Heister, William Helms, James Holland, David Holmes, Reuben Humphreys, Daniel Halsey, John Lambert, Nathaniel Macon, Robert Marion, Josiah Masters, William McCreery, Daniel Montgomery, jr., Jeremiah Morrow, John Morrow, Thomas Newbold, John Rhea of Tennessee, Jacob Richards, Matthias Richards, Benjamin Say, Ebenezer Seaver, Samuel Shaw, James Sloan, John Smilie, Richard Stanford, Clement Storer, Samuel Taggart, Benjamin Tallmadge, John Taylor, Abram Trigg, George M. Troup, Daniel C. Verplanck, Jesse Wharton, Robert Whitehill, David R. Williams, and Alexander Wilson.

NAYS—Evan Alexander, Lemuel J. Alston, Ezekiel Bacon, William W. Bibb, William Blackledge, Thos. Blount, Joseph Calhoun, Epaphroditus Champion, Martin Chittenden, John Culpeper, Josiah Deane, James Elliot, William Ely, William Fidelity, James Fisk, Francis Gardner, James M. Garnett, William Hoge, Benjamin Howard, Richard Jackson, Robert Jenkins, James Kelly, Joseph Lewis, jr., Edward Lloyd, John Love, Matthew Lyon, William Milnor, John Montgomery, Nicholas R. Moore, Jonathan O. Mosely, Gurdon S. Mumford, Thomas Newton, Wilson C. Nicholas, Josiah Quincy, John Randolph, Samuel Riker, Jedediah K. Smith, John Smith, Samuel Smith, William Stedman, Lewis B. Sturges, Peter Swart, Jabez Upham, James I. Van Allen, Philip Van Cortlandt, Nicholas Van Dyke, Archibald Van Horn, Killian K. Van Rensselaer, Marmaduke Williams, and Nathan Wilson.

The bill was then read the third time: Whereupon, a motion was made by Mr. HOLLAND, that the bill be recommitted to the consideration of a Committee of the whole House: and the question being put thereupon, it was resolved in the affirmative.

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NON-INTERCOURSE.

The House went into a Committee of the Whole, on the bill from the Senate for interdicting commercial intercourse, &c. Mr. MASTERS's motion for striking out part of the eleventh section being yet under consideration.

Mr. J. G. JACKSON moved to strike out the whole of the section preceding the proviso, for the purpose of inserting the following amendment:

"If after Great Britain or France shall revoke such of their orders or decrees, laws, or edicts, as violate the lawful commerce and neutral rights of the United States, of which revocation the President of the United States shall give public notice by proclamation fixing the time, which shall be at the expiration of fifty days from the date thereof, when the operation of this act and also of the act laying an embargo, &c. shall cease and determine; and the President of the United States shall at the expiration of the time limited in the said proclamation issue letters of marque and reprisal against the nation which shall continue in force its unlawful edicts against the commerce of the United States."

The reason he assigned for it was not a hostility to the principle, but that, as the section now stood, it gave the President a discretionary power to judge of the time at which the commerce of the United States would be safe enough to warrant the withdrawing the embargo as relates to either Power, &c.

Mr. RANDOLPH called for a division of the question on striking out, so as to take the question distinctly on striking out the two clauses of the section.

The question was taken on striking out the first clause of the section, and negatived, 52 to 47.

The question then recurring on striking out the second clause, being precisely the motion of Mr. MASTERS,

Mr. DANA objected to the clause for a variety of reasons, because it delegated to the President power which belonged to Congress only, by making him judge of what "pledges and precautions" were "suitable;" that it authorized the employment of private force in a case in which the public force was not to be employed, which is a novelty; it contemplated not actual war but invited individual enterprise; it was therefore a mere menace, going upon the principle that private vessels might be authorized to make reprisals where the public force was not presumed to be employed; it was therefore a measure unworthy of the Government, and unknown in the history of nations. The construction of the section too was singular, and he was astonished that such a bill should come from the Senate. It made no regulations as to what disposition should be made of the property captured by these vessels, whether declared good prize or not, &c. It was a mere vague proposition, and unworthy of the Government, as it proposed war by individuals while the nation shrunk from the contest. He objected also to the condition on which letters of marque were to be issued—that on one nation's ceasing to wrong us, we should agree to fight another. He objected to it too, because it transferred to the President a legislative power, by making the is-

suing letters of marque dependent on the events which in the opinion of the President should render the commerce of the United States sufficiently safe, &c.

Mr. J. G. JACKSON renewed his motion to strike out the whole section, except the enacting clause. He acknowledged the justice of the arguments of the gentleman from Connecticut; but as a session of Congress would intervene, the objection to the defect in detail would fall to the ground. The amendment which he intended to offer, would remove the remainder of the gentleman's objections.

Mr. RANDOLPH called for a division of the motion at the same point as before. He said if the Senate had erred, the error was not to be remedied by the proposition submitted to the House. It was only putting a tortoise under the elephant; for the system would be liable to precisely the same objections as the clause proposed to be amended. Mr. R. went into an examination of the amendment which Mr. JACKSON read, to show that this was the case. It was in fact the same point now which the House had under consideration a few days ago—a declaration of war *in futuro*, leaving it to chance as to whom and how war was to be declared; with a mental reservation at the same time, that all this was mere pen, ink, and paper. It was complying with the object of those very belligerents whom it proposed to resist, viz: involving us in the war—setting the nation up to the highest bidder, the kindest keeper. Was this dignity? Was this the spirit of '76? He described this bill from the Senate as a new alternative, never discovered by the Committee of Foreign Relations, who had some time ago presented three of them to the House. He spoke of the proceedings of the present session. It has been said (observed Mr. R.) that this House has been acting under a panic; and allusion has been made to a particular quarter of the Union as the cause of that panic. I trust, sir, that the members of this House will think it more honorable to themselves, if they are to be influenced by fear, and I hope they are not, to yield to the wishes of a great and respectable portion of the Union, than, after having expressed a disposition to gratify that section, to be whipped in by an editorial paragraphist. It has been truly said that the Government of France was destroyed by the Parliaments putting the galleries in the place of the house, by legislating under the hisses or applauses of the galleries. This was a horrible state of things. But if any body of men is to legislate under hissing, where is the difference, whether they come from the galleries, or, from really the most worthless part of the community? Whether from an individual who arrogates to himself not merely the right, which as an individual and freeman he has of judging of the conduct of this House, but of prescribing what it should do? And when, sir, I indulge in these observations I feel a repugnance at comparing such an audience as I see around me to persons of that description. The foreign difficulties in which we are now involved, Mr. R. attributed to our own oversight; to the rejection of a treaty which might have

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been formed. The renewal of Mr. Jay's treaty, or the acceptance of that negotiated by Mr. Monroe, would, he conceived, have placed the United States in a situation far preferable to that in which it now found itself. But, instead of that, our Government had searched the volumes of Puffendorf, Marten, Vattel, &c., and produced whole volumes of diplomatic correspondence. He said he could almost wish that the curate and barber would come into the library and make a bonfire of all the rubbish which had led us to this windmill expedition. With regard to our domestic difficulties, Mr. R. conceived that they were all of our own creation; that they had been produced by ill-judged conduct. He compared the present and late situation of this country with that of Great Britain under the administration of Lord North. He said Congress were not now, like Macbeth, in a situation where to go on was as easy as to retreat. He expatiated on their present difficulty; and condemned the policy which had prevented the House from agreeing to the proposition of Mr. CHITTENDEN, to repeal the embargo at the commencement of the present session. If they now intended to modify the embargo at all, he begged of gentlemen, for God's sake, for the love of country, taking warning by the past errors of their former masters, (the Ministry of Lord North,) not to retain one iota of that obnoxious principle which had put this continent in an uproar. Rather than continue it, he would join any man in war, however averse he might be to war. And he was opposed to war; but, put the embargo on one scale and war in the other, he would take war—and why? Because foreign war was better than domestic war. He said that this nation could not go to war with a formidable minority against it. The bill before the Committee might bring on war, though it was not intended. Yes, sir, said he, it may bring us to fighting and to disgrace; it is something like dressing ourselves up in a lough-face and winding-sheet to frighten others, who may blow our brains out at the moment we suppose them in the height of their terror.

Mr. J. G. JACKSON observed that it was his opinion that it would be more to the honor of the nation to persevere in the embargo until they went to war; but the majority of the House appeared to be of opinion that neither course was proper. That being the case, he was willing to make the ground as tenable as he could, so as to avoid downright submission. He replied to various observations made by gentlemen who had spoken on the subject. In relation to domestic difficulties, he should be as little influenced by attacks through newspapers, as by popular meetings, enlisting the people with arms in their hands, in opposition to the Government. In relation to the treaty negotiated by Messrs. Monroe and Pinkney, he said that the rider attached to that treaty gave a license to the British Government to pursue the very course which now produced our difficulties, and Mr. Canning maintained that o have been the construction of it. Mr. J. said that he was not yet prepared for burning the law of nations, and substituting force for law. As to

violations of the embargo or of the proposed system, he observed that all laws restraining the actions of men would be more or less evaded; this, therefore, could be no argument against any law proposed; the same objection would lie against a law for the punishment of murder. Mr. J. spoke for about half an hour.

The question was then taken on striking out the first clause of the section, and negatived—56 to 48.

The question recurring on Mr. MASTERS's motion for striking out the remainder of the section, relating to letters of marque and reprisal,

Mr. LYON spoke in favor of striking out the clause.

Mr. D. R. WILLIAMS, viewing this section as a measure contemplating further negotiation, was wholly opposed to it. It said to Britain, "we will dismiss every other cause of quarrel with you, if you will revoke your Orders in Council." It told our poor sailors, incarcerated in their "floating hells," that we were ready to abandon them. The surrender to her of the right of impressment, and of even other rights previously in contest, was offered as the purchase-money for the revocation of the Orders in Council; and he blushed for his country, that such a proposition should be seriously entertained in this House. He would declare war to-morrow most heartily. He would vote for a section for immediately issuing letters of marque and reprisal, but he would not barter away our rights for the revocation of the Orders in Council. If we were to submit, he wished to do it in that way which should carry so much destruction into the families of those who cried out so loudly for the repeal of the embargo, that they would rally round the Government in support of the country's rights.

Mr. EPPES, too, was of opinion that there was no honorable course left for this country but embargo or war; but a majority of the House having overruled his opinion, he must acquiesce in their decision. But he could not consent to adopt the measure proposed by this section, which, under whatever aspect he could view it, appeared calculated to produce no effect but disgrace and ruin to the country. It could only be used in one of two ways, either as an instrument of negotiation or as a measure of war. Mr. E. used some arguments to show that, as an instrument of negotiation, proposing to each Power to pass over all former injuries if it would withdraw its last infraction of our rights, and, besides so doing, to go to war with its enemy; whatever might be the result, it could produce nothing but ruin and disgrace. It reminded him of a physician painted blind, with a club in his hands, his patient on one side and the disease on the other; striking at random on each side, he killed the one to which chance directed the first blow. And as a measure of coercion, what was it? Not old-fashioned downright war, but war depending on a contingency. It was a golden apple held up to the belligerents to be adjudged to the swiftest in receding. Upon the humor or whim of Talleyrand or Canning, when they received the proposal, arise

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ing perhaps from an undigested dinner, was to depend our war with either France or England; and we are to present ourselves as a courtesan to the polluted embraces of England, or be fixed on the imperial car, in either case bribing France or England by going to war with the enemy of the one which should be the first to embrace our offer. Whichever should accept it, disgrace and ruin must be the result. Rome, at one time, was said to want nothing but a bidder; but Rome had its age of virtue. Mr. E. said that it seemed as if we, in our very infancy, had all the degeneracy of the latter days of old Rome. If there was not firmness enough to take a manly attitude, he hoped the House would not take this thing as a substitute for it.

Mr. FISK was against striking out this clause. After some remarks in reply to Messrs. RANDOLPH and LYON, he said that he regretted exceedingly the situation in which the House was placed; that this clause should be stricken out—for it would be virtually saying that they meant to take no honorable ground, that they would submit. He believed that temporizing would ruin the nation. As to opposition of the people in the East to war on any terms, he said that, excepting a few who had been opposed to the Revolution, and who still longed for British dominion, there were not many who would not join their Government in a war against either Great Britain or France for the maintenance of our just rights.

The question was then taken on striking out that part of the bill from the Senate relating to letters of marque and reprisal, and carried—ayes 72.

Mr. D. R. WILLIAMS then proposed his amendment for substituting a discriminating duty of — per cent. as a substitute for the non-importation from Great Britain and France.

The Committee immediately rose, without taking a question, and obtained leave to sit again.

FRIDAY, February 24.

On a motion made by Mr. RHEA, of Tennessee, that the House do now proceed to consider a resolution proposed by him yesterday, and ordered to lie on the table, in the words following, to wit:

Resolved, That an order of this House of the eighteenth instant, directing "that, until the end of the present session, the daily hour of meeting shall be ten o'clock; and should a quorum not appear, the names of the members shall be called, and those present noted in the Journal of each day," be rescinded:

The question was taken thereupon, and passed in the negative.

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The House went again into Committee of the Whole, on the bill from the Senate for interdicting commercial intercourse, &c. Mr. D. R. WILLIAMS's amendment being under consideration, viz: to strike out that part of the law relating to non-importation, and insert a provision for discriminating duties—

Mr. D. R. WILLIAMS rose to rescue himself from an imputation of intending directly to harass the bill by this amendment, because he intended eventually to vote against it. He solemnly abjured any such an intention. Any member who would at this time make such a motion, with a view to embarrass the proceedings of the House, would deserve a halter. Perceiving that a large majority of this House was determined to repeal the embargo, and not to fight, he had been induced to offer to the House that, which, to his understanding, appeared the best plan that had been presented. Mr. W. offered many reasons against the non-intercourse bill; amongst others, that, instead of being coercive, it would operate as a premium to the navigating interest of Great Britain; that two years' continuance of it would be worth millions to Great Britain; that it also injured the agricultural interest of this country, laying additional obstructions on the sale of its produce; that it seemed as though, lest the people should believe the embargo was a wise measure, they were about to pursue the very course which would prevent the people from receiving a conviction of its protecting policy. The course which he proposed would at least prevent this evil, by practically demonstrating to the people the effect of the Orders in Council and Decrees, which were the causes of the embargo.

Mr. SLOAN regretted that this deceptive measure was proposed, nominally contemplating a repeal of the embargo, but which would produce little or no benefit. He described the body politic to be laboring under a disorder, as an individual with a dreadful cancer. When he beheld the situation of this distressed country, he felt it his duty again to address the House, and call their attention to the remedy. Instead of the inveterate passion for war with the belligerents, which existed in a part of the House, he recommended another species of war—a war against the passions—in which, though no friend to war, he had no objection to engage as a volunteer. He agreed with the gentleman from South Carolina, that, if this bill passed, it would be just what the Court of Great Britain would wish. Mr. S. said he should proceed in his remarks without any fear of falling under the late substitute for common law, viz: *tar and feathers*—even though he was promised "a full suit of homespun from head to foot," by some heroes of Philadelphia, and although he was well acquainted with the power and disposition of the Executives of some States to screen offenders from punishment. Mr. S. stated various objections to the bill. If it were continued long, there would be no occasion for employing a committee to inquire what disposition should be made of the surplus money in the Treasury. He was in favor of Mr. WILLIAMS's amendment, as tending to increase revenue, to promote union, and secure the happiness of the United States.

Mr. LYON also spoke against the non-intercourse system, and in favor of Mr. WILLIAMS's amendment, at some length. Mr. L. was opposed to the bill, as tending to destroy revenue and navigation. He never had wanted a substitute for the em-

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bargo—one evil for another. But, rather than continue the embargo, he would take such a modification of this bill as that proposed by Mr. WILLIAMS, or even the bill itself. The former plan might be operative on Great Britain, whilst the non-intercourse would be wholly inefficient.

Mr. TAYLOR next spoke on the subject. He considered the bill upon the table not to have the merit of resistance. It was submission to trade in the track pointed out by the Orders in Council. And yet, gentlemen said they would not submit. Could gentlemen so deceive themselves as not to see that they were in fact submitting to the British Orders in Council? It was a surrender of the navigation of the world to Great Britain; it made her the carrier of our produce. That this was the effect, could not be concealed. It was wonderful that, like the ostrich, hiding its head, and supposing its whole body out of sight, gentlemen should thrust their heads into a bunch of brambles, and suppose that they hid the effect of this system. Gentlemen said that they would not legalize a trade to Great Britain under the Orders in Council, at the same time that they authorize a trade with her through the depôts, the circuitry of the voyage only tending to the benefit of Great Britain, by giving to her the carriage of our produce. Might not Sweden and Spain too want a little profit, since monopoly was the order of the day, and impose duties at the entrepôts? It was a great objection to this system, too, that it could not be maintained; and he called upon the House not to take a position like this, which their successors might be obliged to abandon with disgrace. France and England could see, as well as ourselves, that the system could not be maintained; and if they should accumulate injuries on our heads, the sinews of war being relaxed, we should not be in a situation effectually to resist. It was also throwing all advantages into the hands of Britain, whilst France was deprived of any portion—being submission to the one and opposition to the other. The exclusion from French ports, too, would be severely felt by the planters of cotton; for, besides the loss of a market for such a proportion of the crop, the glutting of the British market with so large a surplus would depreciate its value enormously. He called upon gentlemen not at this time to give a monopoly to Britain at our own expense. Desirous to do equal justice to both nations, as we would not fight them, and to do equal justice also to ourselves, and not to follow the very meanderings of the Orders in Council, he was opposed to the bill. He also objected to the phraseology of the bill: "Great Britain and France and their dependencies." Who was to judge what nations were dependencies?—whether the term included Holland, Spain, and Portugal? In relation to Mr. WILLIAMS's amendment, he considered it to be one which the United States could stand by—which would increase our revenue, and have some effect also on the interests of the belligerents. It would be better than any other system proposed as a measure of resistance—would benefit our merchants, and enrich the Treasury.

Mr. GARDNER was apprehensive that the re-

mainder of the session would be consumed in debating this bill, and that Congress would separate without removing the embargo at all. The consequence of such a procedure he deprecated. He had been in hopes, that when the embargo was repealed, if a substitute was considered necessary, it might be a measure which would benefit the country, and not be equally obnoxious with the embargo. He deprecated the effects produced by these laws on the people, and the consequence which must result from a further continuance of them. He described the New England States. He concluded his observations by reading an extract from the Inaugural Speech of the present President of the United States, the sentiments contained in which he fully approved.

Mr. GHOLSON said that the bill on the table was not a favorite plan with him; but, as he should probably vote for it, he wished to rescue it from some of the imputations cast on it. Both the gentlemen from South Carolina (Mr. TAYLOR and Mr. D. R. WILLIAMS) had advocated the resolution reported by the Committee of Foreign Relations, proposing this very plan. As to the argument that this bill operated to carry into effect the Orders in Council, the same objection might in the same manner be made to the embargo system, of which both those gentlemen were strenuous supporters. This argument, therefore, had no weight. He denied that we submitted to British taxation by this bill. For, supposing our produce to go to the entrepôt, the British capitalist there, purchasing it, would have to pay in Great Britain the tax on our produce destined for the Continent, instead of our paying it. In this way, therefore, we did not as directly come under the operation of the Orders in Council, as by trading direct to Great Britain. Was there any American who would be willing to resume our usual intercourse with the belligerents, while all the black catalogue of our injuries were unatoned? Surely not; and yet, this appeared to be contemplated by the amendment of the gentleman from South Carolina. The discriminating duty would affect not the belligerents, but our own citizens; it would fall wholly upon the consumers of our imports. Sooner than trade thus, he would make a bonfire of all our produce, as the gentleman himself had before proposed in an eloquent speech. It would also be a direct submission to trade under the Orders in Council: it could not be denied. Commerce must at some time be resumed. If we were to have war, we must have some commerce. Let gentlemen point out a system by which commerce could more honorably be pursued, in the present convulsive state of the world, than it could under the proposed law; for, as it had been observed, in the course of the debate, it was easier to find fault with a system than to invent one.

Mr. D. R. WILLIAMS rose to rescue himself from any imputation of inconsistency. He had been extremely happy when the gentleman rose to hear him avow his intention of rescuing the bill from some of the imputations cast on it, for really it was somewhat necessary, as no reason had yet been offered in favor of the bill. But he

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denied that the gentleman had succeeded in his efforts. The resolution for non-intercourse, which had been adopted at the commencement of the session, had been intended to go in aid of the embargo; it did not contemplate a repeal of the embargo as this bill did, and there was, therefore, no inconsistency in voting for that resolution and against this bill. As to the additional duty being a burden, if the law passed as it now stood and was executed, it deprived the people of the article altogether; if not executed, the premium to the smuggler would amount, in some cases, to 500 per cent. instead of 50 or 25 per cent. And unquestionably it could not be executed; for, notwithstanding the existence of actual war between Great Britain and France, and all the revenue officers and military force of both, the British market had always been supplied with French claret and Spanish wool. The gentleman from Virginia had endeavored to saddle him and his friend (Mr. TAYLOR) with inconsistency because he could not defend the bill—for it could not be defended.

Mr. BACON, however he might be prepared to urge arguments against the bill, said he could not in charity push the argument any further upon gentlemen; for no gentleman had attempted to defend it except the gentleman from Virginia, (Mr. GHOLSON,) who, with the characteristic gallantry of a young and active soldier, had done the best he could for it. Mr. B., however, only rose, as he had been alluded to as having an amendment in his possession, to read it to the House. Mr. B. read the following section as an amendment, which, in connexion with other sections containing details, he intended to propose if Mr. WILLIAMS's amendment should be carried:

"And be it further enacted, That the commander and crew of any merchant vessel of the United States, owned and navigated wholly by a citizen or citizens thereof, may oppose and defend against any unlawful restraint or seizure not authorized by the customary and acknowledged law of nations, which shall be attempted upon such vessel, or upon any other vessel armed and navigated as aforesaid, by the commander or crew of any foreign armed vessel, and may repel by force any assault or hostility which shall be made or committed on the part of such foreign armed vessel pursuing such attempt, and may subdue and capture the same; and may also retake any vessel owned and navigated as aforesaid, which may have been captured contrary to the customary and acknowledged laws of nations, by any foreign armed vessel."

Mr. B. observed, however, even if the bill should not be amended, he should vote for it, chiefly because the term of its duration was limited, and it might produce a little good.

Mr. J. G. JACKSON conceived that the expedient proposed was even worse than the non-intercourse bill. He rose, however, to expose the evil tendency of the amendment suggested by Mr. BACON, which contemplated giving to merchants the power to choose what attacks or seizures they chose to consider unlawful, and thus involve the United States with whom they chose. He warned gentlemen against adopting it. If

war was to be made, let it be declared according to the Constitution.

Mr. WILLIAMS's motion was then negatived, 51 to 50.

Mr. COOK renewed the motion to strike out the same part of the bill, for the purpose of inserting an amendment for arming our merchant vessels as a substitute for it. In support of his motion, Mr. C. urged a number of arguments. He was opposed to the non-intercourse system. There was no fear of the arming system driving the nation into war; for, whatever acts should be committed by our armed vessels, would be the acts of individuals and not of the nation. He had heard from parts of the Union, from people not to be interested in or injured by such a course, cries for war, war, war! At whose expense? Not at theirs, but of those on the margin of the ocean, who all wished for peace. Mr. C. again deprecated the continuance of the embargo, and expressed his concurrence in opinion with Mr. RANDOLPH, that our Administration was pursuing a course somewhat similar to that of Lord North under the British Government. The course which he proposed would promote union, and again unite a divided people. The following is the amendment which Mr. C. proposed to insert:

"And be it further enacted, That, from and after the twentieth day of May next, the merchant vessels owned wholly by a citizen or citizens of the United States, and navigated wholly by citizens of the United States, and not in any part laden with goods contraband of war, and not bound to any port or place actually blockaded and invested, and pursuing a commerce permitted by the laws of the United States, may be armed and equipped; and may defend their neutral rights, by resisting the late decrees of France and orders of Great Britain, which violate the long established rights of neutrality; and may repel by force any assault or hostility which shall be made or committed on the part of any French or British vessel of war, in pursuance of such decrees or orders; and to subdue and capture the same; and to retake any vessel of the United States, owned, navigated, laden, and bound as aforesaid, which may have been captured pursuant to such decrees or orders by any vessel sailing under French or British colors, and acting or pretending to act by or under authority of such decrees or orders from the French or British Governments."

Mr. HOLLAND thought it would be better at once to withdraw all our measures, to undo everything that had been done, than to adopt the gentleman's amendment. Of all others the system of arming our merchant vessels was the most futile that could be conceived. The merchants would again come forward and call upon the Government to take up the cause. And was the Government again to be duped by them? No; for if the Government had done wrong, in his opinion it was by going too far for the support of commerce; and their efforts were rewarded by the exclamations of the same people, who, by their cries, had induced the Government so to do. Sooner than again attempt to protect them if they deserted their own cause, he would leave commerce and the rights of the seas to the mercy

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of the winds and waves. He would repeal all our discriminating duties and drawbacks, that the merchants should be hereafter precisely on the same footing as foreign merchants.

The question was then taken on Mr. COOK's motion and negatived, 50 to 45.

Mr. MARION moved to amend the bill by striking out the fourth day of March, and inserting the fifteenth day of March, as the day on which the partial repeal of the embargo should take date, and thus to place all the ports in the Union on an equality—negatived by 56 to 45.

The bill was then read through.

Mr. D. R. WILLIAMS inquired whether the bill extending credit on revenue bonds, the continuance of which depends on the continuance of the embargo, would be continued after the passage of this law.

Mr. NICHOLAS said he could only state his individual opinion that it would be still in force.

Mr. D. R. WILLIAMS asked whether it had been considered expedient by the Committee on Foreign Relations that that bill should continue in force hereafter?

Mr. NICHOLAS replied that the committee had not had the subject under consideration.

The Committee then rose and reported the bill as amended.

Mr. W. ALSTON hoped that the House would not now consider the report, but take up the appropriation bill for the navy.

The House agreed, however, now to consider the report—yeas 60.

The amendment made in the Committee, by striking out all that part of the bill relating to letters of marque and reprisal, being read, was concurred in—yeas 74, nays 33, as follows:

YEAS—Evan Alexander, Willis Alston, jr., Ezekiel Bacon, Joseph Barker, William W. Bibb, William Blackledge, John Blake, jr., Thomas Blount, Adam Boyd, William Butler, Epaphroditus Champion, Orchard Cook, John Culpeper, Samuel W. Dana, John Davenport, jun., Daniel M. Durell, James Elliot, William Ely, John W. Eppes, William Findley, Meshack Franklin, James M. Garnett, Thomas Gholson, jun., Peterson Goodwyn, John Harris, William Helms, Reuben Humphreys, Daniel Hsley, Richard Jackson, Walter Jones, James Kelly, Thomas Kenan, John Lambert, Joseph Lewis, jun., Edward St. Loe Livermore, Edward Lloyd, Matthew Lyon, Nathaniel Macon, Robert Marion, Josiah Masters, William Milnor, John Morrow, Jonathan O. Mosely, Gurdon S. Mumford, Thomas Newbold, John Pugh, Josiah Quincy, John Randolph, Samuel Riker, John Rowan, James Sloan, Jedediah K. Smith, Samuel Smith, Henry Southard, Richard Stanford, William Stedman, Clement Storer, Lewis B. Sturges, Peter Swart, Samuel Taggart, Benjamin Tallmadge, John Thompson, Jabez Upham, James I. Van Alen, Philip Van Cortlandt, Nicholas Van Dyke, Archibald Van Horn, Killian K. Van Rensselaer, Daniel C. Verplanck, Robert Whitehill, Isaac Wilbour, David R. Williams, Marmaduke Williams, and Nathan Wilson.

NAYS—David Bard, Burwell Bassett, John Boyle, Robert Brown, Joseph Calhoun, Matthew Clay, Richard Cutts, Josiah Deane, Joseph Desha, James Fisk, Isaiah L. Green, James Holland, David Holmes,

Richard M. Johnson, John Love, William McCreery, John Montgomery, Nicholas R. Moore, Thomas Moore, Thomas Newton, Wilson C. Nicholas, John Porter, John Rea of Pennsylvania, John Rhea of Tennessee, Jacob Richards, Matthias Richards, Benjamin Say, Ebenezer Seaver, John Smilie, John Smith, John Taylor, Alexander Wilson, and Richard Winn.

Mr. GHOLSON moved to strike out the fourth day of March and insert the twentieth of May, as the time at which the partial repeal of the embargo should take date. He said he had taken this day in preference to the first day of June, which he had before moved, because it would give an indubitable pledge to the people that the repeal should take place, by fixing on a period anterior to the convocation of the next Congress for the commencement of the operation of the law. If the non-intercourse system was to be a substitute for the embargo, why should there be an interval from the fourth of March till the twentieth of May? It was a recession for such a time from our ground, without any interposing measure. He called upon gentlemen to show to him that it was not receding, that it was not submission.

Mr. LYON said, that the nation was tired enough of the embargo, and he hoped that they would not continue it any longer.

Mr. BOYD rose to observe to those within his hearing, that he was not willing to submit to the dictates of Great Britain or France, nor of any gentleman on the floor, and that he despised denunciations, come whence they would.

Mr. MACON moved to strike out all that part of the bill relating to the repeal of the embargo, which motion superseded that of Mr. GHOLSON.

The question was then taken on Mr. MACON's motion and decided in the affirmative—yeas 33, nays 82, as follows:

YEAS—David Bard, Burwell Bassett, William W. Bibb, William Blackledge, Thomas Blount, John Boyle, Joseph Calhoun, Matthew Clay, Josiah Deane, Joseph Desha, Meshack Franklin, James Holland, David Holmes, Benjamin Howard, John G. Jackson, Richard M. Johnson, Thomas Kenan, Nathaniel Macon, Robert Marion, John Montgomery, Thomas Newbold, John Porter, John Rea of Pennsylvania, Jacob Richards, Benjamin Say, John Smilie, Richard Stanford, John Taylor, George M. Troup, Daniel C. Verplanck, Robert Whitehill, David R. Williams, and Richard Winn.

NAYS—Evan Alexander, Willis Alston, jun., Ezekiel Bacon, Joseph Barker, John Blake, jun., Adam Boyd, Robert Brown, William Butler, Epaphroditus Champion, Martin Chittenden, Orchard Cook, John Culpeper, Richard Cutts, Samuel W. Dana, John Davenport, jun., Daniel M. Durell, James Elliot, William Ely, John W. Eppes, William Findley, James Fisk, Barent Gardiner, Francis Gardner, James M. Garnett, Thomas Gholson, jun., Peterson Goodwyn, Isaiah L. Green, John Harris, John Heister, William Helms, William Hoge, Reuben Humphreys, Daniel Hsley, Richard Jackson, Robert Jenkins, Walter Jones, James Kelly, John Lambert, Joseph Lewis, jr., Edward St. Loe Livermore, Edward Lloyd, John Love, Matthew Lyon, Josiah Masters, William McCreery, William Milnor, Nicholas R. Moore, Thomas Moore, Jonathan O. Mosely, Gurdon S. Mumford, Thomas

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Newton, Wilson C. Nicholas, Josiah Quincy, John Randolph, John Rhea of Tennessee, Matthias Richards, Samuel Riker, John Rowan, John Russell, Lemuel Sawyer, Ebenezer Seaver, James Sloan, Jedediah K. Smith, John Smith, Samuel Smith, Henry Southard, William Stedman, Clement Storer, Lewis B. Sturges, Peter Swart, Samuel Taggart, Benjamin Tallmadge, John Thompson, Jabez Upham, James I. Van Alen, Philip Van Cortlandt, Nicholas Van Dyke, Archibald Van Horn, Killian K. Van Rensselaer, Isaac Wilbour, Marmaduke Williams, and Nathan Wilson.

The question recurring on Mr. GHOLSON's motion, a division of the question was called for, so as to take the question first on striking out the words, "fourth of March."

Messrs. MASON, J. G. JACKSON, and TROUP, advocated a protraction of the date. It would be the greatest injustice to the ports at a distance from the seat of Government, not to give notice of the passage of the law, and was in the face of the provision of the Constitution, which required equal privileges to every port. Messrs. MASTERS, RANDOLPH, and QUINCY, contended for an early or immediate repeal, on the ground that the embargo was originally laid without notice: that if our produce was exported, it ought to be exported immediately; and that the people of Canada, or the smugglers of Amelia island or elsewhere, should not have an opportunity to take advantage of the honest part of our citizens.

The question on striking out was negatived, yeas 47, nays 66, as follows:

YEAS—Evan Alexander, Willis Alston, jun., David Bard, Burwell Bassett, William W. Bibb, William Blackledge, Thomas Blount, John Boyle, William Butler, Joseph Calhoun, Richard Cutts, John Dawson, Josiah Deane, Joseph Desha, John W. Eppes, Meshack Franklin, Thomas Gholson, jr., Peterson Goodwyn, James Holland, David Holmes, Benjamin Howard, John G. Jackson, Richard M. Johnson, Thomas Kenan, William Kirkpatrick, John Love, Nathaniel Macon, Robert Marion, John Montgomery, Thomas Moore, John Morrow, Thomas Newton, Wilson C. Nicholas, John Borter, John Rhea of Pennsylvania, John Rhea of Tennessee, Benjamin Say, John Smilie, Samuel Smith, Richard Stanford, John Taylor, George M. Troup, Robert Whitehill, Isaac Wilbour, David R. Williams, Marmaduke Williams, Alexander Wilson.

NAYS—Ezekiel Bacon, Joseph Barker, John Blake, jun., Adam Boyd, Epaphroditus Champion, Martin Chittenden, Orchard Cook, John Culpeper, Samuel W. Dana, John Davenport, jun., Daniel M. Durell, James Elliot, William Ely, William Findley, James Fisk, Barent Gardener, Francis Gardner, James M. Garnett, Isaiah L. Green, John Harris, William Helms, William Hoge, Reuben Humphreys, Daniel Hsley, Richard Jackson, Robert Jenkins, James Kelly, Philip B. Key, John Lambert, Joseph Lewis, jun., Edward St. Lee Livermore, Edward Lloyd, Matthew Lyon, Josiah Masters, William McCreery, William Milnor, Jonathan O. Mosely, Gurdon S. Mumford, Thomas Newbold, John Pugh, Josiah Quincy, John Randolph, Jacob Richards, Matthias Richards, Samuel Riker, John Rowan, John Russel, Lemuel Sawyer, James Sloan, Jedediah K. Smith, John Smith, Henry Southard, William Stedman, Clement Storer, Lewis B. Sturges, Peter Swart, Samuel Taggart, Benjamin Tallmadge, John Thompson, Jabez Upham, James I. Van Alen, Philip

Van Cortlandt, Nicholas Van Dyke, Archibald Van Horn, Killian K. Van Rensselaer, and Nathan Wilson.

Mr. J. G. JACKSON moved to strike out that part of the bill, giving the President power to raise the embargo whenever the decrees of the belligerents are so modified as to render the commerce of the United States sufficiently safe; to make way for the amendment, which he yesterday offered, authorizing the President to issue letters of marque and reprisal against the Power retaining in force orders and decrees whenever the other shall revoke its edicts. He observed that there could be no doubt that gentlemen would agree to strike out this clause, whether they agree to insert the substitute or not; for almost every member who had voted for striking out the clause relating to letters of marque and reprisal, had assigned as one great reason that it gave the President a Legislative power, by making him judge of the events which might call into action that provision of the law. The same objection certainly attached to that part of the section which he now proposed to strike out.

The following is Mr. J.'s amendment: To strike out, after the words, "And be it further enacted," in the first line of the eleventh section, as amended by the House, the following words:

"That the President of the United States be and he hereby is authorized, in case either France or Great Britain shall so revoke or modify her edicts, as that they shall cease to violate the neutral commerce of the United States, to declare the same by proclamation: after which the trade of the United States suspended by this act, and by the act laying an embargo on all ships and vessels in the ports and harbors of the United States, and the several acts supplementary thereto, may be renewed with the nation so doing."

And to insert, in lieu thereof, the words following, to wit:

"That in case either Great Britain or France shall revoke her edicts alleged to have been made in retaliation of the edicts of the other Powers, and violating the lawful commerce and neutral rights of the United States, the operation of this act, and also of the act laying an embargo on all ships and vessels in the ports and harbors of the United States, and the several acts supplementary thereto, shall cease in relation to the nation so revoking, at the expiration of twenty days, to be computed from the date of the notice of such revocation to be given by Proclamation of the President of the United States; and letters of marque and reprisal shall, at the same time, be issued against the nation which shall continue in force its unlawful edicts, violating the lawful commerce and neutral rights of the United States."

The House adjourned, 60 to 35, without taking a question.

SATURDAY, February 25.

On motion of Mr. WILLIS ALSTON it was agreed that the bill sent from the Senate, entitled "An act to interdict the commercial intercourse between the United States and Great Britain and France, and their dependencies, and for other purposes," together with the amendments agreed and proposed thereto, do lie on the table.

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Navy and Army Appropriations.

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NAVY AND ARMY APPROPRIATIONS.

The House resolved itself into a Committee of the Whole on the bill for amending the acts establishing the War and Naval Departments, and making an appropriation for the support of the Military and Naval Establishments for the year 1809.

Amongst other appropriations proposed by the bill is one for fortifications, in addition to the sum already appropriated at this session. Mr. ALSTON proposed to appropriate one million of dollars. It was observed by Mr. BLOUNT that all the money had been already appropriated which was required by the Department of War. The appropriation was supported by Messrs. W. ALSTON, VAN CORTLANDT, COOK, MASTERS, TROUP, NICHOLAS, and SMILIE, and opposed by Messrs. BLOUNT, STANFORD, BOYD, and D. R. WILLIAMS.

The arguments in favor of this appropriation were the importance of permanent defence; the defenceless state of many ports, particularly of New York, which was the pride and boast of the State; the probability of war, which appeared now only to be delayed on our part from the defenceless state of the seaports; that if war was now to take place, the people of the cities must fly to the mountains; that it might be sufficient to complete them all, and would be the last appropriation asked for.

The arguments against it were: that as much had been appropriated as could be expended with ordinary exertions; that the House appeared to be taking a course of recession, instead of resistance, and there was, therefore, no extraordinary appropriation for fortifications against attack necessary; that there were about 700,000 dollars liable to expenditure for this object previous to the next session of Congress; that even were twenty millions appropriated, there was no evidence that New York could be sufficiently fortified, or that gentlemen would be satisfied; that war was not delayed by the defenceless state of the seaports, but by the indisposition of mercantile men to go to war against foreign taxation on the produce of the soil—if it had been on ships or the shipping interest they would have been lamorous for war.

The Committee agreed to insert one million of dollars, by a majority of eleven votes. The bill being gone through, the Committee rose and reported it.

The question on the appropriation of one million of dollars for fortifications was taken, and decided in the affirmative—yeas 61, nays 45, as follows:

YEAS—Evan Alexander, Lemuel J. Alston, Willis Alston, jun., Ezekiel Bacon, William Blackledge, John Blake, jr., John Boyle, Epaphroditus Champion, Martin Chittenden, Orchard Cook, Richard Cutts, John Davenport jr., John Dawson, James Elliot, William Ely, William Findley, Francis Gardner, John Harris, Reuben Humphreys, Daniel Hsley, John G. Jackson, Richard Jackson, Robert Jenkins, James Kelly, Joseph Lewis, jun., Edward St. Loe Livermore, Josiah Masters, William McCreery, William Milnor, John

Montgomery, Nicholas R. Moore, Jonathan O. Mosely, Gurdon S. Mumford, Thomas Newbold, Thomas Newton, Wilson C. Nicholas, Josiah Quincy, Samuel Riker, John Rowan, John Russell, James Sloan, John Smilie, William Stedman, Clement Storer, Lewis B. Sturges, Peter Swart, Samuel Taggart, Benjamin Tallmadge, John Thompson, Jabez Upham, James I. Van Alen, Philip Van Cortlandt, Nicholas Van Dyke, Archibald Van Horn, Killian K. Van Rensselaer, Daniel C. Verplanck, Isaac Wilbour, and Nathan Wilson.

NAYS—David Bard, Joseph Barker, William W. Bibb, Thomas Blount, Adam Boyd, Robert Brown, William A. Burwell, William Butler, Joseph Calhoun, Matthew Clay, John Culpeper, Josiah Deane, Joseph Desha, Daniel M. Durell, John W. Eppes, James Fisk, Meshack Franklin, Thomas Gholson, jr., Peterson Goodwyn, Isaiah L. Green, John Heister, William Hoge, James Holland, Thomas Kenan, John Lambert, Edward Lloyd, Nathaniel Macon, Robert Marion, Jeremiah Morrow, John Morrow, John Porter, John Rea of Pennsylvania, John Rhea of Tennessee, Matthias Richards, Benjamin Say, Ebenezer Seaver, Samuel Shaw, Jedediah K. Smith, John Smith, Richard Stanford, John Taylor, Robert Whitehill, David R. Williams, Marmaduke Williams, and Alexander Wilson.

The appropriation of \$445,000 for repairing the frigates was objected to by Mr. Macon, but concurred in—yeas 63.

Mr. BLOUNT moved to amend the section appropriating for fortifications, by striking out the words "in addition to," and inserting "including," so as to *include* in the appropriation the sum of \$450,000 already appropriated, instead of adding one million to that sum. He afterwards withdrew this motion, and moved an amendment, so as to authorize the contemplated line of blocks and chains across the harbor of New York. He did this to ascertain the sense of the House on this point, for he should have the same objection to this appropriation if that were the object of it. A sufficient number of members not rising to give the yeas and nays on this question, Mr. BLOUNT withdrew the motion and renewed his former motion; which was negatived—yeas 49, nays 62, as follows:

YEAS—David Bard, Jos. Barker, Burwell Bassett, William W. Bibb, William Blackledge, Thos. Blount, Robert Brown, William A. Burwell, William Butler, Joseph Calhoun, Matthew Clay, John Culpeper, Josiah Deane, Joseph Desha, Daniel M. Durell, John W. Eppes, James Fisk, Meshack Franklin, Thomas Gholson, jr., Peterson Goodwyn, Isaiah L. Green, John Heister, William Hoge, James Holland, Thomas Kenan, John Lambert, Edward Lloyd, John Love, Nathaniel Macon, Robert Marion, Jeremiah Morrow, John Morrow, John Porter, John Randolph, John Rea of Pennsylvania, John Rhea of Tennessee, Matthias Richards, Benjamin Say, Ebenezer Seaver, Samuel Shaw, Jedediah K. Smith, John Smith, Samuel Smith, Richard Stanford, John Taylor, Robert Whitehill, David R. Williams, Alexander Wilson, and Richard Winn.

NAYS—Evan Alexander, Lemuel J. Alston, Willis Alston, jr., Ezekiel Bacon, John Blake, jr., John Boyle, Epaphroditus Champion, Martin Chittenden, Orchard Cook, Richard Cutts, John Davenport, jr., John Dawson, James Elliot, William Ely, William Findley, Francis Gardner, John Harris, Wm. Helms,

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David Holmes, Benjamin Howard, Reuben Humphreys, Daniel Hsley, John G. Jackson, Richard Jackson, Robert Jenkins, Joseph Lewis, jr., Edward St. Loe Livermore, Josiah Masters, William McCreery, Wm. Milnor, John Montgomery, Nicholas R. Moore, Jonathan O. Mosely, Gurdon S. Mumford, Thomas Newbold, Thomas Newton, Wilson C. Nicholas, Josiah Quincy, Samuel Riker, John Rowan, John Russell, James Sloan, John Smilie, Henry Southard, William Stedman, Clement Storer, Lewis B. Sturges, Peter Swart, Samuel Taggart, Benjamin Tallmadge, John Thompson, George M. Troup, Jabez Upham, James I. Van Alen, Philip Van Cortlandt, Nicholas Van Dyke, Archibald Van Horn, Killian K. Van Rensselaer, Daniel C. Verplanck, Isaac Wilbour, Maraduke Williams, and Nathan Wilson.

No other amendment being offered, the bill, and the amendments agreed to, were ordered to be engrossed, and read the third time on Monday next.

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The House resumed the consideration of the unfinished business of yesterday.

Mr. J. G. JACKSON withdrew his motion of yesterday with a view to offer another in place of it, which looked more like a manly stand. He said that the amendment proposed was no offer made to either Power to take sides with the other. There was nothing like threat in the proposition, any more than in the resolutions submitted to the House some time since. It would be a warning to the merchants under what peril they would go out, which they would not otherwise conceive, reposing in false security on this bill. He would not go precipitately into war, for he had the best reason to believe that Great Britain would be disposed to listen to the dictates of justice towards us, but if she did not, he was for immediate war. The amendment now proposed by Mr. JACKSON is as follows:

"*Sec. 19. And be it further enacted*, That after demand made and refused on the part of His Britannic Majesty to *withdraw his decrees and orders infringing the local commerce* of the United States, the President of the United States shall be authorized and required to employ such a portion of the volunteer militia of the United States, not exceeding — thousand, and of the regular troops, as may be necessary to take possession of the territories of His Britannic Majesty, bordering on the United States, and to hold the same, and to instruct the commanders of the public armed vessels which are or shall be employed in the service of the United States to subdue, seize, and take any armed or unarmed British vessel on the high seas or elsewhere; and such captured vessel, with her apparel, guns, and appurtenances, and the goods or effects which shall be found on board the same, being British property, shall be brought within some port of the United States, and shall be duly proceeded against and condemned, as forfeited, and shall accrue and be distributed as by law is or shall be provided respecting the captures which shall be made by the public armed vessels of the United States.

"*Sec. 20. And be it further enacted*, That the President of the United States shall be, and he is hereby, authorized and required, after demand and refusal as aforesaid, to grant to the owners of private

armed vessels of the United States who shall make application therefor, special commissions, in the form which he shall direct, and under the seal of the United States; and such private armed vessels, when duly commissioned as aforesaid, shall have the same license and authority for the subduing, seizing, and capturing any armed or unarmed British vessel, and for the recapture of the vessels, goods, and effects of the United States, as the public armed vessels of the United States may by law have; and shall be, in like manner, subject to such instructions as shall be ordered by the President of the United States for the regulation of their conduct. And the commissions which shall be granted, shall be revocable at the pleasure of the President of the United States.

"*Sec. 21. And be it further enacted*, That after demand made, and refusal on the part of the Emperor of France to withdraw his decrees and orders infringing the lawful commerce of the United States, the President of the United States shall be authorized and required to instruct the commanders of the public armed vessels, which are or shall be employed in the service of the United States, to subdue, seize, and take any armed or unarmed French vessel on the high seas, or elsewhere, and such captured vessel, with her apparel, guns, and appurtenances, and the goods or effects which shall be found on board the same, being French property, shall be brought within some port of the United States, and shall be duly proceeded against and condemned as directed, and shall accrue and be distributed as by law is or shall be provided respecting the capture which shall be made by the public armed vessels of the United States.

"*Sec. 22. And be it further enacted*, That the President of the United States shall be, and he is hereby, authorized and required, after demand made and refusal aforesaid, to grant to the owners of private armed ships and vessels of the United States who shall make application therefor, special commissions in the form which he shall direct, and under the seal of the United States; and such private armed vessel, when duly commissioned as aforesaid, shall have the same license and authority for the subduing, seizing, and capturing any armed or unarmed French vessel, and for the recapture of the vessels, goods, and effects of the people of the United States, as the public armed vessels of the United States may by law have, and shall be in like manner subject to such instructions as shall be ordered by the President of the United States for the regulation of their conduct; and the commissions which shall be granted as aforesaid shall be revocable at the pleasure of the President of the United States."

Mr. EPPES said that this was a proposition which he hoped might unite all parties in the House. It authorized the President to demand the recall of the injurious acts of the belligerents, and on a refusal it declared that we would use all the force which we possess against the decrees and orders, which, under whatever aspect they could be viewed, were calculated to produce total ruin to all the great interests of the country. The bill under consideration, he feared, would afford no relief to the Southern country—their produce would still be lying on their hands. And indeed, take three dollars a hundred from the price of tobacco, (as the Orders in Council do,) and the cultivation of it is out of the question. If we allowed Great Britain to say that we shall

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not trade without coming and paying her a tax, where would be the limit to her extortion? If we were such dastardly wretches as to permit her to tax at will the great staples of the country, could it be supposed that she would ever allow us hereafter even to be the carriers of our own produce? Whatever present relief the bill might afford to the shipping interest, ruin would ultimately fall on every man who had anything at stake in the country. If we took no means to resist taxation he should be compelled to believe that what had been said was correct: that *the majority cannot be kicked into a war.* And if some such measure as that proposed was not adopted, the assertion would stand as a damnable record to future ages. If we should hereafter be effractory, a foreign nation ought therefore not to send troops but men armed with whips to scourge us into obedience. He concluded by saying that he hoped the House would agree to postpone the consideration of the subject until Monday, that the amendments might be printed.

Mr. BASSETT also expressed his approbation of the proposition. There must be one of two intentions in the House, either to glide smoothly down the current of submission or take a higher ground, which must be war. Could it be believed that, if Great Britain maintained her system of excluding our commerce from the ocean, or subjecting it to heavy taxation, war was not inevitable? No man could conceal this fact from himself or from the nation.

Mr. D. R. WILLIAMS wished to offer an amendment to the amendment, for the purpose of ascertaining the sense of the House on the subject of fighting. For this purpose he moved so to amend the bill as to authorize the President forthwith to use the public force, &c.

Mr. MASTERS opposed the postponement; he hoped the business would be finally concluded to-night.

The question being taken by yeas and nays on Mr. EPPEs's motion for the postponement of the further consideration of the subject till Monday, there were for it 60, against it 60, as follows:

YEAS—Evan Alexander, Lemuel J. Alston, Willis Alston, jr., David Bard, Burwell Bassett, William W. Bibb, William Blackledge, Thomas Blount, John Boyle, Robert Brown, William A. Burwell, William Butler, Joseph Calhoun, Matthew Clay, Richard Cutts, John Dawson, Josiah Deane, John W. Eppe, William Findley, Meshack Franklin, Thomas Gholson, jun., Peterson Goodwyn, Isaiah L. Green, James Holland, David Holmes, Benjamin Howard, John G. Jackson, Richard M. Johnson, Thomas Kenan, John Love, Nehaniel Macon, Robert Marion, John Montgomery, Thomas Moore, Jeremiah Morrow, John Morrow, Thomas Newbold, Thomas Newton, Wilson C. Nicholas, John Porter, John Pugh, John Rea of Pennsylvania, John Rhea of Tennessee, Jacob Richards, Matthias Richards, Lemuel Sawyer, Benjamin Say, Ebenezer Weaver, Samuel Shaw, John Smilie, John Smith, Richard Stanford, John Taylor, George M. Troup, Robert Whitehill, Isaac Wilbour, Marmaduke Williams, Alexander Wilson, and Richard Winn.

NAYS—Ezekiel Bacon, Joseph Barker, John Blake, senior, Adam Boyd, Epaphroditus Champion, Martin

Chittenden, Orchard Cook, John Culpeper, Samuel W. Dana, John Davenport, jun., Daniel M. Durell, James Elliot, William Ely, James Fisk, Barent Gardener, Francis Gardner, Edwin Gray, John Harris, John Heister, William Helms, William Hoge, Reuben Humphreys, Daniel Isley, Richard Jackson, Robert Jenkins, James Kelly, John Lambert, Joseph Lewis, jun., Edward St. Lee Livermore, Edward Lloyd, Josiah Masters, William Milnor, Nicholas R. Moore, Jonathan O. Mosely, Gurdon S. Mumford, Josiah Quincy, John Randolph, Samuel Riker, John Rowan, John Russell, James Sloan, Jedediah K. Smith, Samuel Smith, Henry Southard, William Stedman, Clement Storer, Lewis B. Sturges, Peter Swart, Samuel Taggart, Benjamin Tallmadge, John Thompson, Abram Trigg, James I. Van Alen, Philip Van Cortlandt, Nicholas Van Dyke, Archibald Van Horn, Killian K. Van Rensselaer, Daniel C. Verplanck, David R. Williams, and Nathan Wilson.

The House being equally divided, the SPEAKER decided in the negative.

Mr. J. G. JACKSON wished to postpone the consideration of this amendment, so as not to delay the progress of the bill. The SPEAKER declared that a part of a subject before the House could not be postponed.

Mr. D. R. WILLIAMS rejoiced in the opportunity of registering his vote for war. He observed that the embargo must be considered as perfectly failing except as the precursor of war. We had a much greater hold now on the belligerents than we should ever have again. We had changed the balance of the ledger completely during the embargo. They had before an immense property of ours in their hands; we now had of theirs. Permit the embargo to be removed, and they would again have the same hold on us, and we should not go to war next session. Rather than give them notice that we meant to make war upon them at a certain time, he would seize all their citizens and set them to work on our fortifications—act the Algerine to them. Their Governments played the Algerine on us, and would not we do the same to them? He would seize everything but the funds. If the House could abandon our rights in this manner, when every square foot of our ground was laid under contribution, they deserved to be scoffed at by the world.

Mr. GARDENIER declared the amendment offered by Mr. J. G. JACKSON, to be unconstitutional; because the power of declaring war belonged to Congress, and was a power which they could not delegate.

The question being about to be put on Mr. WILLIAMS's amendment, a division of the question was called for, so as to take it first on striking out.

Mr. RANDOLPH observed, that he should vote for striking out, to destroy the hypothetical character of the proposition. If we were to have war at all, it ought to be direct.

Mr. EPPEs observed that the proposition of Mr. JACKSON was not contingent, but complete. It authorized the President to say to each nation, "withdraw your orders or decrees." If not, it was war, and immediate war. Means for it were

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at hand; and nothing was wanting but spirit on the part of the House to use them.

Mr. LYON was in favor of striking out. If we were to have war, he wanted to have the first blow.

The question on striking out a part of Mr. JACKSON's motion, to make way for Mr. WILLIAMS's amendment was negatived—yeas 36, nays 67, as follows:

YEAS—Evan Alexander, Ezekiel Bacon, William W. Bibb, John Blake, jun., John Campbell, Epaphroditus Champion, Martin Chittenden, Matthew Clay, Orobard Cook, John Culpeper, Josiah Deane, Daniel M. Durell, James Elliot, William Ely, Francis Gardner, John Harris, William Helms, William Hoge, Daniel Hsley, Richard Jackson, Robert Jenkins, James Kelly, Philip B. Key, Joseph Lewis, jun., Edward St. Lee Livermore, Edward Lloyd, Matthew Lyon, Nathaniel Macon, William McCreery, William Milnor, John Montgomery, Jeremiah Morrow, Jonathan O. Mosely, Gurdon S. Mumford, Josiah Quincy, John Randolph, Samuel Riker, John Rowan, John Russell, Samuel Shaw, Jedediah K. Smith, Richard Stanford, William Stedman, Peter Swart, Samuel Taggart, Benjamin Tallmadge, Abram Trigg, James I. Van Alen, Philip Van Cortlandt, Nicholas Van Dyke, Archibald Van Horn, Killian K. Van Rensselaer, Daniel C. Verplanck, Isaac Wilbour, David R. Williams, and Nathan Wilson.

NAYS—Willis Alston, jun., David Bard, Joseph Barker, Burwell Bassett, William Blackledge, Thomas Blount, Adam Boyd, John Boyle, Robert Brown, William A. Burwell, William Butler, Joseph Calhoun, Richard Cutts, Samuel W. Dana, John Davenport, jun., John Dawson, Joseph Desha, John W. Eppes, William Findley, James Fisk, Meshack Franklin, Barent Gardenier, Thomas Gholson, jun., Peterson Goodwyn, Edwin Gray, Isaiah L. Green, John Heister, James Holland, David Holmes, Benjamin Howard, Reuben Humphreys, John G. Jackson, Richard M. Johnson, Thomas Kenan, John Love, Robert Marion, Josiah Masters, Nicholas R. Moore, Thomas Moore, John Morrow, Thomas Newbold, Thomas Newton, Wilson C. Nicholas, John Porter, John Pugh, John Rea of Pennsylvania, John Rhea of Tennessee, Jacob Richards, Matthias Richards, Lemuel Sawyer, Benjamin Say, Ebenezer Seaver, James Sloan, John Smilie, John Smith, Samuel Smith, Henry Southard, Clement Storer, Lewis B. Sturges, John Taylor, John Thompson, George M. Troup, Jabez Upham, Robert Whitehill, Marmaduke Williams, Alexander Wilson, and Richard Winn.

Mr. JACKSON renewed his motion for postponement—for it, 61; against it, 61. Another count being called—for it, 64; against it, 62. Another count being called for, tellers were named by the Speaker, who reported that there were—for it, 63; against it, 63.

Mr. BURWELL moved that the bill lie on the table—for it 64, against it 63.

The SPEAKER observed, that the subject had been so long under debate, and so many questions had been taken on it, that he felt compelled, by duty, to vote in the negative. So the motion was lost—yeas 64, nays 64, as follows:

YEAS—Evan Alexander, Lemuel J. Alston, Willis Alston, junior, David Bard, Burwell Bassett, William W. Bibb, William Blackledge, Thomas Blount, John

Boyle, Robert Brown, William A. Burwell, William Butler, Joseph Calhoun, George W. Campbell, Matthew Clay, Richard Cutts, John Dawson, Josiah Deane, Joseph Desha, John W. Eppes, William Findley, James Fisk, Meshack Franklin, Thomas Gholson, jun., Peterson Goodwyn, Isaiah L. Green, James Holland, David Holmes, Benjamin Howard, John G. Jackson, Richard M. Johnson, Thomas Kenan, William Kirkpatrick, John Love, Nathaniel Macon, Robert Marion, John Montgomery, Nicholas R. Moore, Thos. Moore, Jeremiah Morrow, John Morrow, Thomas Newbold, Thomas Newton, Wilson C. Nicholas, John Porter, John Pugh, John Rea of Pennsylvania, John Rhea of Tennessee, Jacob Richards, Matthias Richards, Lemuel Sawyer, Benj'n Say, Ebenezer Seaver, Samuel Shaw, John Smilie, John Smith, Samuel Smith, Richard Stanford, John Taylor, George M. Troup, Robert Whitehill, Marmaduke Williams, Alexander Wilson, and Richard Winn.

NAYS—Ezekiel Bacon, Joseph Barker, John Blake, jun., Adam Boyd, John Campbell, Epaphroditus Champion, Martin Chittenden, Orchard Cook, John Culpeper, Samuel W. Dana, John Davenport, jun., Daniel M. Durell, James Elliot, William Ely, Barent Gardenier, Francis Gardner, James M. Garnett, John Harris, John Heister, William Helms, William Hoge, Reuben Humphreys, Daniel Hsley, Richard Jackson, Robert Jenkins, James Kelly, Philip B. Key, John Lambert, Joseph Lewis, jun., Edward St. Lee Livermore, Edward Lloyd, Matthew Lyon, Josiah Masters, Wm. McCreery, William Milnor, Jonathan O. Mosely, Gurdon S. Mumford, Josiah Quincy, John Randolph, Samuel Riker, John Rowan, John Russell, James Sloan, Jedediah K. Smith, Henry Southard, William Stedman, Clement Storer, Lewis B. Sturges, Peter Swart, Samuel Taggart, Benjamin Tallmadge, John Thompson, Abram Trigg, Jabez Upham, James I. Van Alen, Philip Van Cortlandt, Nicholas Van Dyke, Archibald Van Horn, Killian K. Van Rensselaer, Daniel C. Verplanck, Isaac Wilbour, David R. Williams, Nathan Wilson, and Joseph B. Varum, Speaker.

Mr. G. W. CAMPBELL moved an adjournment; which was decided in the negative—yeas 57, nays 70, as follows:

YEAS—Lemuel J. Alston, David Bard, Burwell Bassett, William W. Bibb, William Blackledge, Thos. Blount, John Boyle, Robert Brown, William A. Burwell, William Butler, Joseph Calhoun, George W. Campbell, Matthew Clay, Richard Cutts, John Dawson, Josiah Deane, Joseph Desha, John W. Eppes, William Findley, Meshack Franklin, Thomas Gholson, jr., Peterson Goodwyn, Isaiah L. Green, James Holland, David Holmes, Benjamin Howard, John G. Jackson, Richard M. Johnson, Thomas Kenan, William Kirkpatrick, John Love, Nathaniel Macon, Robert Marion, John Montgomery, Nicholas R. Moore, Thos. Moore, Jeremiah Morrow, John Morrow, Thomas Newton, Wilson C. Nicholas, John Porter, John Pugh, John Rea of Pennsylvania, John Rhea of Tennessee, Jacob Richards, Matthias Richards, Benjamin Say, Ebenezer Seaver, John Smilie, John Smith, John Taylor, George M. Troup, Robert Whitehill, David R. Williams, Marmaduke Williams, Alexander Wilson, and Richard Winn.

NAYS—Evan Alexander, Willis Alston, junior, Ezekiel Bacon, Joseph Barker, John Blake, jun., Adam Boyd, John Campbell, Epaphroditus Champion, Martin Chittenden, Orchard Cook, John Culpeper, Samuel W. Dana, John Davenport, junior, Daniel M. Durell,

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James Elliot, William Ely, James Fisk, Barent Gardénier, Francis Gardner, James M. Garnett, John Harris, John Heister, William Helms, William Hoge, Reuben Humphreys, Daniel Holey, Richard Jackson, Robert Jenkins, James Kelly, Philip B. Key, John Lambert, Joseph Lewis, jun., Edward St. Loë Livermore, Edward Lloyd, Matthew Lyon, Josiah Masters, William McCreery, William Milnor, Jonathan O. Mosely, Gordon S. Mumford, Thomas Newbold, Josiah Quincy, John Randolph, Samuel Riker, John Rowan, John Russell, Lemuel Sawyer, Samuel Shaw, James Sloan, Jedediah K. Smith, Samuel Smith, Henry Southard, Richard Stanford, William Stedman, Clement Storer, Lewis B. Sturges, Peter Swart, Samuel Taggart, Benjamin Tallmadge, John Thompson, Abram Trigg, Jabez Upham, James I. Van Alen, Philip Van Cortlandt, Nicholas Van Dyke, Archibald Van Horn, Killian K. Van Rensselaer, Daniel C. Verplanck, Isaac Wilbour, and Nathan Wilson.

Mr. D. R. WILLIAMS moved to strike out the words in *italic*, in Mr. JACKSON's motion, and insert "*to adjust the disputes with the.*" For the motion—yeas 25, nays 95, as follows:

YEAS—Evan Alexander, Willis Alston, jun., William W. Bibb, William Blackledge, Joseph Calhoun, Matthew Clay, Richard Cutts, Josiah Deane, Jas. Fisk, Thomas Kenan, Nathaniel Macon, John Montgomery, Thomas Moore, Thomas Newbold, John Porter, Ebenezer Seaver, Samuel Shaw, Jedediah K. Smith, Richard Stanford, Abram Trigg, George M. Troup, Daniel C. Verplanck, David R. Williams, Marmaduke Williams, and Richard Winn.

NAYS—Ezekiel Bacon, David Bard, Joseph Barker, Burwell Bassett, John Blake, junior, Thomas Blount, Adam Boyd, John Boyle, Robert Brown, William A. Burwell, William Butler, John Campbell, Epaphroditus Champion, Martin Chittenden, Orchard Cook, John Culpeper, Samuel W. Dana, John Davenport, junior, John Dawson, Joseph Desha, Daniel M. Durell, James Elliot, William Ely, John W. Eppe, William Findley, Meshack Franklin, Barent Gardénier, Francis Gardner, James M. Garnett, Thomas Gholson, jr., Peterson Goodwyn, Isaiah L. Green, John Harris, John Heister, William Helms, William Hoge, James Holland, David Holmes, Benjamin Howard, Reuben Humphreys, Daniel Holey, John G. Jackson, Richard Jackson, Robert Jenkins, Richard M. Johnson, James Kelly, Philip B. Key, William Kirkpatrick, John Lambert, Joseph Lewis, jun., Edward St. Loë Livermore, Edward Lloyd, John Love, Matthew Lyon, Josiah Masters, William McCreery, William Milnor, Nicholas R. Moore, Jeremiah Morrow, John Morrow, Gordon S. Mumford, Thomas Newton, Wilson C. Nicholas, John Pugh, Josiah Quincy, John Rea of Pennsylvania, John Rhea of Tennessee, Jacob Richards, Matthias Richards, Samuel Riker, John Rowan, John Russell, Lemuel Sawyer, Benjamin Say, James Sloan, John Smilie, John Smith, Samuel Smith, Henry Southard, William Stedman, Clement Storer, Lewis B. Sturges, Peter Swart, Samuel Taggart, Benjamin Tallmadge, John Taylor, John Thompson, Jabez Upham, James I. Van Alen, Philip Van Cortlandt, Nicholas Van Dyke, Archibald Van Horn, Killian K. Van Rensselaer, Isaac Wilbour, and Nathan Wilson.

Mr. J. MONTGOMERY moved to adjourn; which was negatived—yeas 50, nays 70, as follows:

YEAS—Evan Alexander, Willis Alston, jun., Burwell Bassett, William W. Bibb, William Blackledge,

Thomas Blount, John Boyle, Robert Brown, William A. Burwell, William Butler, Joseph Calhoun, Matthew Clay, John Dawson, Josiah Deane, Joseph Desha, John W. Eppe, William Findley, Meshack Franklin, Thomas Gholson, jun., Peterson Goodwyn, Isaiah L. Green, James Holland, David Holmes, Benjamin Howard, John G. Jackson, Richard M. Johnson, Thomas Kenan, William Kirkpatrick, John Love, Nathaniel Macon, John Montgomery, Nicholas R. Moore, Thomas Moore, Jeremiah Morrow, John Morrow, Thomas Newbold, Thomas Newton, Wilson C. Nicholas, John Porter, John Rea of Pennsylvania, John Rhea of Tennessee, Jacob Richards, Benjamin Say, Ebenezer Seaver, John Smith, John Taylor, George M. Troup, Robert Whitehill, David R. Williams, and Marmaduke Williams.

NAYS—Ezekiel Bacon, Joseph Barker, John Blake, junior, Adam Boyd, John Campbell, Epaphroditus Champion, Martin Chittenden, Orchard Cook, John Culpeper, Richard Cutts, Samuel W. Dana, John Davenport, junior, Daniel M. Durell, James Elliot, William Ely, James Fisk, Barent Gardénier, Francis Gardner, James M. Garnett, Edwin Gray, John Harris, John Heister, William Helms, William Hoge, Reuben Humphreys, Daniel Holey, Richard Jackson, Robert Jenkins, James Kelly, Philip B. Key, John Lambert, Joseph Lewis, jun., Edward St. Loë Livermore, Edward Lloyd, Matthew Lyon, Josiah Masters, William McCreery, William Milnor, Jonathan O. Mosely, Gordon S. Mumford, Josiah Quincy, John Randolph, Matthias Richards, Samuel Riker, John Rowan, John Russell, Lemuel Sawyer, James Sloan, John Smilie, Jedediah K. Smith, Samuel Smith, Henry Southard, Richard Stanford, William Stedman, Clement Storer, Lewis B. Sturges, Peter Swart, Samuel Taggart, Benjamin Tallmadge, John Thompson, Abram Trigg, Jabez Upham, James I. Van Alen, Philip Van Cortlandt, Nicholas Van Dyke, Archibald Van Horn, Killian K. Van Rensselaer, Daniel C. Verplanck, Isaac Wilbour, and Nathan Wilson.

So much of the said amendment proposed by Mr. JOHN G. JACKSON, as is contained in the first section thereof, being modified by the mover, by inserting, after the words, "President of the United States shall be authorized," the words, "and required:" And, on the question that the House do agree to the said proposed section, as so modified, it passed in the negative—yeas 48, nays 74, as follows:

YEAS—Willis Alston, junior, David Bard, Burwell Bassett, William W. Bibb, William Blackledge, Thomas Blount, John Boyle, Robert Brown, William A. Burwell, William Butler, Joseph Calhoun, Matthew Clay, Richard Cutts, John Dawson, Josiah Deane, Joseph Desha, John W. Eppe, Meshack Franklin, Thomas Gholson, junior, Peterson Goodwyn, James Holland, David Holmes, Benjamin Howard, John G. Jackson, Richard M. Johnson, Thomas Kenan, John Love, John Montgomery, Jeremiah Morrow, Thomas Newton, Wilson C. Nicholas, John Porter, John Pugh, John Rea of Pennsylvania, John Rhea of Tennessee, Jacob Richards, Lemuel Sawyer, Benjamin Say, Ebenezer Seaver, Samuel Shaw, John Smilie, Jedediah K. Smith, John Smith, John Taylor, George M. Troup, Robert Whitehill, Marmaduke Williams, and Richard Winn.

NAYS—Evan Alexander, Ezekiel Bacon, Joseph Barker, John Blake, junior, Adam Boyd, John Camp-

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bell, Epaphroditus Champion, Martin Chittenden, Orchard Cook, John Culpeper, Samuel W. Dana, John Davenport, jr., Daniel M. Durell, James Elliot, William Ely, Wm. Findley, Barent Gardenier, Francis Gardner, James M. Garnett, Edwin Gray, Isaiah L. Green, John Harris, John Heister, William Helms, William Hoge, Reuben Humphreys, Daniel Hsley, Richard Jackson, Robert Jenkins, James Kelly, Philip B. Key, John Lambert, Joseph Lewis, jun., Edward St. Loe Livermore, Edward Lloyd, Matthew Lyon, Nathaniel Macon, Josiah Masters, William McCreery, William Milnor, Nicholas R. Moore, John Morrow, Jonathan O. Mosely, Gurdon S. Mumford, Thomas Newbold, Josiah Quincy, John Randolph, Matthias Richards, Samuel Riker, John Rowan, John Russell, James Sloan, Samuel Smith, Henry Southard, Richard Stanford, William Stedman, Clement Storer, Lewis B. Sturges, Peter Swart, Samuel Taggart, Benjamin Tallmadge, John Thompson, Abram Trigg, Jabez Upham, James I. Van Alen, Philip Van Cortlandt, Nicholas Van Dyke, Archibald Van Horn, Killian K. Van Rensselaer, Daniel C. Verplanck, Isaac Wilbour, David R. Williams, Alexander Wilson, and Nathan Wilson.

The question was then stated from the Chair, that the House do agree to the second section contained in the amendment of Mr. JOHN G. JACKSON, to be inserted as the twentieth section of the bill: Whereupon, Mr. JACKSON withdrew from the table so much of the said amendment as is contained in the second, third, and fourth sections thereof, proposed to be the twentieth, twenty-first, and twenty-second, of the bill.

A motion was made by Mr. BLOUNT farther to amend the bill, by inserting a new section next after the eighteenth section, as the nineteenth section of the bill, in the words following, to wit:

"And be it further enacted, That, if any vessel rightfully bearing the flag of the United States, regularly cleared out, according to law, and owned by a citizen or citizens of the United States, shall, upon the high seas, engaged in a lawful commerce, be captured under authority of Great Britain or France, in a manner not warranted by the acknowledged laws of nations, such capture shall be considered an unequivocal act of war, against the United States, and the President of the United States, upon the receipt of satisfactory proof of that fact, shall cause letters of marque and reprisal to be forthwith issued against the nation or nations by virtue of whose orders, edicts, or decrees, such capture shall have been committed, subject to the restrictions and conditions which were contained in the act passed upon the ninth day of July, one thousand seven hundred and ninety-eight, entitled 'An act further to protect the commerce of the United States.'"

And on the question that the House do agree to the said proposed amendment, it passed in the negative—yeas 49, nays 73, as follows:

YEAS—Evan Alexander, David Bard, Burwell Bassett, John Blake, junior, Thomas Blount, John Boyle, Robert Brown, William Butler, Joseph Calhoun, Josiah Deane, Joseph Desha, John W. Eppes, Meshack Franklin, Thomas Gholson, jr., Isaiah L. Green, David Holmes, Benjamin Howard, John G. Jackson, Richard M. Johnson, Thos. Kenan, William Kirkpatrick, John Love, John Montgomery, Nicholas R. Moore, Jeremiah Morrow, Thomas Newbold, Thomas Newton, Wilson C. Nicholas, John Porter, John Pugh, John Rea of

Pennsylvania, John Rhea of Tennessee, Jacob Richards, Matthias Richards, Lemuel Sawyer, Benjamin Say, Ebenezer Seaver, Samuel Shaw, John Smilie, Jedediah K. Smith, John Smith, John Taylor, George M. Troup, Jesse Wharton, Isaac Wilbour, Marmaduke Williams, Alexander Wilson, and Richard Winn.

NAYS—Willis Alston, jr., Ezekiel Bacon, William W. Bibb, William Blackledge, Adam Boyd, William A. Burwell, John Campbell, Epaphroditus Champion, Martin Chittenden, Matthew Clay, Orchard Cook, John Culpeper, Samuel W. Dana, John Davenport, jr., John Dawson, Daniel M. Durell, James Elliot, William Ely, William Findley, Barent Gardenier, Francis Gardner, James M. Garnett, Peterson Goodwyn, Edwin Gray, John Harris, John Heister, William Helms, William Hoge, James Holland, Reuben Humphreys, Daniel Hsley, Richard Jackson, Robert Jenkins, James Kelly, John Lambert, Joseph Lewis, jr., Edward St. Loe Livermore, Edward Lloyd, Matthew Lyon, Nathaniel Macon, Josiah Master, William McCreery, William Milnor, Thomas Moore, John Morrow, Jonathan O. Mosely, Gurdon S. Mumford, Josiah Quincy, John Randolph, Samuel Riker, John Rowan, John Russell, James Sloan, Samuel Smith, Richard Stanford, William Stedman, Clement Storer, Lewis B. Sturges, Peter Swart, Samuel Taggart, Benjamin Tallmadge, John Thompson, Abram Trigg, Jabez Upham, James I. Van Alen, Philip Van Cortlandt, Nicholas Van Dyke, Archibald Van Horn, Killian K. Van Rensselaer, Daniel C. Verplanck, David R. Williams, and Nathan Wilson.

A motion was then made by Mr. MACON, farther to amend the bill, by striking out in the eleventh section, after the words "United States," the following words:

"Be, and he hereby is, authorized, in case either France or Great Britain shall so revoke or modify her edicts, as that they shall cease to violate the neutral commerce of the United States, to declare the same by proclamation; after which the trade of the United States, suspended by this act, and by the act laying an embargo on all ships and vessels in the ports and harbors of the United States, and the several acts supplementary thereto, may be renewed, with the nation so doing; and to cause to be issued, under suitable pledges and precautions, letters of marque and reprisal against the nation thereafter continuing in force its unlawful edicts against the commerce of the United States: Provided, That all penalties and forfeitures which shall have been previously incurred by virtue of this, or any other act, the operation of which shall so cease and determine, shall be recovered and distributed in like manner, as if the same had continued in full force and virtue; and vessels bound thereafter to any foreign port or place with which commercial intercourse shall by virtue of this section be again permitted, shall give bond to the United States, with approved security, in double the value of the vessel and cargo, that they shall not proceed to any foreign port, nor trade with any country other than those with which commercial intercourse shall have been or may be permitted by this act:"

And the question being put thereupon, it passed in the negative—ayes 24.

A motion was made by Mr. J. G. JACKSON, to amend the eleventh section of the bill, by striking out, in the second line thereof, the words, "so revoke or modify her edicts as that they shall cease

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o violate;" and inserting, in lieu thereof, the words, "modifying her edicts which violate:"

And, on the question that the House do agree o the amendment, it passed in the negative—yeas 31, nays 91, as follows:

YEAS—Willis Alston, jr., David Bard, Burwell Bassett, Thomas Blount, Robert Brown, Joseph Calhoun, Richard Cutts, John W. Eppes, James Fisk, Meshack Franklin, Isaiah L. Green, David Holmes, Benjamin Howard, John G. Jackson, Richard M. Johnson, John Love, Nathaniel Macon, John Montgomery, Thomas Moore, John Morrow, Thomas Newton, John Rea of Pennsylvania, John Rhea of Tennessee, Ebenezer Seaver, Samuel Shaw, John Smilie, Jedediah K. Smith, Richard Stanford, John Taylor, Robert Whitehill and Richard Winn.

NAYS—Evan Alexander, Ezekiel Bacon, William W. Bibb, William Blackledge, John Blake, jr., Adam Boyd, John Boyle, William A. Burwell, William Butler, John Campbell, Epaphroditus Champion, Martin Ohittenden, Matthew Clay, Orchard Cook, John Culpeper, Samuel W. Dana, John Davenport, jr., John Dawson, Josiah Deane, Joseph Desha, Daniel M. Durell, James Elliot, William Ely, William Findley, Barent Gardenier, Francis Gardner, James M. Garnett, Thomas Gholson, jr., Paterson Goodwyn, John Harris, John Hoister, William Helms, William Hoge, James Holland, Reuben Humphreys, Daniel Illey, Richard Jackson, Robert Jenkins, James Kelly, Philip B. Key, William Kirkpatrick, John Lambert, Joseph Lewis, jr., Edward St. Loe Livermore, Edward Lloyd, Matthew Lyon, Josiah Masters, Wm. McCreery, William Milnor, Nicholas R. Moore, Jeremiah Morrow, Jonathan O. Mosely, Gurdon S. Mumford, Thomas Newbold, Wilson C. Nicholas, John Porter, John Pugh, Josiah Quincy, John Randolph, Matthias Richards, Samuel Riker, John Rowan, John Russell, Lemuel Sawyer, Benjamin Say, James Sloan, John Smith, Samuel Smith, Henry Southard, William Stedman, Clement Storer, Lewis B. Sturges, Peter Swart, Samuel Taggart, Benjamin Tallmadge, John Thompson, Abram Trigg, George M. Troup, Jabez Upham, James I. Van Alen, Philip Van Cortlandt, Nicholas Van Dyke, Archibald Van Horn, Killian K. Van Rensselaer, Daniel C. Verplanck, Jesse Wharton, Isaac Wilbour, David R. Williams, Marmaduke Williams, Alexander Wilson, and Nathan Wilson.

A motion was made by Mr. EPPES, farther to amend the bill, by striking out, in the fourth and fifth lines of the seventeenth section of the engrossed bill, the words, "so much of the said acts as is repealed by this act, or which have been, or may hereafter be, incurred by virtue of the said acts, on account of any infraction of so much of the said acts as is not repealed by this act;" and inserting, in lieu thereof, the words, "the said acts repealed by this act."

And the question being taken thereupon, it passed in the negative—yeas 50, nays 70, as follows:

YEAS—Evan Alexander, David Bard, Burwell Bassett, William Blackledge, Thomas Blount, John Boyle, Robert Brown, William A. Burwell, William Butler, Joseph Calhoun, John Dawson, Josiah Deane, Joseph Desha, Daniel M. Durell, John W. Eppes, William Findley, Meshack Franklin, Thomas Gholson, junior, Peterson Goodwyn, Isaiah L. Green, James Holland, David Holmes, Benjamin Howard, John G. Jackson,

Richard M. Johnson, Thomas Kenan, William Kirkpatrick, John Lambert, John Love, John Montgomery, Nicholas R. Moore, Jeremiah Morrow, John Morrow, Wilson C. Nicholas, John Porter, John Rea of Pennsylvania, John Rhea of Tennessee, Matthias Richards, Benjamin Say, Ebenezer Seaver, Samuel Shaw, John Smilie, Jedediah K. Smith, John Smith, John Taylor, Jesse Wharton, Robert Whitehill, Isaac Wilbour, Alexander Wilson, and Richard Winn.

NAYS—Willis Alston, jun., Ezekiel Bacon, Joseph Barker, William W. Bibb, John Blake, jun., Adam Boyd, John Campbell, Epaphroditus Champion, Matthew Clay, Orchard Cook, John Culpeper, Richard Cutts, Samuel W. Dana, John Davenport, jun., James Elliot, William Ely, James Fisk, Barent Gardenier, Francis Gardner, James M. Garnett, John Harris, John Heister, William Helms, William Hoge, Reuben Humphreys, Daniel Illey, Richard Jackson, Robert Jenkins, James Kelly, Philip B. Key, Joseph Lewis, jun., Edward St. Loe Livermore, Edward Lloyd, Matthew Lyon, Nathaniel Macon, Josiah Masters, William McCreery, William Milnor, Thomas Moore, Jonathan O. Mosely, Gurdon S. Mumford, Thomas Newbold, Thos. Newton, Josiah Quincy, John Randolph, Samuel Riker, John Russell, James Sloan, Samuel Smith, Henry Southard, Richard Stanford, William Stedman, Clement Storer, Lewis B. Sturges, Peter Swart, Samuel Taggart, Benj. Tallmadge, John Thompson, Abram Trigg, George M. Troup, Jabez Upham, James I. Van Alen, Philip Van Cortlandt, Nicholas Van Dyke, Archibald Van Horn, Killian K. Van Rensselaer, Daniel C. Verplanck, David R. Williams, Marmaduke Williams, and Nathan Wilson.

A motion was made by Mr. BIBB, farther to amend the bill by striking out next after the words "repealed after the," in the third line of the twelfth section of the engrossed bill, the word "fourth," and inserting, in lieu thereof, the word "fifteenth." Whereupon, a division of the question on the proposed amendment was called for by Mr. GARDNER: and, on the question that the House do agree to the first member thereof for striking out the word "fourth," it was resolved in the affirmative—yeas 59, nays 56, as follows:

YEAS—Evan Alexander, Willis Alston, junior, David Bard, William W. Bibb, William Blackledge, Thomas Blount, John Boyle, William A. Burwell, William Butler, Joseph Calhoun, Matthew Clay, Richard Cutts, John Dawson, Josiah Deane, Joseph Desha, John W. Eppes, William Findley, James Fisk, Meshack Franklin, Thomas Gholson, junior, Peterson Goodwyn, Isaiah L. Green, James Holland, David Holmes, Benjamin Howard, John G. Jackson, Richard Jackson, Richard M. Johnson, Thomas Kenan, William Kirkpatrick, John Lambert, John Love, Nathaniel Macon, John Montgomery, Nicholas R. Moore, Thomas Moore, Jeremiah Morrow, John Morrow, Thos. Newbold, Thomas Newton, Wilson C. Nicholas, John Randolph, John Rea of Pa., John Rhea of Tenn., Benjamin Say, Ebenezer Seaver, Samuel Shaw, John Smilie, John Smith, Samuel Smith, Richard Stanford, John Taylor, George M. Troup, Jesse Wharton, Robert Whitehill, David R. Williams, Marmaduke Williams, Alexander Wilson, and Richard Winn.

NAYS—Ezekiel Bacon, Joseph Barker, Burwell Bassett, John Blake, junior, Adam Boyd, Epaphroditus Champion, Orchard Cook, John Culpeper, Samuel W. Dana, John Davenport, junior, Daniel M. Durell, Jas.

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Elliot, William Ely, Francis Gardner, James M. Garnett, John Harris, John Heister, William Helms, William Hoge, Daniel Hsley, Robert Jenkins, James Kelly, Philip B. Key, Joseph Lewis, junior, Edward St. Loë Livermore, Edward Lloyd, Matthew Lyon, Josiah Masters, William M'Creery, William Milnor, Jonathan O. Mosely, Gurdon S. Mumford, Josiah Quincy, Matthias Richards, Samuel Riker, John Rowan, John Russell, James Sloan, Jedediah K. Smith, Henry Southard, William Stedman, Clement Storer, Lewis B. Sturges, Peter Swart, Samuel Taggart, Benjamin Tallmadge, John Thompson, Abram Trigg, Jabez Upham, James I. Van Alen, Philip Van Cortlandt, Nicholas Van Dyke, Archibald Van Horn, Killian K. Van Rensselaer, and Nathan Wilson.

On the question that the House do agree to the second member of the said amendment, to insert the word "fifteenth," in lieu of the word "fourth," so stricken out, it was resolved in the affirmative—yeas 86, nays 30, as follows:

YEA—Evan Alexander, Willis Alston, jun., Ezekiel Bacon, David Bard, Burwell Bassett, William W. Bibb, William Blackledge, John Blake, jun., Adam Boyd, John Boyle, Robert Brown, William A. Burwell, William Butler, Joseph Calhoun, Epaphroditus Champion, Matthew Clay, John Culpeper, Richard Cutts, John Davenport, jr., Josiah Deane, Joseph Deane, Daniel M. Durell, James Elliot, William Ely, John W. Eppes, William Findley, James Fiak, Meshack Franklin, Francis Gardner, James M. Garnett, Peterson Goodwyn, Isaiah L. Green, John Hazle, William Helms, William Hoge, David Holmes, Benjamin Howard, Daniel Hsley, John G. Jackson, Richard Jackson, Robert Jenkins, Richard M. Johnson, Thomas Kenan, Philip B. Key, John Lambert, Edward Lloyd, John Love, Matthew Lyon, John Montgomery, Nicholas R. Moore, Thomas Moore, Jeremiah Morrow, Jonathan O. Mosely, Thomas Newton, Wilson C. Nicholas, John Randolph, John Rea of Pennsylvania, John Rhea of Tennessee, Matthias Richards, Samuel Riker, John Rowan, John Russell, Ebenezer Seaver, Samuel Shaw, John Smilie, J. K. Smith, John Smith, Samuel Smith, Henry Southard, Richard Stanford, Clement Storer, Lewis B. Sturges, Peter Swart, Samuel Taggart, John Taylor, John Thompson, Abram Trigg, George M. Troup, James I. Van Alen, Philip Van Cortlandt, Daniel C. Verplanck, Jesse Wharton, Robert Whitehill, Isaac Wilbour, Marmaduke Williams, and Alexander Wilson.

YEA—Joseph Barker, Thomas Blount, Orchard Cook, Samuel W. Dana, John Dawson, Barent Gardener, Thomas Ghelson, jun., John Heister, James Holland, James Kelly, William Kirkpatrick, Joseph Lewis, jr., Edward St. Loë Livermore, Nathaniel Mason, Josiah Masters, William M'Creery, William Milnor, John Morrow, Gurdon S. Mumford, Josiah Quincy, Benjamin Say, James Sloan, William Stedman, Benjamin Tallmadge, Jabez Upham, Nicholas Van Dyke, Archibald Van Horn, Killian K. Van Rensselaer, David R. Williams, and Richard Winn.

A motion being then made by Mr. RANDOLPH further to amend the said twelfth section of the bill, by striking out immediately after the word "March," in the fourth line, the word "next," and inserting, in lieu thereof, the words "one thousand eight hundred and nine," the said proposition of amendment was superseded by a motion made by Mr. MAcon, further to amend the

said twelfth section, by striking out in the third and fourth lines thereof, as amended by the House, the words, "fifteenth day of March," and inserting, in lieu thereof, the words, "first day of September." And on the question that the House do agree to the amendment proposed by Mr. MAcon, it passed in the negative.

The question then recurred on the amendment moved by Mr. RANDOLPH; and the question being taken that the House do agree to the same, it was resolved in the affirmative.

A motion was made by Mr. WHARTON further to amend the bill by striking out, in the second and third lines of the nineteenth section, the following words, "and that the act laying an embargo on all ships and vessels in the ports and harbors of the United States, and the several acts supplementary thereto, shall be, and the same are hereby, repealed, from and after the end of the next session of Congress." And the question being put thereupon, it passed in the negative.

A motion was then made by Mr. JOHN G. JACKSON further to amend the bill, by striking out, in the first line of the said nineteenth section, the words, "end of the next session of Congress." And the question being put thereupon, it passed in the negative. And the bill being further amended, it was ordered that the amendments agreed to be engrossed, and, together with the bill, be read the third time on Monday next.

MONDAY, February 27.

On motion of Mr. MCCREERY,
Resolved, That a committee be appointed to inquire into the expediency of prohibiting, by law, for a limited time, the exportation of arms, ammunition, canvass, and cordage; and that they have leave to report by bill or otherwise.

Messrs. MCCREERY, QUINCY, and MUMFORD, were appointed a committee pursuant to the said resolution.

Mr. J. K. SMITH, from the committee appointed on the second instant, presented a bill to extend to Amos Whittemore and William Whittemore, jun., the patent right to a machine for manufacturing cotton and wool cards; which was read twice. Whereupon, the House proceeded to the consideration thereof; and the bill therein being filled up at the Clerk's table, with the word "fourteen," it was ordered that the said bill, with the amendment, be engrossed, and read the third time to-morrow.

Mr. REEA, of Tennessee, from the Committee on Post Offices and Post Roads, presented a bill to alter and establish certain post roads; which was read twice and committed to a Committee of the Whole to-morrow.

Mr. MCCREERY reported a bill prohibiting, for a limited time, the exportation of arms, ammunition, canvass, cordage, and hemp, and for encouraging the importation thereof.—Read twice, and referred to a Committee of the Whole.

[This bill prohibits the exportation from the United States, or any territories thereof, of any cannon, muskets, pistols, bayonets, swords, cutl-

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Massachusetts Memorial.

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es, musket balls, lead, bombs, grenades, gunpowder, sulphur, or saltpetre, canvass, or sail-luck, of any description commonly used for ships or vessels, cordage, cables, tarred or untarred tarns, made of hemp; seine, sail, or sewing twine, and sheet copper, till the end of the next session. It also provides, that all brass cannon, muskets and firelocks, with bayonets suited to the same, pistols, swords, and cutlasses, which shall be imported into the United States from any foreign country, within the term of one year from and after the passing of this act, be free of duty.]

Mr. HOLMES, from the Committee of Claims, to whom were referred, on the ninth ultimo, a petition of Beniot Schweighauser, by John Mason, his attorney, and sundry documents accompanying the same, presented a bill to authorize the proper accounting officers of the Treasury to settle the account of the legal representatives of John Daniel Schweighauser; which was read twice, and committed to a Committee of the Whole to-morrow.

On a motion made by Mr. BLOUNT, that the House do come to the following resolution:

Resolved, That the committee to whom was referred so much of the Message of the President as relates to the Military and Naval Establishments, be instructed to inquire into the expediency of increasing the bounty now allowed by law to recruits in the military service.

The question was taken that the House do agree to the proposed resolution; and it passed in the negative.

A Message was received from the President of the United States, transmitting a statement of the militia of the United States, according to the latest returns received by the Department of War. The Message was read, and, together with the return transmitted therewith.—Laid on the table.

Mr. NELSON presented a memorial of sundry inhabitants of Frederick county, in the State of Maryland, stating their disapprobation of the edicts and decrees issued against the commercial intercourse and neutral rights of the United States by certain belligerent Powers; and pledging themselves to support, with their lives, fortunes, and sacred honor, all such measures as the wisdom of Congress may adopt for the safety and prosperity of the Union.—Laid on the table.

The SPEAKER laid before the House a letter from the Secretary of the Treasury, accompanied with his report on the petition of Daniel Jennings, collector of the internal revenue of the United States in the District of Ohio, referred to him by order of the House, on the fourteenth of April last; which were read, and ordered to lie on the table.

An engrossed bill further to amend the several acts for the establishment, and regulation of the Treasury, War, and Navy Departments, and making appropriations for the support of the Military Establishment, and of the Navy of the United States, for the year one thousand eight hundred and nine, was read the third time, and passed.

A message from the Senate informed the House that the Senate have passed a resolution for the appointment of three members on their part, who,

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with three members of the House of Representatives, to be appointed a committee on the part of this House, shall have the application of the money appropriated by the "Act making a further appropriation for the support of a library," passed the twenty-first of February, one thousand eight hundred and six; to which they desire the concurrence of this House.

MASSACHUSETTS MEMORIAL.

The SPEAKER laid before the House a memorial received from the Legislature of the State of Massachusetts, complaining of the measures of the Government, particularly of the embargo laws, and declaring their opinion that the last supplementary embargo law is unconstitutional. On motion of Mr. FISK it was referred to a select committee—ayes 83. The reason which he assigned for the motion was, that the memorial, coming from a respectable State, deserved a particular consideration.

Mr. QUINCY moved that the memorial be printed. On this motion some debate took place. Mr. Q. and other gentlemen observed, that they only wished the same respect to be paid by the House to this memorial as was paid to the resolutions of Pennsylvania and North Carolina.

Mr. DURELL, and others, observed that this memorial was committed to a committee, and those resolutions were not; and, therefore, was treated with more attention.

Mr. NEWTON read the answer of the Legislature of Massachusetts to the Virginia resolutions on the subject of the alien and sedition laws, to show how the sentiments of a Federal Legislature then were warped by a Federal Legislature now, to answer party purposes. This answer denies wholly the right of any State to controvert the laws of the General Government, or to declare them unconstitutional.

Mr. QUINCY said that the right of a Legislature to comment on the measures of the Government could not be questioned, when it was secured by the Constitution to every individual; and that the sentiments contained in the memorial just presented were not inconsistent with those expressed in the paper read by Mr. NEWTON.

Mr. TROUP said he would be willing to treat this memorial with respect, but not with *peculiar* respect. He cited the instance in which a memorial of the Legislature of Georgia on the subject of a proposed infraction of her territorial rights by the United States was neither referred or printed.

Mr. LIVERMORE denied that the Legislature of Massachusetts had expressed any disorganizing sentiments; they only supported the rights of the States, strengthening instead of weakening the whole machine by preserving a part in its proper operation.

Mr. BACON observed that he should enrol his name in the vote for printing, without the least fear of being accused of disrespect for the State that he represented—for, however he might respect the Legislature or the State, he could not show his respect for it by giving its memorial a course

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different from that pursued in relation to petitions or memorials from other portions of the people; and it was already referred to a respectable committee of the House.

Mr. NEWTON observed, that when the committee reported on the memorial, he should be willing to print the memorial and report on it; at the same time he should move to print the answer of the same Legislature to the Virginia resolutions on the subject of the alien and sedition laws, and then it would be the Legislature of Massachusetts castigating the Legislature of Massachusetts.

Mr. QUINCY said that this memorial contained the opinion of a large commercial State, and was entitled, therefore, to the attention of the House. If not printed now, a report would probably not be made on it this session, and it would not be printed.

Mr. HOLLAND observed, that as to its containing information, there was not a new idea contained in the memorial; not one which the gentleman himself had not favored the House with during the session, and some of them in the very words of the gentleman himself.

Mr. ROWAN conceived that the remonstrance of a State was entitled to no particular preference over that of any other memorial from any particular portion of the people; and that the proper course would be to let the remonstrance lie on the table, as the subject of it was now under consideration. If an answer was to be given to it, the Legislature might answer that answer, and there would be no end to the correspondence. Mr. R. moved to reconsider the vote for the reference to a select committee.

Mr. QUINCY withdrew his motion for printing, to permit the question to be taken on reconsidering the vote for reference.

Messrs. SAWYER, MACOM, and TAYLOR, advocated reconsideration. The vote was reconsidered—ayes 84.

Mr. FISK again supported his motion. He wished not, by a silent disposition of the memorial, to sanction its statements, wholly erroneous, or treat it with contempt.

Mr. ROWAN said that he had no idea of doing either; but an answer could only produce irritation, which he was desirous to avoid. It would be true magnanimity, even if the House believed it not to be correct, to pass it over in silence.

The motion to commit was negative—ayes 20.

Mr. QUINCY renewed his motion that the remonstrance be printed. Negative—noes 53.

NON-INTERCOURSE.

The bill from the Senate for interdicting commercial intercourse between the United States and Great Britain and France, and their dependencies, was read the third time. And, on the question, "Shall the bill pass as amended?"

Mr. MILNOR said that the passage of this bill would be a novelty in legislation, for he believed it had not a friend in the House. He was at a loss what to think of it. He said he should be obliged to gentlemen who were in favor of the bill to explain to him how much of the embargo

was to be retained by it, and how much to be removed.

Mr. M. thought that the offensive part of the embargo laws was to be retained by it. The bill was objectionable, too, because it enacted as a substitute for the embargo, a non-intercourse system, which was not to commence until two days previous to the next session of Congress, and was to expire with that session. It would scarcely have gone into operation before it would cease by the limitation of the law. He could not conceive for what purpose the non-intercourse system was to be enacted, if it was to have an end so soon. He had no doubt that those gentlemen who voted for this measure now, and who were to be in the next Congress, would be then told that they had by that vote pledged themselves not to suffer the embargo to be removed without an efficient substitute. For one, he said he could not consent to take this measure in lieu of the embargo, because it was inefficient for the purposes of coercion; because it could not be carried into execution; because it would prevent our usual intercourse without excluding foreign goods, as they would be smuggled in; because some of the manufactures of Great Britain had become necessary to us by habit, and could not be procured elsewhere now. He did not view this system as a permanent measure. He believed that the gentlemen of this House generally perceived and knew that this measure could have but little operation. It seemed as if the House must have something to satisfy themselves that they were not taking off the embargo without some efficient measure; it was but a rattle to please children. In short, the bill under consideration was so very objectionable, the provisions so obscure and extremely difficult to understand, our citizens would be so much at a loss under it to know what were their rights and what were not, that he could not vote for the bill. If gentlemen would come forward and explain the bill, convince him that the obnoxious parts of the embargo laws were to be repealed by it, he might be induced to vote for it. As it was, he must vote against it.

Mr. DAWSON said, that at the last session, when he had given a vote in favor of the embargo law, he had been well aware that it would subject our citizens to many and great inconveniences; that all would be called on to sacrifice to the public good. Relying on the virtue and patriotism of this people, he had believed it would be borne with patience, from a conviction that it was adopted from necessity, produced by the injuries done to us by other nations, and calculated to secure the independence of the country. Under this impression he said he had voted for the measure; and, at the same time that he gave that vote, he had made a solemn pledge to himself, his country, and his God, that he never would revoke it till we took some measure to defend our rights. Such, in his opinion, the bill now before the House was not. He considered it a weak, wretched expedient, and he could not bring himself to vote for it; although, in voting against it, he regretted differing in opinion with many whom

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he esteemed, and was as much disposed to relieve our citizens as any man could be.

Mr. COOK said, in voting for the bill, he should merely take it as a choice of evils.

Mr. RANDOLPH spoke near an hour in opposition to the bill. He objected to the principle as well as the details of the bill.

Mr. SLOAN declared that his friends from Pennsylvania and Virginia, (Messrs. MILNOR and RANDOLPH,) could not detest the bill more than he did; and yet he should vote for it for this reason, that the people, as well as himself, were so heartily tired of the embargo that they would be glad to get anything else in place of it. Another reason was, that it contained a limitation to the embargo laws, and he hoped that the embargo would expire at the time limited, never again to be re-enacted; that it would be *dead, dead, dead*.

The question on the passage of the bill was then decided—yeas 81, nays 40, as follows:

YEAS—Evan Alexander, Lemuel J. Alston, Willis Alston, jun., Ezekiel Bacon, Joseph Barker, John Blake, jun., Adam Boyd, John Boyle, Robert Brown, William A. Burwell, William Butler, John Culpeper, Richard Cutts, Josiah Deane, Joseph Desha, Daniel M. Durell, John W. Eppes, William Findley, James Fisk, Meshack Franklin, James M. Garnett, Thomas Holson, jun., Peterson Goodwyn, Isaiah L. Green, John Harris, John Heister, William Helms, Jas. Holand, David Holmes, Benjamin Howard, Reuben Humphreys, Daniel Hsley, Richard M. Johnson, Walter Jones, Thomas Kenan, Philip B. Key, John Lambert, Joseph Lewis, jun., Edward Lloyd, John Love, Matthew Lyon, Robert Marion, Josiah Masters, William McCreery, John Montgomery, Nicholas R. Moore, Thomas Moore, John Morrow, Gardon S. Mumford, Roger Nelson, Thomas Newton, Wilson C. Nicholas, John Pugh, John Rea of Pennsylvania, John Rhea of Tennessee, Jacob Richards, Matthias Richards, Saml. Riker, John Russell, Benjamin Say, Ebenezer Seaver, Samuel Shaw, James Sloan, Dennis Smelt, John Smiley, Jedediah K. Smith, John Smith, Samuel Smith, Henry Southard, Clement Storer, Peter Swart, John Thompson, James I. Van Alen, Philip Van Cortlandt, Archibald Van Horn, Daniel C. Verplanck, Jesse Wharton, Isaac Wilbour, Marmaduke Williams, Alexander Wilson and Nathan Wilson.

NAYS—David Bard, Burwell Bassett, William W. Bibb, William Blackledge, Thomas Blount, Joseph Calhoun, John Campbell, Epaphroditus Champion, Martin Chittenden, Matthew Clay, Samuel W. Dana, John Davenport, jun., John Dawson, James Elliot, William Ely, Barent Gardenier, Francis Gardner, William Hoge, Richard Jackson, James Kelly, Wm. Kirkpatrick, Nathaniel Macon, William Milnor, Jonathan O. Mosely, Thomas Newbold, John Porter, Josiah Quincy, John Randolph, John Rowan, Richard Stanford, William Stedman, Lewis B. Sturges, Benjamin Tallmadge, John Taylor, Abram Trigg, George A. Troup, Jabez Upham, Nicholas Van Dyke, Killian K. Van Rensselaer, and Robert Whitehill.

[Absent from the city—Messrs. D. Montgomery, Carlton, Ohandler, Clinton, Cobb, Pitkin, Story, and D. L. Williams—8. In the city, but not present at the vote, being absent from illness or other causes—Messrs. J. W. Campbell, Clepton, Gray, Cook, J. G. Jackson, Jenkins, Livermore, Jeremiah Morrow, Sawyer, Taggart, and Winn—11.]

TUESDAY, February 28.

On a motion, made by Mr. DANA, that the House do come to the following resolution:

Resolved, That it is proper to make provision, by law, to allow merchant vessels of the United States to be armed for defence in voyages to ports of Europe, or the West Indies, or Atlantic coast of America, and, accordingly, to furnish the documentary evidence which may be proper, in any such case, to manifest the defensive character of the armament allowed, and, at the same time, by law to require securities for the vessels respectively, that they will not proceed to any port known to be actually blockaded, nor carry articles contraband of war to the dominions of a belligerent Power, nor violate the laws or treaties of the United States, or the rules of public law by them acknowledged, but will observe the instructions which may be given by the President of the United States for preventing all such violations, and that due satisfaction shall be made for all damages and injuries, if any should be committed contrary to the tenor thereof:

The resolution was read, and ordered to lie on the table.

The House then proceeded to consider the bill to authorize the Collector of Baltimore, on certain conditions, to register anew the ship *Thomas*. Whereupon, a motion was made by Mr. HOLLAND that the further consideration thereof be postponed indefinitely. And the question being put thereupon, it passed in the negative. The bill was then committed to a Committee of the Whole to-morrow.

An engrossed bill to extend to Amos Whittemore and William Whittemore, junior, the patent right to a machine for manufacturing cotton and wool cards, was read the third time, and then passed—55 to 18.

The House proceeded to consider the resolution received from the Senate, on the twenty-seventh instant, for the appointment of a Joint Committee of the two Houses, for the purpose expressed in an act passed the twenty-first of February, one thousand eight hundred and six, entitled "An act making a further appropriation for the support of a library." Whereupon,

Resolved, That this House doth agree to the said resolution; and that Messrs. NICHOLAS, SAY, and DANA, be appointed a committee on the part of this House pursuant thereto.

SHIP THOMAS.

Mr. NEWTON, from the Committee of Commerce and Manufactures, to whom was referred, on the sixteenth of November last, a petition of the President and Directors of the Maine Bank, at Portland, in the District of Maine, presented, according to order, a bill to authorize the Collector of Baltimore, on certain conditions, to register anew the ship *Thomas*; which was read twice. Whereupon, a motion was made by Mr. BLACKLEDGE that the House do now adjourn: And the question being taken thereupon, it passed in the negative—yeas 2, nays 85, as follows:

YEAS—Matthew Lyon, and Nathaniel Macon.

NAYS—Joseph Barker, William W. Bibb, William Blackledge, John Blake, junior, Adam Boyd, John

H. of R.

Invalid Pensioners—President's House.

FEBRUARY, 1869.

Boyle, Robert Brown, William Butler, John Campbell, Martin Chittenden, John Culpeper, Richard Cutts, John Davenport, junior, John Dawson, Josiah Deane, James Elliot, William Ely, James Fisk, Meshack Franklin, Peterson Goodwyn, Edwin Gray, Issiah L. Green, John Harris, John Heister, James Holland, David Holmes, Benjamin Howard, Daniel Hsley, R. M. Johnson, Walter Jones, James Kelly, Thos. Kenan, John Lambert, Joseph Lewis, junior, John Love, Robert Marion, William McCreery, William Milnor, John Montgomery, Nicholas R. Moore, Jeremiah Morrow, John Morrow, Gurdon S. Mumford, Roger Nelson, Thomas Newbold, Thomas Newton, Wilson C. Nicholas, John Pugh, Josiah Quincy, John Rea of Pennsylvania, John Rhea of Tennessee, Jacob Richards, Matthias Richards, Samuel Riker, John Rowan, Lemuel Sawyer, Benjamin Say, Samuel Shaw, James Sloan, Dennis Smelt, John Smilie, Jedediah K. Smith, John Smith, Samuel Smith, Henry Southard, William Stedman, Clement Storer, Lewis B. Sturges, Peter Swart, Samuel Taggart, John Taylor, John Thompson, George M. Troup, Jabez Upham, Philip Van Cortlandt, Nicholas Van Dyke, Archibald Van Horn, Killian K. Van Rensselaer, Jesse Wharton, Robt. Whitehill, Isaac Wilbour, Marmaduke Williams, Alexander Wilson, Nathan Wilson, and Richard Winn.

INVALID PENSIONERS.

The House resolved itself into a Committee of the Whole on the bill concerning invalid pensioners.

A motion was made by Mr. HOLMES to strike out the fourth section of the bill, which authorizes the payment of the aggregate amount of the arrearages of pensions, from the time their disability was incurred, to all persons entitled to pensions.—Carried.

A motion was made by Mr. MACON, and carried, to strike out of the bill the third section, which allows pensions to all persons in any manner incurring disability during the Revolutionary war, whether by voluntary expeditions, or otherwise.

A motion was made by Mr. BLACKLEDGE to insert an amendment providing for the payment to all persons placed on the pension list since the first of January, 1796, of the aggregate amount of arrearages for ten years preceding.—Negatived.

The Committee rose, and reported the bill as amended.

The House concurred in striking out the third section, 47 to 30.

Mr. RANDOLPH, who originally moved the fourth section, called for the yeas and nays on concurrence with the Committee in striking out the section.

Mr. ROWAN spoke at length in support of the section, which he conceived to be imperiously called for, both by justice and policy. The money due to our soldiers was a just debt, to which it did not become the Government to plead the statute of limitation.

Mr. RANDOLPH also spoke at large in explanation of his reasons for offering the amendment, and in support of it. The claims of the persons placed on the pension list had been rigidly scrutinized, and payment of them could not in justice be refused, unless from inability of the Government to pay them.

The question on concurrence was decided in the affirmative—yeas 53, nays 32, as follows:

YEAS—Willis Alston, jun., David Bard, Joseph Barker, Burwell Bassett, John Blake, jun., Thos. Blount, John Boyle, William A. Burwell, William Butler, Martin Chittenden, John Culpeper, Joseph Deane, Daniel M. Durell, Meshack Franklin, Thomas Ghelston, jun., Peterson Goodwyn, Issiah L. Green, William Helms, James Holland, David Holmes, Reuben Humphreys, Daniel Hsley, Thomas Kenan, Nathaniel Macon, Robert Marion, Josiah Masters, Wm. McCreery, Nicholas R. Moore, Jeremiah Morrow, John Morrow, Gurdon S. Mumford, Thomas Newbold, John Porter, John Pugh, John Rea of Pennsylvania, John Rea of Tennessee, Jacob Richards, Matthias Richards, Ebenezer Seaver, Samuel Shaw, James Sloan, John Smilie, Jedediah K. Smith, John Smith, Richard Stanford, Clement Storer, Peter Swart, Samuel Taggart, Benjamin Tallmadge, John Taylor, Jesse Wharton, Robert Whitehill, and Alexander Wilson.

NAYS—William Blackledge, Joseph Calhoun, John Campbell, Epaphroditus Champion, Matthew Clay, John Davenport, jun., John Dawson, Francis Gardner, John Harris, William Hoge, Benjamin Howard, Richard Jackson, Robert Jenkins, Richard M. Johnson, James Kelly, John Lambert, Matthew Lyon, William Milnor, Jonathan O. Mosely, Roger Nelson, Thomas Newton, Wilson C. Nicholas, Josiah Quincy, John Randolph, John Rowan, Dennis Smelt, Samuel Smith, Nicholas Van Dyke, Archibald Van Horn, Killian K. Van Rensselaer, Daniel C. Verplanck, and Marmaduke Williams.

So the section was struck out.

Mr. BLACKLEDGE renewed the motion which he made in Committee of the Whole, and spoke at length in support of it.

The motion was negatived by yeas and nays by a large majority.

The bill was then ordered to a third reading, and subsequently passed, *nem. con.*

PRESIDENT'S HOUSE.

The House then resolved itself into a Committee of the Whole on the bill making further provision for the accommodation of the household of the President of the United States. The bill being gone through, was reported to the House, and ordered to be read a third time to-day. It was then read a third time, and passed—yeas 78, nays 11, as follows:

YEAS—Willis Alston, jr., David Bard, Joseph Barker, Burwell Bassett, William Blackledge, John Blake, jun., Thomas Blount, John Boyle, William Butler, Joseph Calhoun, John Campbell, Epaphroditus Champion, Martin Chittenden, Matthew Clay, John Culpeper, Richard Cutts, Samuel W. Dana, John Davenport, jr., John Dawson, Josiah Deane, Joseph Deane, Daniel M. Durell, James Elliot, William Ely, William Findley, Meshack Franklin, Francis Gardner, Thomas Ghelston, jr., Peterson Goodwyn, Issiah L. Green, John Harris, James Holland, David Holmes, Benjamin Howard, Daniel Hsley, Richard Jackson, Richard M. Johnson, Walter Jones, James Kelly, William Kentpatrick, John Lambert, Edward St. Lee Livermore, John Love, Matthew Lyon, Robert Marion, Josiah Masters, William McCreery, Jeremiah Morrow, Jonathan O. Mosely, Gurdon S. Mumford, Roger Nelson, Thomas Newton, Wilson C. Nicholas, John Porter,

MARCH, 1809.

Hemp, Cordage, Arms, &c.—Public Buildings.

H. OF R.

ohn Pugh, Josiah Quincy, John Rea of Pennsylvania, John Rhea of Tennessee, Matthias Richards, John Lowan, Dennis Smelt, John Smilie, Jedediah K. Smith, John Smith, Richard Stanford, William Stedman, Clement Storer, Samuel Taggart, Benjamin Tallmadge, John Taylor, James I. Van Alen, Nicholas Van Dyke, Archibald Van Horn, Killian K. Van Rensselaer, Daniel C. Verplanck, Robert Whitehill, and Marmaduke Williams.

NAVS—Robert Brown, William A. Burwell, William Inge, Nathaniel Macon, Thomas Newbold, John Randolph, John Russell, Ebenezer Seaver, James Sloan, Isaac Wilbour, and Richard Winn.

HEMP, CORDAGE, ARMS, &c.

The House resolved itself into a Committee of the Whole on the bill prohibiting for a limited time the exportation of arms, ammunition, canvass, cordage, and hemp, and for encouraging the importation thereof.

Mr. RANDOLPH moved to strike out the first section of the bill, which motion he supported on the ground of its inexpediency, as tending to throw a damp on the culture of hemp in the country, and on the ground of its unconstitutionality—the Constitution not having expressly delegated to Congress the power of prohibiting exports, and having prohibited Congress from taxing them, thereby impliedly denying Congress the power to prohibit exportation.

Mr. MCCREERY stated, in support of the bill, that the United States were in the habit of importing annually twelve millions of pounds of hemp, and great quantities of canvass, a great part of which was bought up to export for the British Navy; and, from the frequency of this practice, it was expected that there would not be sufficient left in the country for home consumption.

Messrs. QUINCY, ELY, LYON, and ROWAN, opposed the bill, observing that, as to prohibiting the export of arms, there could be no occasion for that part of the bill, as arms of every kind bore now a higher price in this country than elsewhere; that the passage of the bill would depress the culture of hemp as well as manufacture of cordage; that the United States already had a sufficiency of naval stores; that a restriction of his kind would only enable the merchant to purchase these articles at a lower price, at the expense of the growers of hemp, and manufacturers.

Mr. SLOAN was opposed to the bill because he disliked the general principle of restricting trade. The single reason that the bill partook somewhat of the nature of a partial embargo, was sufficient to induce him to reject it.

The first section was then struck out—yeas 54, nays 26.

The Committee rose and reported their disagreement to the House, who concurred in it—yeas 54.

Mr. VAN HORN wished to retain the last section of the bill, for importing arms free of duty.

Mr. QUINCY observed that more could be manufactured in the United States than could possibly be wanted.

The whole bill was then negatived.

WEDNESDAY, March 1.

The bill sent from the Senate, entitled "An act making further provision for the Corps of Engineers," was read twice and committed to a Committee of the Whole this day.

The House resolved itself into a Committee of the Whole on the bill supplemental to the act, entitled "An act for establishing trading-houses with the Indian tribes. The bill was reported with two amendments thereto; which were twice read, and, on the question severally put thereupon, agreed to by the House.

Ordered, That the said bill, with the amendments, be engrossed, and read the third time to-day.

On motion of Mr. JOHN G. JACKSON,

Ordered, That the Committee of the Whole to whom was committed, on the thirty-first of January last, a bill sent from the Senate, entitled "An act to extend the time for making payment for the public lands of the United States," be discharged from proceeding therein; and that the said bill be taken up for consideration in the House.

The House, accordingly, proceeded to consider the bill at the Clerk's table: Whereupon, the bill was read the third time and passed.

An engrossed bill supplemental to the act, entitled "An act for establishing trading-houses with the Indian tribes," was read the third time, and passed.

The bill for the relief of Jacob Barnitz went through a Committee of the Whole, was reported to the House, and ordered to a third reading. It was subsequently read a third time and passed.

A message from the Senate, informed the House that the Senate have passed a bill, entitled "An act farther to amend the several acts for the establishment and regulation of the Treasury, War, and Navy Departments;" to which they desire the concurrence of this House.

PUBLIC BUILDINGS.

The House resolved itself into Committee of the Whole, 52 to 24, on the bill from the Senate, making further appropriations for completing the two wings of the Capitol, in the City of Washington, and for other purposes.

Mr. W. ALSTON said that he wished to withhold any appropriation but for the accommodation of the Senate. Such extravagance and waste had characterized the progress in the buildings, that, as long as the present Superintendent remained in office, he would not vote a cent further appropriation. He moved to strike out every item in the bill but that for the accommodation of the Senate.

Mr. LEWIS objected to the motion. He called for the reading of the report of the Surveyor of Public Buildings on the subject.

Messrs. ALSTON, SLOAN, SMILIE, and STANFORD, advocated the motion, and Messrs. MACON, NELSON, J. G. JACKSON, and LYON, opposed it on the ground that the buildings, having been commenced, ought to be finished.

The motion for striking out the appropriation

for the Representatives' Chamber, was negatived, 44 to 31.

The Committee then refused to strike out any part of the bill.

The Committee then rose and reported the bill, which was ordered to be read a third time to-day.

The bill being about to be read a third time,

Mr. CULPEPER moved that the bill be recommitted for the purpose of striking out the items before moved to be stricken out. Motion negatived, ayes 9.

The bill was then read a third time and passed—yeas 67, nays 21, as follows:

YEAS—Lemuel J. Alston, Ezekiel Bacon, Joseph Barker, Burwell Bassett, William Blackledge, John Blake, jr., Thomas Blount, John Boyle, John Campbell, Epaphroditus Champion, Richard Cutts, John Davenport, jr., John Dawson, Joseph Desha, William Findley, James Fisk, Meshack Franklin, Thomas Gholson, jr., Peterson Goodwyn, Isaiah L. Green, William Helms, James Holland, David Holmes, Benjamin Howard, Reuben Humphreys, John G. Jackson, Richard M. Johnson, James Kelly, Philip B. Key, William Kirkpatrick, John Lambert, Joseph Lewis, jr., John Love, Matthew Lyon, Nathaniel Macon, Robert Marion, Josiah Masters, William McCreery, Nicholas R. Moore, Jeremiah Morrow, Gurdon S. Mumford, Roger Nelson, Thomas Newton, Wilson C. Nicholas, John Porter, John Rhea of Tennessee, Samuel Riker, John Rowan, John Russell, Benjamin Say, Ebenezer Seaver, Samuel Shaw, Dennis Smelt, Lewis B. Sturges, Samuel Taggart, Benjamin Tallmadge, John Taylor, John Thompson, Jabez Upham, James I. Van Allen, Nicholas Van Dyke, Archibald Van Horn, Killian K. Van Rensselaer, Daniel C. Verplanck, Marmaduke Williams, Alexander Wilson, and Nathan Wilson.

NAYS—Willis Alston, jr., Robert Brown, Joseph Calhoun, Matthew Clay, John Culpeper, Francis Gardner, John Heister, William Milnor, Josiah Quincy, John Randolph, Matthias Richards, Lemuel Sawyer, James Sloan, John Smilie, Jedediah K. Smith, Samuel Smith, Henry Southard, Richard Stanford, Peter Swart, Robert Whitehill, and Isaac Winbourn.

COURTS OF THE UNITED STATES.

The House resolved itself into a Committee of the Whole, 40 to 31, on the bill supplementary to an act for establishing the Courts of the United States. [The bill proposes an alteration in the time or manner of holding the courts of South Carolina.]

Mr. LOVE proposed an amendment to the bill, declaring that the laws of the several States shall be the rules of proceeding in all judicial proceedings in the Courts of the United States, provided that it shall not affect any process on behalf of the United States.

Messrs. TAYLOR and KELLY objected to the introduction of a general provision, embracing such an important principle, into a law for a special purpose—a principle, too, the propriety of which was at least questionable.

Mr. LOVE advocated his motion. He adverted to the laws passed in different States for suspending executions for a time. He did not express an opinion on the principle of suspension; but whatever might be his opinion of the principle, he

wished it to be extended to the Federal Courts in those States, for the sake of equality and consistency in judicial proceedings.

Mr. LOVE's motion was negatived by a considerable majority.

The Committee rose and reported the bill.

Mr. LOVE renewed the motion which he made in Committee.

Mr. GHOLSON advocated the motion at some length, and went into an examination of the laws of the United States on the subject of judicial process and of the decisions under them, particularly of a late decision of the Chief Justice, that the law of a State (Virginia) for suspending executions should not be the rule of proceeding for a Federal Court, whilst all other State laws not contravening the laws or Constitution of the United States were binding on it.

Mr. DANA moved to strike out the provision excepting from the operation of the amendment all process in behalf of the United States.—Ayes 30, noes 50.

Mr. M. CLAY conceived the decision of the judge mentioned by Mr. GHOLSON to have been erroneous; and all that was asked was that the decision should be reversed by an explanation of the meaning of the law of the United States; that a judge should not have it in his power to put up the law with one hand and put it down with the other. Under this decision, a merchant to whom money was due in the State in which he resided, had nothing to do but to assign the debt to some one in a neighboring State, and there bring suit on it, and evade the law of the State. The foreigner too had advantages over the citizen of a State, as he could recover debts and obtain execution on the judgment, when the citizen was denied the right.

Mr. GARDENIER offered an amendment to Mr. LOVE's motion, to this effect: "that no citizen of one State which had passed no law for suspending executions should be prevented from obtaining money in a State where such laws had been passed." For it would be unjust to enable the citizens of one State (as Virginia) to refuse payment while their neighbors in another State (as Massachusetts) were compelled to make payment.

Mr. ROWAN opposed Mr. LOVE's amendment, as going to approve the different laws on the subject of suspension of six or seven different States. He thought there was no occasion for the amendment; for by it the House would sweep from the judicial code the laws already existing on this subject—and he deprecated all innovations of the judicial system, where the necessity for amendment was not decidedly apparent.

Mr. GARDENIER's motion was negatived by a large majority.

Mr. LOVE's motion was then negatived—yeas 25, nays 67, as follows:

YEAS—Willis Alston, junior, Burwell Bassett, William Blackledge, Thomas Blount, William A. Burwell, William Butler, Matthew Clay, Josiah Deane, John W. Eppes, James M. Garnett, Thomas Gholson, jun., Peterson Goodwyn, David Holmes, John G. Jackson, Walter Jones, Joseph Lewis, junior, John Love, John

MARCH, 1809.

Alexandria Turnpike.

H. OF R.

Montgomery, John Morrow, Thomas Newton, Wilson J. Nicholas, Jedediah K. Smith, Henry Southard, Richard Stanford, and Alexander Wilson.

YAYS—Lemuel J. Alston, Ezekiel Bacon, Joseph Barker, John Blake, jr., John Boyle, Joseph Calhoun, Epaphroditus Champion, Richard Cutts, Joseph Desha, James Elliot, William Ely, William Findley, Meshack Franklin, Barent Gardenier, Isaiah L. Green, John Heister, William Helms, James Holland, Benjamin Howard, Reuben Humphreys, Daniel Isley, Richard Jackson, Richard M. Johnson, James Kelly, John Lambert, Matthew Lyon, Nathaniel Macon, Robert Marion, Josiah Masters, William McCreery, William Milnor, Jeremiah Morrow, Gurdon S. Mumford, Roger Nelson, Thomas Newbold, John Porter, John Pugh, Josiah Quincy, John Randolph, John Rhea of Tennessee, Jacob Richards, Matthias Richards, Samuel Riker, John Rowan, John Russell, Benjamin Say, Samuel Shaw, James Sloan, Dennis Smelt, John Smilie, William Stedman, Clement Storer, Lewis B. Sturges, Peter Swart, Samuel Taggart, Benjamin Tallmadge, John Taylor, John Thompson, Abram Trigg, Jabez Upham, James I. Van Alen, Nicholas Van Dyke, Archibald Van Horn, Killian K. Van Rensselaer, Robert Whitehill, Isaac Wilbour, and Nathan Wilson.

No other amendment being offered to the bill, it was ordered that the amendments agreed to, be engrossed, and, together with the bill, be read the third time this day. The bill was subsequently assed.

The House resolved itself into a Committee of the whole House, 38 to 36, on the bill for incorporating a company for making a turnpike road from Georgetown to Alexandria. After a long time spent in committee in discussing the details of the bill, about 6 o'clock, after being in session eight hours, a quorum not being present, the Committee was dissolved; and the House adjourned.

THURSDAY, March 2.

The **SPEAKER** laid before the House a letter signed "JAMES MADISON," stating, that he proposes to take the oath which the Constitution prescribes to the President of the United States, before he enters on the execution of his office, on Saturday, the fourth instant, at twelve o'clock, in the Representatives' Chamber.—Read, and ordered to lie on the table.

A message from the Senate informed the House that the Senate have passed the bill, entitled "An act concerning invalid pensioners," with an amendment; to which they desire the concurrence of this House. Also, the bill, entitled "An act further to amend the several acts for the establishment and regulation of the Treasury, War, and Navy Departments, and making appropriations for the support of the Military Establishment, and of the Navy of the United States, for the year one thousand eight hundred and nine," with several amendments; to which they desire the concurrence of this House.

ALEXANDRIA TURNPIKE,

The House proceeded to take into consideration the bill sent from the Senate, entitled "An act to authorize the making of a turnpike road from Mason's Causeway to Alexandria:" Where-

upon, a motion was made by Mr. **TALLMADGE**, that the further consideration of the said bill be postponed indefinitely: And the question being put thereupon, it passed in the negative.

A motion was made by Mr. **LEWIS**, that the bill be recommitted to the consideration of a Committee of the Whole House: And the question being put thereupon, it passed in the negative—yeas 35, nays 57, as follows:

YAYS—Ezekiel Bacon, Burwell Bassett, Epaphroditus Champion, Matthew Clay, John Culpeper, Daniel M. Durell, William Ely, John W. Eppes, James Fisk, Francis Gardner, Thomas Gholson, jr., Edwin Gray, Benjamin Howard, Reuben Humphreys, Richard Jackson, Walter Jones, Joseph Lewis, jr., Matthew Lyon, Nathaniel Macon, Josiah Masters, William Milnor, Nicholas R. Moore, John Morrow, Gurdon S. Mumford, Josiah Quincy, John Rowan, John Russell, Jedediah K. Smith, Clement Storer, Peter Swart, John Thompson, Abram Trigg, Jabez Upham, James I. Van Alen, and Richard Wynn.

NAYS—Lemuel J. Alston, Willis Alston, jr., David Bard, Joseph Barker, William Blackledge, John Blake, jr., Thomas Blount, John Boyle, Robert Brown, William Butler, Joseph Calhoun, Martin Chittenden, Richard Cutts, John Davenport, jr., John Dawson, Joseph Desha, Meshack Franklin, Peterson Goodwyn, Isaiah L. Green, John Harris, William Helms, James Holland, David Holmes, Daniel Isley, John G. Jackson, Richard M. Johnson, Thomas Kenan, William Kirkpatrick, John Lambert, John Love, Robert Marion, William McCreery, Jeremiah Morrow, Roger Nelson, Thomas Newton, John Porter, John Pugh, John Rhea of Pennsylvania, John Rhea of Tennessee, Samuel Riker, Lemuel Sawyer, Benjamin Say, Ebenezer Seaver, Samuel Shaw, James Sloan, John Smilie, John Smith, Samuel Smith, Henry Southard, Richard Stanford, William Stedman, John Taylor, Archibald Van Horn, Daniel C. Verplanck, Jesse Wharton, Robert Whitehill, and Nathan Wilson.

A motion was then made by Mr. **LEWIS** to amend the bill, by inserting after the word "the," in the twenty-ninth line of the seventh section, the words "county of Alexandria, in the:" And the question being put thereupon, it passed in the negative—yeas 34, nays 60, as follows:

YAYS—Ezekiel Bacon, Burwell Bassett, Epaphroditus Champion, Martin Chittenden, Matthew Clay, Orchard Cook, John Culpeper, James Fisk, Francis Gardner, Peterson Goodwyn, David Holmes, Joseph Lewis, jun., John Love, Matthew Lyon, Nathaniel Macon, Robert Marion, William Milnor, Nicholas R. Moore, Jeremiah Morrow, John Morrow, Thomas Newton, Josiah Quincy, John Rowan, John Russell, James Sloan, Samuel Smith, Clement Storer, Peter Swart, Benjamin Tallmadge, John Taylor, John Thompson, James I. Van Alen, Nicholas Van Dyke, and Alexander Wilson.

NAYS—Evan Alexander, Lemuel J. Alston, Willis Alston, jun., Joseph Barker, William W. Bibb, John Blake, jun., Thomas Blount, Robert Brown, William A. Burwell, William Butler, Joseph Calhoun, George W. Campbell, Richard Cutts, John Davenport, jun., John Dawson, Josiah Deane, Joseph Desha, James Elliot, William Findley, Meshack Franklin, Barent Gardenier, James M. Garnett, Edwin Gray, Isaiah L. Green, John Harris, William Helms, James Holland, John G. Jackson, Robert Jenkins, William Kirkpatrick, John Lambert, Josiah Masters, William

H. OF R.

Army and Navy Appropriations.

MARCH, 1869.

McCreery, John Montgomery, Roger Nelson, John Porter, John Pugh, John Rea of Pennsylvania, John Rhea of Tennessee, Matthias Richards, Samuel Riker, Benjamin Say, Ebenezer Seaver, Samuel Shaw, John Smilie, Jedediah K. Smith, John Smith, Henry Southard, Richard Stanford, William Stedman, Samuel Taggart, Abram Trigg, George M. Troup, Philip Van Cortlandt, Archibald Van Horn, Jesse Wharton, Robert Whitehill, Marmaduke Williams, Nathan Wilson, and Richard Winn.

Sundry other propositions of amendment to the bill were then moved by Mr. LEWIS and Mr. MAcon, which being severally twice read, were, on the question put thereupon, disagreed to by the House. No other amendment being offered, it was ordered that the said bill be read the third time to-day.

Mr. HOLMES, from the Committee of Claims, presented a bill for the relief of William Hastings; which was read twice, and committed to a Committee of the Whole this day.

ARMY AND NAVY APPROPRIATIONS.

The House proceeded to consider the amendments proposed by the Senate to the bill, entitled "An act further to amend the several acts for the establishment and regulation of the Treasury, War, and Navy Departments, and making appropriations for the support of the Military Establishment, and of the Navy of the United States, for the year one thousand eight hundred and nine." Whereupon, the first of the said amendments, to strike out from the word "assembled," in the second line of the first section, to the word "that," in the first line of the sixth section, being read as contained in the words following, to wit:

"That all warrants drawn by either of the Secretaries of the Treasury, of War, and of the Navy, upon the Treasurer of the United States, shall specify the particular appropriation or appropriations, to which the same should be charged: The moneys paid by virtue of such warrants shall, in conformity therewith, be charged to such appropriation or appropriations, in the books kept in the office of the Comptroller of the Treasury, in the case of warrants drawn by the Secretary of the Treasury; and, in the books of the Accountants of the War or Navy Department, respectively, in the case of warrants drawn by the Secretary of War, or by the Secretary of the Navy; and the officers, agents, or other persons, who may be receivers of public moneys, shall render distinct accounts of the application of such moneys, according to the appropriation or appropriations under which the same shall have been drawn; nor shall any credit be allowed to either of them except for expenses authorized by law, and for the amount appropriated for the same: *Provided, nevertheless*, That, during the recess of Congress, the President of the United States may, and he is hereby authorized, on the application of the Secretary of the proper Department, and not otherwise, direct, if in his opinion necessary for the public service, that a portion of the moneys appropriated for a particular branch of expenditure in that Department, be applied to another branch of expenditure in the same Department; in which case, a special account of the moneys thus transferred, and of their application, shall be laid before Congress during the first week of their next ensuing session.

"*Sec. 2. And be it further enacted*, That it shall be the duty of the Comptroller of the Treasury, in every case where in his opinion farther delays would be injurious to the United States, and he is hereby authorized, to direct the Auditor of the Treasury, and the Accountants of the War and Navy Departments, at any time, forthwith to audit and settle any particular account which the said officers may be respectively authorized to audit and settle, and to report such settlement for his revision and final decision. And the said Comptroller shall also lay an annual statement before Congress, of the accounts in either of the Treasury, War, or Navy Departments, which may have remained more than three years unsettled, or on which balances appear to have been due more than three years, together with a statement of the causes which have prevented the settlement of the accounts, or the recovery of the balances, due to the United States.

"*Sec. 3. And be it further enacted*, That exclusively of the Purveyor of Public Supplies, Paymasters of the Army, Pursers of the Navy, Military Agents, and other officers already authorized by law, no other permanent agents shall be appointed either for the purpose of making contracts, or for the purchase of supplies in any other manner, or for the disbursement of moneys for the use of the Military Establishment, or of the Navy of the United States, but such as shall be appointed by the President of the United States, with the advice and consent of the Senate: *Provided*, That the President may, and he is hereby authorized, in the recess of the Senate, to appoint all or any of such agents, which appointments shall be submitted to the Senate at the next session, for their advice and consent; and the President of the United States is hereby authorized, until otherwise provided by law, to fix the number and compensations of such agents: *Provided, however*, That their number shall not exceed eight in the whole: *And provided, also*, That the compensation allowed to either shall not exceed one per centum on the public moneys disbursed by him, nor in any instance the compensation allowed by law to the Purveyor of Public Supplies.

"*Sec. 4. And be it further enacted*, That every such agent as may be appointed by virtue of the next preceding section, and every Purser of the Navy shall give bond, with one or more sufficient sureties, in such sums as the President of the United States may direct, for the faithful discharge of the trust reposed in him, and the Paymaster of the Army, the Military Agents, the Purveyor of Public Supplies, the Pursers of the Navy, and the agents appointed by virtue of the preceding section shall, whenever practicable, keep the public moneys in their hands in some incorporated banks to be designated for that purpose by the President of the United States, and shall make monthly returns in such form as may be prescribed by the Treasury Department, of the moneys received and expended during the preceding month, and of the unexpended balance in their hands.

"*Sec. 5. And be it further enacted*, That all purchases and contracts for supplies or services which are or may, according to law, be made by, or under the direction of either the Secretary of the Treasury, the Secretary of War, or the Secretary of the Navy, shall be made either by open purchase, or by previously advertising for proposals respecting the same, and shall be previously authorized or subsequently approved by the President of the United States: And an annual statement of all such contracts and purchases, and also

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of the expenditure of the moneys appropriated for the contingent expenses of the Military Establishment, for the contingent expenses of the Navy of the United States, and for the discharge of miscellaneous claims, not otherwise provided for and paid at the Treasury, shall be laid before Congress at the beginning of each year by the Secretary of the proper Department.

"Sec. 6. *And be it further enacted.*"

The question was taken that the House do agree to the said first amendment of the Senate to the bill, and it passed in the negative—yeas 3, nays 73, as follows:

YEAS—Josiah Masters, Wilson Cary Nicholas, and Josiah Quincy.

NAYS—Evan Alexander, Willis Alston, jun., Ezekiel Bacon, David Bard, Joseph Barker, Burwell Bassett, William W. Bibb, John Blaks, junior, Thomas Blount, John Boyle, Robert Brown, William A. Burwell, William Butler, Joseph Calhoun, Matthew Clay, Orchard Cook, John Culpeper, Richard Cutts, John Dawson, Joseph Desha, James Elliot, John W. Eppes, William Findley, James Fisk, Francis Gardner, Thos. Gholson, junior, Peterson Goodwyn, Isaiah L. Green, John Heister, William Helms, James Holland, David Holmes, Benjamin Howard, John G. Jackson, Robert Jenkins, Richard M. Johnson, Walter Jones, John Lambert, Matthew Lyon, Nathaniel Macon, Robert Marion, William Milnor, John Montgomery, Nicholas R. Moore, Jeremiah Morrow, John Morrow, Gurdon S. Mumford, Thomas Newbold, Thomas Newton, John Randolph, John Rea of Pennsylvania, John Rea of Tennessee, Jacob Richards, Matthias Richards, Samuel Riker, John Russell, Ebenezer Seaver, Samuel Shaw, James Sloan, John Smilie, Jedediah K. Smith, Samuel Smith, Henry Southard, Richard Stanford, Clement Storer, John Taylor, Abram Trigg, Archibald Van Horn, Daniel C. Verplanck, Jesse Wharton, Robert Whitehill, Marmaduke Williams, and Alexander Wilson.

The second amendment of the Senate to the bill, being to strike out in the thirteenth line of the sixth section, the words "*one hundred and fifty,*" and insert, in lieu thereof, the words "*seventy-five,*" was, on the question put thereupon, agreed to by the House.

The third amendment of the Senate, to strike out in the twenty-third and twenty-fourth lines of the said sixth section of the bill, the words following, to wit: "*For the fortifications of ports and harbors, in addition to the sums appropriated for that purpose, one million of dollars,*" being twice read at the Clerk's table, the question was taken that the House do agree to the said amendment, and resolved in the affirmative—yeas 48, nays 30, as follows:

YEAS—Evan Alexander, Willis Alston, jun., David Bard, Joseph Barker, Burwell Bassett, William W. Bibb, Thomas Blount, John Boyle, Robert Brown, William A. Burwell, William Butler, Joseph Calhoun, Matthew Clay, John Culpeper, Richard Cutts, Joseph Desha, James Fisk, Thomas Gholson, junior, Peterson Goodwyn, Isaiah L. Green, John Heister, James Holland, Richard M. Johnson, Walter Jones, John Lambert, Nathaniel Macon, Robert Marion, Wm. Milnor, Nicholas R. Moore, Jeremiah Morrow, John Morrow, John Randolph, John Rea of Pennsylvania, Jacob Richards, Matthias Richards, Ebenezer Seaver, Samuel

Shaw, Jedediah K. Smith, Samuel Smith, Richard Stanford, John Taylor, Abram Trigg, Archibald Van Horn, Jesse Wharton, Robert Whitehill, Marmaduke Williams, Alexander Wilson, and Richard Wimm.

NAYS—Ezekiel Bacon, John Blake, junior, Orchard Cook, John Dawson, Daniel M. Durell, James Elliot, John W. Eppes, William Findley, Francis Gardner, William Helms, David Holmes, Benjamin Howard, John G. Jackson, Matthew Lyon, Josiah Masters, William McCreery, John Montgomery, Gurdon S. Mumford, Thomas Newbold, Thomas Newton, Wilson C. Nicholas, John Rea of Tennessee, Samuel Riker, James Sloan, John Smilie, Henry Southard, Clement Storer, Lewis B. Sturges, James I. Van Alan, and Daniel C. Verplanck.

The fourth amendment of the Senate, affecting the title of the bill so as to read, "An act making appropriations for the support of the Military Establishment, and of the Navy of the United States, for the year one thousand eight hundred and nine," was, on the question put thereupon, disagreed to by the House.

DISBURSEMENT OF PUBLIC MONEYS.

The bill from the Senate further to amend the several acts for the establishment of the War and Navy Departments, having been read a first time,

Mr. W. ALSTON moved that it be rejected. The bill which had been sent from this House contained nearly the same provisions as this, but much more effectual. When the appropriations for the ensuing year had been under consideration before the Committee of Ways and Means, they had unanimously agreed that it would be proper to add to the bill regulations to guard the expenditure of the public money. That great abuses had grown out the misapplication of public money no one would deny; the facts stared every man in the face. The practice had been, when money had been appropriated for the War and Navy Departments, instead of drawing it out of the Treasury by warrants for each specific purpose, to draw it out by millions. The statement of the Secretary of the Navy, in opposition to the bill as it went from this House, was not sufficient ground to induce the House to reverse its decision; and he was authorized to state from the Secretary of the Treasury that the difficulties stated against the proposed plan did not exist; that the forms for carrying into effect the bill were already provided.

Mr. Love thought the motion of Mr. ALSTON at least an impolitic one, as it might, if successful, jeopardize the passage of the appropriation bill, to which provisions of nearly a similar nature had been attached and sent to the Senate. There were indeed some little differences, none he believed in any important principles, between the bill which had passed this House and that sent from the Senate. The few alterations he thought absolutely necessary, and he was surprised to hear the gentleman speak of the statement sent from the Secretary of the Navy, and printed for the use of the House, as erroneous, without any attempt to specify its defects. The gentleman had relied on the authority of the Secretary of the Treasury, and however he might concur in

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an opinion, as to the financial talents of that gentleman, he could not consent that the Secretary who had made the statement on this occasion, had discovered less ability, or knowledge of the duties of his office.

Mr. NEWTON suggested the propriety of permitting the bill to lie on the table till the decision of the Senate on the bill which went from this House was known.

Mr. TAYLOR hoped the bill would be rejected. Now was the time to make a stand in support of the bill sent from this House. The clauses on the subject of the expenditure of public money had been properly annexed to the bill, and he believed that they could be passed; for the Senate he believed would not take upon themselves to push the House from its ground as they had in the case of the famous navy bill during the present session. It had always appeared to him that this Government ought to have some pinnacle whence the people and every member of the House should take a complete view of the whole expenditure of the nation. The Secretary of the Treasury had that commanding view as to the receipts; but he had not the same complete and ample view of the moneys paid from the Treasury. Eight years ago it had been reported, very unfairly perhaps as respected some individuals, who were stated as debtors in the report of the Committee of Investigation, that there had been much misapplication of the public money. From what had it arisen? For the want of that measure which had passed a few days ago in this House without a dissenting voice. The bill as sent from this House was recurring to the good advice given eight years ago, that it was necessary not only that they should be economical in the expenditure of the public money, but that the appropriations should be specifically applied. It was calculated to prevent the agents of the departments from turning over immense sums of the public money at the rate of three per cent. per month. He wished to have some department to be amenable for all the expenditures of the Government; and he would rather, in fact, lose the appropriation bill than agree to strike out the sections sent from this House.

The bill was then rejected, 51 to 26.

FOREIGN LICENSES.

The House took up for consideration the bill for disfranchising vessels of the United States, navigating under foreign licenses.

The first section of the bill, which it will be recollected, calls home all vessels which went out previous to the embargo, &c., had been struck out the last time the bill was under consideration.

Mr. JACKSON moved an amendment subjecting persons convicted of accepting, using, or conniving at the use of a foreign license to fine or imprisonment. This amendment was modified on motion of Mr. NEWTON, so as to disqualify any person so convicted from holding any office of trust or profit under the United States.

Mr. BURWELL observed that he should consider this more as a paper law than an effectual one;

but should feel himself bound, by voting for the bill, to enter his solemn protest against so shameful a practice. Mr. B. objected to the principle of expatriation as a punishment, doubting whether Congress had a right to exercise it. As to preventing vessels from sailing under British licenses, he doubted the practicability of preventing it. There were no doubt enough of those licenses in the hands of her public or private agents; and proof of the fact could scarcely ever be obtained, from the privacy under which they were procured, and the discretion with which they would be used. He should, however, vote for such a law as this, were it only to enter a record on their journals against the practice. He conceived, however, that before the next session the Orders in Council rendering such licenses necessary to trade would be better understood, and the people of the Union more strongly united against them; and special laws against particular cases under them would be unnecessary.

Mr. J. G. JACKSON was not disposed lightly to commit the House on the subject of expatriation; but there was unquestionably a difference between expatriation and disqualification for office. He produced precedent in support of the amendment proposed. Mr. J. regretted that this practice could not be prevented, from the Proteus-like character of some merchants; and deplored the necessity which would compel them to place a law for preventing this disgraceful practice on the statute book. He believed that there was not a single member of the House who was not willing to punish those who violated the honor of the country by accepting foreign licenses.

Mr. LYON said he could see no necessity for such a law, because it would be impossible to carry it into effect; and because it was an *ex post facto* law, operating on persons now abroad, who could have no knowledge of such a law or of an intention to pass it. It was legislating to no other purpose than to show that they had the power to legislate.

Mr. QUINCY suggested the propriety of postponing the consideration of this subject till the next session, when the evil would be better understood and a remedy could be more easily provided. It would be in the power of any person, this bill to the contrary notwithstanding, by a short residence in some foreign port to deprive himself of the character of a citizen of the United States and thereby evade the law.

Mr. J. G. JACKSON observed that no bill which could be passed could constitutionally have a retrospective effect; and, therefore, if we were to wait till the evil had extended, it would be too late to provide a preventive.

Mr. BACON was by no means certain that this law would prevent the practice of accepting foreign licenses to trade; but he should vote for the bill principally as entering a protest against the right of any foreign nation to regulate or embarrass our trade.

Mr. LYON spoke at some length against the bill.

Mr. FISK replied to Mr. LYON. He had not thought that there was an American who, a vow-

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ing himself to be such, would consent that our citizens should disgrace themselves by this practice. It was necessary to pass this bill if it were only to express the sentiments of the nation on the subject. If no notice were to be taken of it, there would appear to be an acquiescence in the practice by the United States.

Mr. J. G. JACKSON's motion was carried 67 to 6. The bill was then ordered to a third reading.

FRIDAY, March 3.

The SPEAKER laid before the House a letter from the Secretary of the Treasury, transmitting a statement of the balances which are charged on the books of the Treasury for advances made prior to the thirtieth day of June, one thousand eight hundred and eight, prepared in pursuance of a resolution of this House, of the twentieth of April last; which were read, and ordered to lie on the table.

The Committee of the Whole on the bill sent from the Senate, entitled "An act to authorize the Marine Insurance Company of Alexandria to alter their style and firm, and to insure against loss by fire," were discharged from the further consideration of the said bill.

The House proceeded to consider the amendment proposed by the Senate to the bill, entitled "An act concerning invalid pensioners:" Whereupon,

Resolved, That this House doth agree to the said amendment.

The House proceeded to consider the bill sent from the Senate, entitled "An act to authorize the Marine Insurance Company of Alexandria to alter their style and firm, and to insure against loss by fire:" Whereupon, the question being taken that the said bill be now read the third time, it passed in the negative.

The order of the day, for the House to resolve itself into a Committee of the Whole on the bill sent from the Senate, entitled "An act to provide for the incorporation of religious societies in the District of Columbia," being called for, a motion was made by Mr. NELSON that the said order of the day be postponed indefinitely: And the question being put thereupon, it was resolved in the affirmative.

A message from the Senate informed the House that the Senate have passed a bill, entitled "An act providing for the promulgation of certain laws in the Territory of Michigan;" to which they desire the concurrence of this House.

The House resumed the consideration of the bill to authorize the making a turnpike road from Mason's Causeway to Alexandria.

Mr. GHOLSON's motion for indefinite postponement, was negatived—ayes 9.

Mr. LEWIS moved that it be referred to a Committee of the whole House; negatived—ayes 5. The bill was then passed—ayes 59, noes 12.

FOREIGN LICENSES.

An engrossed bill to deprive, in certain cases, vessels of their American character, and to pre-

vent, under certain disabilities, any citizen of the United States taking a license from any foreign Power to navigate the ocean, or to trade with any other foreign and independent Power, was read the third time: And, on the question, that the same do pass, it was resolved in the affirmative—yeas 73, nays 16, as follows:

YEAS—Lemuel J. Alston, Willis Alston, jun., Ezekiel Bacon, David Bard, Joseph Barker, William W. Bibb, John Blake, jun., Thomas Blount, Adam Boyd, John Boyle, Robert Brown, Joseph Calhoun, John Culpeper, Richard Cutts, Josiah Deane, Joseph Desha, Daniel M. Durell, John W. Eppes, William Findley, James Fisk, Meshack Franklin, James M. Garnett, Thomas Gholson, jr., Edwin Gray, Isaiah L. Green, John Heister, William Helms, James Holland, David Holmes, Benjamin Howard, Reuben Humphreys, Daniel Hsley, Richard M. Johnson, William Kirkpatrick, John Lambert, Robert Marion, Josiah Masters, William McCreery, John Montgomery, Nicholas R. Moore, Thomas Moore, John Morrow, Gurdon S. Mumford, Roger Nelson, Thomas Newbold, Thomas Newton, Wilson C. Nicholas, John Porter, John Pugh, John Rea of Pennsylvania, John Rhea of Tennessee, Jacob Richards, Samuel Riker, Ebenezer Seaver, Dennis Smelt, John Smilie, Jedediah K. Smith, John Smith, Henry Southard, Richard Stanford, Clement Storer, Peter Swart, John Thompson, Abram Trigg, George M. Troup, James I. Van Alen, Daniel C. Verplanck, Jesse Wharton, Robert Whitehill, Isaac Wilbour, Marmaduke Williams, and Richard Winn.

NAYS—Epaphroditus Champion, Martin Chittenden, John Davenport, jun., William Ely, Barent Gardener, Francis Gardner, Robert Jenkins, Joseph Lewis, junior, William Milnor, James Sloan, William Stedman, Lewis B. Sturges, Benjamin Tallmadge, Jabez Upham, Archibald Van Horn, and Killian K. Van Rensselaer.

DELAWARE CANAL.

The order of the day on the bill authorizing the grant of a certain quantity of public land, for stock in the Delaware and Chesapeake Canal Company, was called for by Mr. NEWTON.

Mr. EPPES observed that, at this late period of the session, the House could not be prepared to consider a bill which not only involved a great grant of property of the United States, but a Constitutional question. He therefore moved to postpone it indefinitely.

Mr. NEWTON observed that the principle was not new, and the Constitutional question, if any, had been decided long ago; for the United States had taken stock in the Bank of the United States and in other institutions. He wished the bill to be taken up.

Mr. EPPES confessed he was astonished that any gentleman should oppose the motion which he proposed. Did gentlemen suppose that the property of the nation was to be voted away, and that neither the Representatives nor the people should understand the principle on which it was voted? And was the House to establish the principle that Congress were to become land-jobbers or speculators in public stock? He had no doubt that the Delaware Canal was a proper object for the public attention; and if the Constitu-

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tion could be amended and money could be appropriated for that object, he said, he should as soon vote it to the Delaware Canal as to any other object of the kind, but not for that object singly. When the subject was taken up, every question, on a similar object, should be passed in review. He really hoped that gentlemen would not, on the present occasion, insist on passing a bill which had never yet been before a committee of this House. He hoped that this would not be made the first instance in which a bill of this importance had been passed at the last day of the session, and at the moment of the dissolution of Congress.

Mr. STANFORD was opposed to the motion for postponement. He was not in favor of this bill as a local question, but from general principle. When the gentleman said that this was a new subject, let it be remembered that, in case of the Cumberland road, this very principle was recognised; it having commenced with the proceeds of the public lands, and this very session the House had appropriated money for nearly a similar object, the canal of Carondelet. This was as good a time to commence the system of improvement as any other. It was also connected with internal defence. If war should follow our present measures, this bill might and would contribute essentially to the common good. The object was not new, for a similar bill had been before the House one or two sessions ago; nor did he know that there was anything proposed by the bill which militated against the Constitution of the United States.

The bill was postponed indefinitely—ayes 42, noes 31.

MILITARY ACADEMY.

Mr. NELSON called for the order of the day, on the bill making further provision for the corps of engineers, (to remove the Military Academy to the seat of Government.)

Mr. MASTERS moved to postpone the subject indefinitely, and gave his reasons in favor of it, viz: That West Point was a much more eligible situation; that it would be expensive to the United States to remove the institution, and, after it was removed, to provide buildings for its accommodation; and that private property had been embarked in the settlement at West Point, which would be injured by the removal.

Mr. LEWIS opposed the motion, urging in support of the bill the advantages which would arise from this institution being at the seat of Government, and, being a national institution, the propriety of its being under the immediate superintendence of the head of the War Department.

Mr. LIVERMORE supported the motion, on account of the lateness of the session, and from a belief that, if taken up, it would consume the whole of the session.

Mr. J. G. JACKSON observed that there was no bill before the House more important than this; and it was a single question, on which every member, probably, had made up his mind.

The question on indefinite postponement was carried—ayes 49, noes 34.

MARINE CORPS.

The House resolved itself into a Committee of the Whole on the bill sent from the Senate for increasing the Marine Corps.

Mr. MACON moved to amend the bill by striking out that part which authorizes the appointment of the Major; for, he said, there was no occasion for field officers in this corps, as they would never go on board a ship.

Mr. NELSON opposed the motion, as he considered the appointment necessary for the organization of a Marine Corps, and as necessary to induce young men of spirit and enterprise to enter the corps—the prospect of promotion being an inducement. Motion negatived.

An amendment was moved to make all future enlistments for the term of five years. Carried.

The Committee rose and reported the bill as amended.

Mr. MACON renewed his motion for striking out "one Major."

Mr. BURWELL supported the motion. He wished that the bill could have been rejected. He was not one of those who believed if this nation went to war for maritime rights, that it was to be carried on by large frigates, but by small vessels and individual enterprise; and was, therefore, not for increasing this corps.

Mr. MASTERS quoted a report from the Navy Department, on the subject of the Marine Corps. It would be remarked that the Marine Corps were calculated to act as infantry when on shore, and that an additional number were particularly wanted for New Orleans, as well as for service on board the gunboats.

Mr. MACON's motion was negatived—ayes 41, noes 32. And the bill was ordered to a third reading—ayes 42, noes 29.

ARMY AND NAVY APPROPRIATIONS.

A message was received from the Senate informing the House that they insisted on their amendments to the bill from this House, supplementary to the acts for the establishment of the War and Navy Departments, and making appropriations for the support of the Military and Naval Establishments for the year 1809. [Their amendment was to strike out the five sections regulating the mode of expenditure and appropriation of the public money in the War and Navy Departments.]

The question having been put, "Will this House recede from its refusal to concur in the amendments?"

Mr. J. G. JACKSON remarked that this was an important bill, and however he was in favor of the part proposed by the Senate to be stricken out, he hoped that the House would not defeat the bill by adhering.

Mr. W. ALSTON hoped that the House would not recede. Painful as it would be, he would rather see the bill fall altogether. The mode in which these provisions had been affixed to the bill was not unusual; and he produced a precedent in support of it. To the principle there could be no objection.

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Mr. GHOLSON said, he thought it was too late in the session to commence a new controversy with the Senate; and as it was agreed, on all hands, that part of the bill was certainly necessary, and the other part might be postponed without injury to the State, he was in favor of recessing.

Mr. MACON said that, on this subject, there could be but one question, Were the sections which the Senate had stricken out, proper to be passed into a law, or were they not? That was the only question to be decided. He hoped the House would not sacrifice the principle to accommodation.

Mr. SMILIE hoped the House would not give way; they were now struggling for the protection of the public money. He said he would adhere and throw the responsibility of losing the whole appropriation bill on the Senate. If they chose to account to the people for the consequences of the failure of the bill, let them do so.

The question was then taken on receding, by yeas and nays, and decided in the negative—yeas 37, nays 55, as follows:

YEAS—Ezekiel Bacon, John Blake, jr., Adam Boyd, Epaphroditus Champlion, Martin Chittenden, Richard Cutts, Thomas Gholson, jr., David Holmes, Reuben Humphreys, John G. Jackson, Robert Jenkins, James Kelly, Joseph Lewis, jr., Edward St. Lee Livermore, John Love, Josiah Masters, William McCreery, William Milnor, Jonathan O. Mosely, Gurdon S. Mumford, Roger Nelson, Thomas Newbold, Thomas Newton, Wilson C. Nicholas, Josiah Quincy, Samuel Shaw, Jedediah K. Smith, John Smith, Henry Southard, Clement Storer, Benj. Tallmadge, John Thompson, James Van Alen, Philip Van Cortlandt, Isaac Wilbour, Alexander Wilson, and Nathan Wilson.

NAYS—Lemuel J. Alston, Willis Alston, jr., Joseph Barker, Burwell Bassett, William W. Bibb, Thomas Blount, John Boyle, Robert Brown, William A. Burwell, John Dawson, Joseph Desha, William Ely, John W. Eppes, William Findley, James Fisk, Barent Gardenier, Francis Gardner, Peterson Goodwyn, Edwin Gray, Isaiah L. Green, John Harris, John Heister, James Holland, Benjamin Howard, Richard M. Johnson, Walter Jones, John Lambert, Matthew Lyon, Nathaniel Mazon, Robert Marion, John Montgomery, Nicholas R. Moore, Thomas Moore, Jeremiah Morrow, John Porter, John Rea of Pennsylvania, John Rhea of Tennessee, Jacob Richards, Matthias Richards, Samuel Riker, John Rowan, John Russell, Ebenezer Seaver, John Smilie, Samuel Smith, Richard Stanford, John Taylor, Abram Trigg, George M. Troup, Archibald Van Horn, Killian K. Van Rensselaer, Daniel C. Verplanck, Jesse Wharton, Robert Whitehill, and Marmaduke Williams.

It was then moved, by Mr. W. ALSTON, that he House *insist* on the bill as it now stands.—Carried, 55 to 19.

It was then moved to appoint conferees, to confer with such gentlemen as may be appointed by the Senate, on the subject of the above bill.—Carried. And Messrs. WILLIS ALSTON; EPES, and SMILIE, were appointed on the part of the House.

On motion of Mr. N. R. MOORE, the usual resolution was adopted, directing the Clerk of the House to advertise and contract for printing, stationery, &c., for the next Congress.

MARINE CORPS.

The bill sent from the Senate, entitled "An act authorizing an augmentation of the Marine Corps," together with the amendment agreed to this day, was read the third time. And; on the question that the same do pass, it was resolved in the affirmative—yeas 54, nays 28, as follows:

YEAS—Ezekiel Bacon, David Bard, Joseph Barker, Burwell Bassett, Adam Boyd, Martin Chittenden, Richard Cutts, John Dawson, William Ely, John W. Eppes, William Findley, Francis Gardner, Isaiah L. Green, John Harris, David Holmes, Daniel Hiley, Robert Jenkins, James Kelly, John Lambert, Joseph Lewis, jr., Edward St. Lee Livermore, John Love, Matthew Lyon, Robert Marion, Josiah Masters, William McCreery, William Milnor, John Montgomery, Nicholas R. Moore, Jeremiah Morrow, John Morrow, Jonathan O. Mosely, Gurdon S. Mumford, Roger Nelson, Thomas Newbold, Thomas Newton, Wilson C. Nicholas, Josiah Quincy, John Rowan, John Russell, Samuel Shaw, Jedediah K. Smith, John Smith, Henry Southard, Clement Storer, Lewis B. Sturges, Benjamin Tallmadge, John Taylor, John Thompson, James I. Van Alen, Nicholas Van Dyke, Archibald Van Horn, Nathan Wilson, and Richard Winn.

NAYS—Willis Alston, jr., William W. Bibb, Thomas Blount, Robert Brown, William A. Burwell, William Butler, Joseph Calhoun, Matthew Clay, Daniel M. Durell, Thomas Gholson, jr., Peterson Goodwyn, Edwin Gray, John Heister, James Holland, Walter Jones, John Porter, John Rea of Pennsylvania, John Rhea of Tennessee, Jacob Richards, Matthias Richards, Samuel Riker, John Smilie, Samuel Smith, Richard Stanford, Abram Trigg, Jesse Wharton, Robert Whitehill, and Marmaduke Williams.

The House resolved itself into a Committee of the Whole, on the bill for the relief of William Hastings; and, after some time spent therein, the bill was reported with an amendment thereto, which was twice read, and agreed to by the House.

Ordered, That the said bill, with the amendment, be engrossed, and read the third time this day.

The House adjourned until five o'clock, P. M.

Evening Session—Five o'clock.

An engrossed bill for the relief of William Hastings was read the third time, and passed.

A message from the Senate informed the House that the Senate agree to the conference desired by this House, on the subject-matter of the amendments depending between the two Houses to the bill, entitled "An act further to amend the several acts for the establishment and regulation of the Treasury, War, and Navy Departments, and making appropriations for the support of the Military Establishment, and of the Navy of the United States, for the year 1809;" and have appointed managers at the said conference, on their part.

On motion of Mr. LEWIS, the House resolved itself into a Committee of the Whole—44 to 35—on the bill from the Senate to amend the charter of Georgetown. The Committee rose, without coming to a decision, and were refused leave to sit again.

Mr. JACKSON moved to reconsider the vote of

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this House this morning, refusing a third reading to the bill to alter the style and title of the Marine Insurance Company of Alexandria.—Negatived, 54 to 27.

Mr. LEWIS making another motion to take up the bill for amending the charter of Georgetown,

Mr. J. G. JACKSON moved to postpone it indefinitely.—Motion lost, 56 to 30.

Mr. LEWIS's motion was then carried, and the bill ordered to a third reading—55 to 16. It was afterwards read a third time, and passed.

Resolved, That the Committee of Accounts be authorized to settle and adjust the accounts of Thomas Claxton, junior, and James Claxton, for their services during the present session, and allow them a sum out of the contingent fund of this House, not exceeding one hundred dollars each.

Resolved, That the Clerk of this House is hereby authorized and directed to pay out of the contingent fund, to Elexius Spalding, John Phillips, Richard Stewart, John B. Boardman, and George Cooper, each fifty dollars, for extra services performed during the present session.

The bill sent from the Senate, entitled "An act providing for the promulgation of certain laws in the Territory of Michigan," was read twice, and the farther consideration thereof postponed indefinitely.

A message from the Senate informed the House that the Senate have disagreed to the amendment proposed by this House to the bill sent from the Senate, entitled "An act supplementary to the act, entitled 'An act to amend the charter of Georgetown.'"

The order of the day, for the House to resolve itself into a Committee of the Whole on the bill sent from the Senate, entitled "An act supplementary to the act, entitled 'An act for the better Government of the Navy of the United States,'" being called for, a motion was made by Mr. JOHN G. JACKSON that the said order of the day be postponed indefinitely, and resolved in the affirmative.

The House proceeded to consider their amendment disagreed to by the Senate to the bill from the Senate, entitled "An act supplementary to the act, entitled 'An act to amend the charter of Georgetown:.'" Whereupon, a motion was made by Mr. LEWIS, that the House do recede from their said amendment; and the same being received, and under debate, a motion was made by Mr. WILLIS ALSTON, that the further consideration of the said bill and amendment be postponed indefinitely: and the question being taken thereupon, it passed in the negative. And on the question that the House do agree to the motion made by Mr. LEWIS, as hereinbefore recited, it was resolved in the affirmative.

On motion of Mr. WILLIS ALSTON,

Ordered, That the bill, entitled "An act concerning associations for the security of navigation;" also, the bill providing an additional military force, which originated in this House, and are now depending and undecided upon, do lie on the table.

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Mr. RANDOLPH said it would be recollected by the House that a committee was appointed some time ago, for the purpose of inquiring whether any advances of money had been made by the War Department contrary to law, and, if any, to what amount; it would also be recollected that, during the discussion on printing the documents, he had stated in his place, that, if no other gentleman did, he would bring forward a motion in relation to that subject. Conceiving it to be his duty so to do, he now rose for the purpose of redeeming the pledge which he had given to the House. He had been extremely reluctant to bring forward a motion on this subject, because he knew it might be said, and truly, that there was no time for the House to examine the documents during the present session. He was well aware of that objection, and, therefore, should not go into that examination, but should restrict his motion to so limited an extent, that it would be impossible for any man, as he believed, to deny its truth; it would be impossible for any man to complain that any difficulty existed as to a ready comprehension and prompt decision upon it; it was restricted only to a single case. If the House adopted the motion, it would then be for them to declare what should grow out of it. Mr. R. said he believed that it was understood in Great Britain that a dissolution of Parliament did not affect an impeachment—that the impeachment did not abate by the dissolution; and it belonged to the wisdom of the House, after the resolution was decided, to say what should be done with it. He wished it to be distinctly understood that he made his motion to redeem a pledge given to the House; and that there was not a man in the United States, however limited his capacity, that would not be able to discern its truth or falsehood. It did not rest upon involved accounts or points of law, but upon the plainest and most luminous propositions which could be offered to the human mind, the truth or falsehood of which would at once appear.

On the 16th of March, 1802, an act passed, fixing the Military Peace Establishment of the United States. By that act it was provided, "that the monthly pay of the officers, non-commissioned officers, musicians, and privates, be as follows, to wit: to the brigadier general, two hundred and twenty-five dollars, which shall be his full and entire compensation, without a right to demand or receive any rations, forage, travelling expenses, or other perquisite or emolument whatsoever, except such stationery as may be requisite for the use of his department." This is the law of the land, said he, in relation to this officer. The law then goes on to state what shall be the pay of other officers, non-commissioned officers, and privates; the fifth section apportion the rations to the different grades of officers, and allows "to the commanding officers of each separate post, such additional number of rations as the President of the United States shall, from time to time, direct, having respect to the special circumstances of each post." I beg the House to attend that the words are, "such additional num-

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ber of rations;" and yet it is in proof before the House, that Brigadier General Wilkinson has received a considerable sum of money, to wit: \$1,433 16, for *thirty-six* extra rations per day, whilst commanding at Natchitoches and at New Orleans. Whilst at the latter place, he has also received an allowance of \$600 for "quarters, stabling," &c., said allowance, both as relates to rations and quarters, being prohibited by the law of the land. I know that the allowance has been made under very high authority, no less than that of the Attorney General of the United States—under the sanction of no less an opinion than his.

Mr. R. said it did not behove him to enter into a contest with gentlemen learned in the law, as to the exposition of the law, much less with the Attorney General, in a case susceptible of being so put that a difference of opinion might arise under it. But where the case was such, that a difference of opinion could not take place if the terms of the law were attended to, he should, with great deference, as a representative of the people, not only think himself entitled to decide between that people and the Administration for them, but that he was solemnly bound by duty to express such an opinion. And he felt himself warranted in what he said, by perceiving that the Attorney General, in giving that opinion, had not correctly apprehended, because he had not correctly stated, the law. It has been said that Homer himself sometimes nodded; and a person even of first abilities and legal research, pressed by a multitude of business, might make an oversight—inasmuch as, in the Attorney General's opinion, the word "*additional*," preceding the word "rations" in the law, was omitted. The Attorney General acknowledged the force of the fourth section of the law, cutting off the Commander-in-Chief from any other emoluments; but said, "To put a just interpretation on any clause contained in a statute, you must look beyond the insulated section. The entire act must be taken into view, and such a construction formed as will give effect to every part." Mr. R. further quoted the *printed* document—"The allowance made to General Wilkinson, is not in his capacity of brigadier general, but in his quality of commander of a separate post. By the fifth section of the act above-mentioned, the President is authorized to allow the commanders of separate posts such *additional* number of rations as he may, from time to time, think proper to direct, having respect to the special circumstances of each post." Now surely the force of this term "*additional*" must have been overlooked by the Attorney General in this particular case. To a man to whom rations are allowed by law, you may allow additional rations; but can you allow additional rations to a man who is expressly prohibited from receiving any? Can you allow additional anything to a man whose compensation is fixed by law, and who is precluded, in the act itself, from receiving any farther compensation? To inferior officers commanding at separate posts, additional rations were by the law contemplated to be allowed, and for a reason explained in the act itself; but it would be

recollected that the Commander-in-Chief always had a separate command. The law contemplated that, by having a separate command, (incidental things as to inferior officers, but inseparable as to the Commander-in-Chief,) they might be compelled to entertain company, and go into expenses which their pay would not warrant; and, therefore, in such cases, additional rations had been allowed. If my construction of the law be not correct, said he, words have lost their meaning; terms have no longer any signification, and we legislate to no purpose whatever. And the force of this thing will be made more apparent when we come to consider, that it is stated by the Accountant of the War Department that Colonels Cushing and Freeman received "*additional* rations," agreeably to law, for commanding at New Orleans and Natchitoches, for the same period of time for which an allowance was made to the Commander-in-Chief at the same places. So that, even if his construction was incorrect, if *white* conveyed the idea of *black*, if *right* was *wrong*, if "*additional*" signified *subtractional*, still the law had been completely executed, *quo ad hoc*, the moment the President had authorized additional rations to Colonels Cushing and Freeman, for commanding at New Orleans and Natchitoches.

These were things which he thought it his duty to state to the House. If they were not true, if they were not as evident as the lights burning before his eyes, then the House would say so—would deny the fact. I could go on further, said he, and state a great many other illegal grants equally clear with this. I will state one more. It is to be found in these documents. To be sure it is a petty affair, and one which I would not have brought before this House if I were not impelled by a sense of duty. It is an allowance of \$47 41 for part pay, subsistence, and forage, from the 16th of March, 1802, to the 31st of May, following. Made how? "By an arrangement of the War Department." Now, on the 16th of March, a law was passed, which took effect as a law of the land from the time the President signed it; and if the President could have defeated the operation of the law till the 31st of May, 1802, he could defeat it altogether. It is the boast of a free government, that law, and not the discretion of men, is to govern; and the highest officer of this Government is as strictly amenable to law as the meanest member of society, in the eye of the law, and, *in foro conscientie*, more so; because they must be presumed to know the law, although the lower orders may not. If there be one proposition in the world clearer than another, it is the proposition which I am about to submit to the consideration of the House. I know the lateness of the session, and the House will appreciate the motives by which I am actuated; if not, it is my misfortune, but not my fault. I should be sorry to labor under the censure of the House; but if I incur it in the discharge of my duty, I shall bear it with equanimity—I trust, as becomes a man. I therefore move as follows:

Resolved, That the allowance of one thousand four hundred and thirty-three dollars and sixteen cents, for

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"thirty-six extra rations per day," made by the Department of War to Brigadier General Wilkinson, at Natchitoches, from the 13th to the 30th of September, 1806, and from the 1st of October to the 11th of November in the same year, and whilst commanding at New Orleans, from 12th November, 1806, to 24th November, 1807; and of six hundred dollars for "quarters, stables," &c., at the same place, is contrary to law, the said allowance being expressly prohibited by the act passed the 16th day of March, 1802, entitled "An act fixing the Military Peace Establishment of the United States."

The House agreed now to consider the resolution—54 to 43.

Mr. RANDOLPH said it would be recollected that he had said the Attorney General had misapprehended, because he had misstated, the law on the subject of the Military Peace Establishment; and yet, when he came to read his opinion as *printed*, he found to his very great surprise and embarrassment, that the law was correctly quoted. He would state how it happened. In the tenth page of the printed report, fifth paragraph and fourth line, the word "additional," preceding the words "number of rations," will be found, but ought not to be, because it is not in the Attorney General's official report. It was omitted, and Mr. R. said he wished to state how it got in. When the copy of the Attorney General's opinion had been put into his hands, he had perceived the difference between the opinion and the law as it now stood, and with his pen had marked the omission as a guide to himself, and the printer had inserted it in the printed copy; and thus, Mr. R. said, when he read the printed report to the House, he was astonished that it did not tally with his conception. This being a palpable error, every gentleman who had the report, and those who published it, ought to omit the word "additional." This would show to the House, he hoped, that it was not very unreasonable in him to differ on this occasion with a gentleman of the Attorney General's erudition, as he had so far misunderstood the law.

Mr. J. G. JACKSON moved that the resolution lie on the table. He said it would be unnecessary for him to state, that at this late period of the session it would be impossible to give to the resolution that consideration to which it was entitled. As it was announced by the mover of the resolution, said he, and as I find by the printed statement, of which I was really never possessed before this evening, the Attorney General has given, in his official capacity, an opinion that the allowance was just and proper; and that in pursuance of such opinion the amount charged was allowed. What is the House about to do? What are they asked to do? Even admitting that there was no difficulty on the subject, that a person of the high responsibility of the Attorney General had not given an opinion, they are called upon to decide that the construction given by one of the departments to their law is an incorrect one. To make such a declaration would be an encroachment on the other parts of the Government. It would be the essence of despotism to enact laws, and after

they have been construed by the proper tribunals, to say that that construction is erroneous. I incline to the opinion that the decision has been incorrect, but deny the authority of this House to reverse the decision. It is a fundamental principle of free governments that the powers of the several Departments shall be separate and distinct. The Legislature enacts; the Judiciary expounds; but it would be as improper for us to expound as for the judges to enact laws. We have witnessed already the impropriety of legislative exposition of laws. It is almost six years since I brought before the House the question respecting the construction of a contract—though I did not wish to have involved that question—between the United States and the State of Ohio, in relation to lands of the United States exempt from taxation by that State. The contract declared that five per cent. of the net proceeds arising from the sales of lands should be applied to roads. The Legislature of Ohio, in accepting the proposition, inserted a provision that three per cent. should be applied, under the direction of the Legislature, in opening roads in the State. The House of Representatives, when the bill was before them contemplating the appropriation of five per cent., solemnly declared that only two per cent. was applicable. The Legislature of Ohio unanimously declared that five per cent. was proper; and Mr. Breckenridge, then Senator from the State of Kentucky, afterwards Attorney General of the United States, (I quote him as high authority,) was of opinion that the decision of this House was incorrect. What does this amount to? That it is extremely dangerous for the Legislature of a country to give an exposition of its own laws. With regard to the word "additional," I should rather presume that the Attorney General in his original opinion, must have inserted it; for on recurring to the letter of the Secretary of War, we find that he says, in the 5th section, &c., the President is authorized to allow the commanding officers of posts such additional number of rations as he shall deem proper. Mr. J. said he could not perceive that any good could flow from the adoption of this proposition at this or any other time. If it was intended to effect anything by legislative construction of the law, it would be inefficacious, because it could only be done by prospective construction. Impeachment of the Secretary of War could not be intended, because he acted correctly from the opinion of the Attorney General; nor of the Attorney General, because, if wrong, he had not so acted corruptly, but from a mere error of opinion. For these reasons, and believing it impossible to act on the subject with that deliberation which it required, Mr. J. wished the resolution to lie on the table.

Mr. RANDOLPH said the House would act on the resolution as in its judgment and wisdom it should think fit, and as a sense of duty and respect to its character and the interests of the public should dictate. He had discharged his duty. But before I sit down, said he, permit me to observe, that to presume the existence of a word, in the official letter which the House have proof,

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the letter being before them, never was in the letter, is one of the highest stretches of presumption that man ever attained. I know that the word was not in the letter. I pledge my reputation on the fact; and I think that the reputation of the Attorney General as a lawyer is sustained by the words being omitted in the letter. I have seen the letter on file; there is no such word in the letter.

On what ground, sir, did I rest this motion? On the ground of oversight in the Attorney General in giving the opinion, inasmuch as this important word "additional" is omitted in that opinion. But, if you put that word in the opinion, do you not see that, instead of involving oversight, you involve deliberate perversion of law? Do gentlemen call themselves friends of the gentleman, and contend that this word must have been inserted? We have heard of the people being their own worst enemies; it very often happens that a man's friends are his worst enemies. The omission of this word "additional" might—I charge no improper motives—have proceeded from hurry of business; we are all liable to oversights. But it is said that we cannot construe our own laws, except by enacting new ones. Then, sir, I hope we shall not enact new laws, if, when broken through, our remedy is to re-enact them. This is indeed a grand discovery. Can you expect the new law to be adhered to, when he old one is with impunity to be departed from? Inquestionably you cannot. The law, it seems, must be construed by the proper tribunal—and which is the proper tribunal to try anything touching the malversion of public money, but his House? Can you bring it before a judicial tribunal? You cannot. Well, sir, suppose, when Mr. Whitbread brought forward his motion in the House of Commons that certain uses and abuses of public money were contrary to law, he had been met at the threshold by such an objection? We should have heard, and correctly too, of corruption and ministerial intrigue. Mr. Pitt was then in office, and Mr. Melville his bosom friend, his coadjutor in public life; but he had no high a reputation for his own fame, for his own reputation, for that glory which was the first, the last and only object of his life, to make such objection. I have stated the circumstances under which the balance is due. This matter is important to the people—into whose bosom we are about to return, to account for our stewardship—who are not to be put off on questions of money, by questions of order and opinions of high authority—who, over matters of money, will cavil to the ninth part of a hair. If gentlemen think this course will suit them, if they wish to attach what I call this foul stain to the Administration, they shall have my aid in doing it. On them will rest the responsibility. Having done my duty I shall submit, as behoves me to submit. I do not appear here as a partisan. I appear here in the legal and Constitutional exercise of my Representative duties. I have exercised my duty; the House will do theirs, in the manner which to their wisdom shall seem fit.

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Mr. HOLLAND said that it was with a wish to preserve the honor and dignity of this House that he rose to make a few remarks. He thought that both would be compromised by the adoption of the resolution under consideration. A committee had been appointed to examine into this subject, and the gentleman from Virginia was the chairman. It would seem proper that that committee should have made a specific report on the subject. Wherefore had they not done it, and why was this motion brought forward at eight or nine o'clock on the last night of the session, and of the existence of the present Congress? Was it for the purpose of forcing the House into a vote of this kind without consideration? If that committee had done their duty, they would certainly have favored the House with a detailed report. The committee had not thought proper to do so, and, therefore, the gentleman from Virginia had presented this resolution. Mr. H. said, that no person could be prepared to decide on the propriety or impropriety of the opinion of the Attorney General. For what purpose, said he, can this resolution be brought forward? Suppose this House were to resolve that the opinion of the Attorney General was incorrect, what good purpose would it answer? Would it bring back into the Treasury the money improperly applied? No. Is it consistent with the dignity of the House to pass an opinion on the subject? It is the duty of this House to make laws, and of another tribunal to decide on the laws when made; and if an incorrect decision be made, the person making it is liable to be impeached, and this House is the organ for that purpose. Why was not the matter brought forward properly? The Attorney General is an officer constitutionally appointed to give his opinion touching any matter of doubt in the Departments of the Government. But have we that right? No; our province is to make laws, and if our officers violate them, they may be impeached in a proper manner. The gentleman from Virginia says, that he has discharged his duty. I very much doubt it, sir. He has done more than his duty; he has brought forward a proposition when it is impossible to deliberate on it. He has done what cannot be supported. I hope the resolution will lie on the table.

Mr. NELSON said as to himself he cared not whether the resolution was ordered to lie on the table, or whether a question was immediately taken on it. He was ready for either question. One reason, however, why he should vote for it to lie on the table, was, that it was very late in the session, that the House was exceedingly fatigued, that a great number of members who would probably throw considerable light on this subject were now absent from the House; and were he now to vote for its lying on the table it would be from that consideration. He did not agree with any gentleman who supposed that this resolution had been brought forward from improper motives. He had no hesitation in declaring his sentiments explicitly on that head. Sorry as he was to differ with the gentleman from Vir-

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ginia on points of this magnitude, yet, upon this subject, he had no hesitation as to the vote which he should ultimately give. I will ask, in the first place, (said Mr. N.) at what does this resolution aim? It is a bare and naked resolution declaring, as the opinion of this House, that certain opinions of the Attorney General are contrary to law. Is it intended to affect General Wilkinson, the late Secretary of War, or the Attorney General? I cannot see the object; whether it points at the one or the other, or at all, is totally immaterial. I do not rise in my place, at this time of night, as the partisan of the one or the other. I disclaim any such motive. I rise because I believe if we pass the resolution it will violate the fundamental principle of the American Constitution; that it will be more dangerous, and be attended with more evil consequences, than Burr's or any other conspiracy. If a precedent of this kind be once set, it leads immediately to the most positive and absolute despotism. The Constitution of the United States has wisely said, that the different departments of the Government shall be separate and distinct. To Congress, it has given the power of passing laws; to the Executive, the power of carrying them into execution. To the Judiciary, it has given the great and important power of expounding laws passed by Congress—and can it for a moment be said in a free-country that we will take away the power from the Judiciary? That we will pass a law to-day, and to-morrow come forward, and, with a bare resolution of one House, say that the law was improperly expounded? Do we mean on one day to pass laws, and on the next day to expound them? If we consider this question in a less important point of view, we shall find this mode of doing business is equally productive of injustice. General Wilkinson, it is said, has improperly received a certain sum; and the gentleman says, that there is no mode of getting it back again. I deny it, sir; the action lies for the recovery, and, on the trial of that, the judges will decide the construction of the law.

Mr. RANDOLPH said, that the gentleman from Maryland, for the exercise of whose candor towards his motives he ought to be obliged, had certainly misstated his argument. He only asked of the gentleman the exercise of the same candor to his argument as he had displayed to his motives. He had not said that judgment could not be had against a public defaulter—far from it—but he did say that as to mismanagement or misapplication of public money, this House was the only tribunal.

Mr. NELSON said he was sorry if he had misstated the gentleman's argument. That certainly had not been his object. He was glad that he and the gentleman from Virginia agreed in one thing, viz: that if the money had been improperly paid out of the Treasury, General Wilkinson was responsible for it. Neither the opinion of the Attorney General, or a resolution of the House of Representatives, were conclusive as to what law was. The only authority which could properly decide on the propriety of the exposition of the

law, was the Supreme Court of the United States. Now, suppose an action to be brought against General Wilkinson. Were the House about to prejudge this question? Were they about to create a bias on the minds of the judges? Was the Judiciary to be alarmed because the popular branch of the Legislature had given an opinion on the subject? He had too much confidence in the Judiciary to believe that would be the case; for he believed that they would say that the attempt of Congress to expound the law was futile. Mr. N. said he heard himself admonished by his friends around him, that he was extending his remarks to too great a length for the lateness of the hour. He concluded his observations by expressing his regret at seeing this proposition brought forward at a time and in a manner which precluded a full discussion of it.

Mr. ROWAN thought the present a question worthy of all the time which had been consumed in discussing it; and if the doctrine advanced were true, then were secrets disclosed in the operation of this Government which were not before known. The Constitution provided that no money should be drawn out of the Treasury contrary to law, but now it seemed that the officers might draw money on the opinion of the Attorney General. A sum of money might be wanted, and no law might be passed for the purpose. The President having a right to appoint an Attorney General, his opinion might be procured in favor of the application of the money. He was sorry that so much consequence had on this occasion been given to the opinion of the Attorney General. This officer was not known in this question, not being known to the Constitution. He was an officer created by law, to be consulted on legal questions by the officers of Government, in order to give them confidence in the execution of the laws; but at their risk they then performed their duty, his sanction not exempting them from responsibility. Here was an innovation on the Constitution: the opinion of an officer not known to the Constitution was brought in to screen a misapplication of public money. Had he assumed the judicial power? And were the Representatives of the people to be restrained from making inquiry because he had done so? Gentlemen had said that it was the province of the Judiciary to expound the law, and that an action might be brought for the recovery of the money misapplied. And was the House to be satisfied with this remedy? It was not the mere money which was the object of attention. Should the refunding of the money screen the officer who had violated his trust? A question of this kind should not be passed over out of delicacy to individuals. In proportion to their elevation were officers secure from accusation, because they were approached in such situations with reluctance, and never upon light grounds. This circumstance was sufficient security against light imputation. But, admit the plea of delicacy, and they would be sheltered from all inquiry. Whoever had the money of the nation in custody might then dispose of it as

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he pleased, because to request him to account for it would be a matter of high delicacy. The argument that by passing this resolution they would prejudge the question, was not sound. The resolution might be amended, so as to appoint a committee of inquiry, upon whose report the House might or might not proceed. The idea that appropriation laws were necessary to be expounded, he said, was inconsistent with the nature of our Government. They should be explicit and intelligible to the meanest capacity. But if a doubt should arise as to the construction of the law, it should be laid before the House by the President, whose duty it was to lay before Congress from time to time such subjects as he should deem proper for their consideration. Three or four opinions of the Attorney General had lately crept into the history of this country. The opinion of the Attorney General had been sent to the House on the subject of the claim of Beaumarchais without their requisition of it, and in other cases it had been allowed great weight. He thought the nation should put its veto upon the influence of the opinions of the Attorney General, as related to the duties of the great departments of the Government. Mr. R. said, if he understood the duty of the Attorney General, it was to prosecute suits in the courts of the nation in behalf of the United States, and to secure their great interests, but not to give an opinion on points which the heads of departments should propose, and under the authority of his opinion to screen them from the scrutiny or censure of the people. He would not give the nation reason to suppose that the Legislature lent the smallest sanction to a proceeding of this kind, and therefore he thought the resolution should be immediately acted on. It had been said that this proposition involved the character of the persons concerned. Mr. R. said that malfeasance would never be alleged without involving character, and according to the doctrine laid down, public officers had a license to do what they pleased. The argument that the resolution involved the character of General Wilkinson was nothing; that character was out of the question; it had been too long in the public reach to be sullied by anything which could be done in this House. The people never looked to whom money is paid, but by whom it is paid. The responsibility of the departments is involved. If they would give money to the officer, it was well understood that he would spend it. It was an error of the Department of War. He regretted that this proposition had come forward at so late a period of the session, but why it had done so the gentleman from Virginia had explained. He had rather that the subject should not have come before the House, than that it should have been dismissed lightly; for there had scarcely been so important a question before the House during the present session. It connected itself with the vitals of the Government. Say at once, said Mr. R., when you make a law for the appropriation of public money, that you have no power to enquire into its application, that the subject shall

not be approached, from delicacy or the fear of prejudging it, and you immediately make the heads of departments despots. A few thousand dollars compared with principle is nothing—a correct decision is worth millions. If the House were to refuse to permit the resolution to lie on the table, it might be amended. If it be thought proper, Mr. R. said, he was prepared to vote for a committee of inquiry, not as to the man or men who had received the money, but as to those who had paid it. He did not say that there was any criminality in the case, but malignity and error in this case were the same; for misconduct would always clothe itself in the garb of the latter, were it to be admitted as a plea in excuse. Upon this subject there should be the utmost rigor of scrutiny. It was lamentable, if the opinion of the Attorney General was to rule the whole Government, that from so young an institution as this Government so perfect an exercise had grown out. It was no excuse for a man who had the custody of the public money, that he had obeyed the Executive direction in applying it improperly.

Mr. J. G. JACKSON said he rose now merely to read a section of a law; for gentlemen had repeatedly said that the opinion of the Attorney General was not known to the law in such a case as the present, and that it was improperly foisted in: "There shall also be appointed a meet person, learned in the law, to act as Attorney General for the United States, who shall be sworn or affirmed to a faithful execution of his office; whose duty it shall be to prosecute and conduct all suits in the Supreme Court in which the United States shall be concerned, and to give his advice and opinion upon questions of law when required by the President of the United States, or when requested by any of the heads of departments, touching any matters that may concern the departments, and shall receive such compensation for his services as shall by law be provided." Mr. J. said he was not about to enter into any examination of the vulnerable arguments of gentlemen, because he was aware of the lateness of the hour, (nine o'clock;) but he would remark upon the observation that his presumption was erroneous, that he found that the original letter of the Attorney General was not on the files of the House, but merely a copy of it; and on the remark that a man might lead his friend into difficulty, he would observe that he was *Amicus Socratis, sed magis amicus veritatis*. He must also be permitted to observe, that "error and malignity" were not to be considered in the same light.

Mr. ROWAN said, he contended that, in money matters and high offices, error was no more pardonable than malignity. So far as the Attorney General was mentioned, in the law just quoted, upon a sound construction, he could only be considered as authorized to give an opinion not as a shield but as a guide to the Department, and not to be less responsible on that account. If the Executive doubted on any point, he might avail himself of the opinion of the Attorney General;

H. OF R.

War and Navy Departments—Adjournment.

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but he was not an officer intended to stand over the Executive, and screen him from public opinion.

Mr. GARDENIER had no hesitation in declaring his opinion that the money in question had been illegally, palpably illegally, paid; to prove which he used arguments at some length to the same effect as those of Mr. RANDOLPH and Mr. ROWAN. When Mr. G. had been speaking about twenty minutes,

Mr. RANDOLPH asked leave to interrupt him. He said he certainly meant no disrespect to the gentleman from New York or to the House. He had thought that the motion was so clear a proposition that no debate would arise on it. If the debate progressed so as to delay public business, which was urgent, he must withdraw the proposition.

Mr. GARDENIER declined permitting Mr. RANDOLPH to withdraw his resolution, until he had concluded his observations. He spoke about ten minutes longer.

When he concluded, after a few words from Mr. ALEXANDER, the question was taken on the resolution lying on the table, and carried—ayes 65.

Mr. RANDOLPH asked leave to lay another resolution on the table along side of the former, and laid on the table the following resolution:

Resolved, That an advance of pay for the months of March, April, and May, and a further advance of pay for the months of June, July, August, September, October, and November, in 1809, has been made by the Department of War, to Brigadier General Wilkinson, and that when the said advances were made, the said Brigadier General Wilkinson stood indebted in a large amount to the United States, on the books of the Accountant of the War Department, and that the said advances of pay were contrary to law.

Mr. RANDOLPH moved that the first resolution be printed.—Carried, 44 to 42.

Mr. R. then moved that the second resolution be printed.—Negatived, 40 to 38.

WAR AND NAVY DEPARTMENTS.

A bill was received from the Senate further to amend the bill for the establishment of the Treasury, War, and Navy Departments.

Mr. W. ALSTON stated this bill to be the result of the conference between the two Houses, and to be nearly the same as the five sections of the other bill in contest between the two Houses.

The bill was three times read and passed without opposition.

Mr. W. ALSTON, from the Committee of Conference, then moved that the House recede from its refusal to accept the amendments of the Senate to the bill "further to amend the several acts for the establishment of the War and Navy Departments, and making an appropriation," &c. The House then agreed to the amendment of the Senate for striking out the five first sections.

ADJOURNMENT.

A message was received from the Senate, stating that they had appointed a committee in conjunction with such committee as should be appointed by the House, to wait on the President of

the United States, and inform him that they had concluded the business pending before them, and were ready to adjourn. A committee was appointed on the part of this House to join the committee of the Senate.

Mr. SMILIE offered the following resolution:

Resolved, That the thanks of this House be presented to JOSEPH B. VARNUM, in testimony of their appreciation of his conduct in the discharge of the arduous and important duties assigned to him whilst in the Chair.

Mr. ROWAN moved that it be postponed indefinitely. Messrs. ROWAN and LYON supported the motion; and Messrs. EPPEs and JACKSON opposed it.

The motion was afterwards withdrawn, and the resolution passed, 68 to 9, as follows:

YEAS—Evan Alexander, Willis Alston, Ezekiel Bacon, David Bard, Joseph Barker, Burwell Bassett, John Blake, jun., Thomas Blount, John Boyle, William A. Burwell, William Butler, Joseph Calhoun, George W. Campbell, Richard Cutts, John Dawson, Josiah Deane, Joseph Desha, Daniel M. Durell, John W. EppeS, William Findley, James Fisk, Meshack Franklin, Thomas Gholson, jun., Peterson Goodwyn, Isaiah L. Green, John Harris, John Heister, William Helms, James Holland, David Holmes, Benjamin Howard, John G. Jackson, Richard Jackson, Richard M. Johnson, William Kirkpatrick, John Lambert, John Love, Robert Marion, William McCreery, William Milnor, John Montgomery, Nicholas R. Moore, Thomas Moore, Jeremiah Morrow, John Morrow, Gordon S. Mumford, Thomas Newton, Wilson C. Nicholas, John Rea of Pennsylvania, John Rea of Tennessee, Jacob Richards, Matthias Richards, Samuel Riker, Ebenezer Seaver, Samuel Shaw, John Smilie, Jedediah K. Smith, Clement Storer, Peter Swart, John Taylor, James I. Van Alen, Philip Van Cortlandt, Daniel C. Verplanck, Robert Whitehill, Isaac Wilbour, Marmaduke Williams, Alexander Wilson, and Nathan Wilson.

NAYS—John Campbell, Francis Gardner, James M. Garnett, Joseph Lewis, jun., Matthew Lyon, Josiah Masters, John Rowan, Richard Stanford, and Kilian K. Van Rensselaer.

At the request of Mr. BARENT GARDENIER, the House excused him from voting on the question.

The SPEAKER returned his acknowledgments to the House for this tribute of their approbation as follows:

Gentlemen of the House of Representatives:

The kind expression of your approbation of my conduct, in the discharge of the duties which you have been pleased to assign me as Speaker of the House, affords me that consolation which an approving conscience alone can surpass. You will please, gentlemen, to accept my thanks for the liberality and candor which you have uniformly manifested towards me: and be assured, that the friendly aid which I have experienced from you in the discharge of my official duty, has made a deep impression on the affections of my heart, which length of time cannot eradicate.

Mr. CUTTS, from the committee appointed to wait on the President, reported that they had performed that duty, and that the President had informed them that he had no further communication to make.

And the House adjourned *sine die*.

SUPPLEMENTAL SPEECHES.

MR. HILLHOUSE'S SPEECH,

delivered in the Senate of the United States, December 2, 1806
(ante, page 230.) on the resolution to repeal the Embargo, in
answer to Mr. GILES's second Speech, delivered the same day.

MR. PRESIDENT: Having already occupied so much of the time of the Senate, (to whom my acknowledgments are due for the candid attention with which they have heard me,) I shall not now trespass on their patience by again going into the argument at large, in answer to the remarks of the gentleman from Virginia, (Mr. GILES,) upon what has been said by the gentleman from Massachusetts (Mr. PICKERING) and myself. The answer to those remarks will be found in the statements and observations already submitted to the consideration of the Senate. Such of the gentleman's remarks as consist merely in *peremptory* denials or *positive* declarations as to the questions of public concernment, and are unsupported by a statement of facts or reasons, merit no reply, and will receive none from me. On two points, only, shall I remark—the resolution of the Senate in 1806, and the British Orders in Council, as connected with the act of Parliament laying the duties complained of. The resolution is in these words:

“Resolved, That the President of the United States be requested to demand the restoration of the property of the citizens, captured and condemned on the pretext of its being employed in a trade with the enemies of Great Britain, prohibited in time of peace; and the indemnification of such American citizens for the losses and damages sustained by these captures and condemnations; and to enter into such arrangements with the British Government, on this and other differences subsisting between the two nations, (and particularly respecting the impressment of American seamen,) as may be consistent with the honor and interest of the United States, and manifest their earnest desire to obtain for themselves and their citizens, by amicable negotiations, that justice to which they are entitled.”

This, says the gentleman from Virginia, was in the nature of an instruction to the President of the United States—so understood by the Senate at the time—that the flag of the United States should protect all persons on board American vessels. He therefore could do no otherwise than make it in *ultimatum*. This is the apology, and the only apology, offered by the gentleman for the President's having made it a positive article of his instructions. It cannot be justified to the nation, that it should be made an *ultimatum*, after it had been ascertained that the point would not be conceded by the British Government, and thereby hazard the peace, and the then prosperous commerce of our country, upon a vain attempt to secure foreigners, and most of them British subjects, on board American vessels, from impressment. That Great Britain or any other nation should be allowed to impress real American seamen, was a point that could not be yielded. But,

far different is the President's claim, that the American flag should protect all persons sailing under it. The resolution is before the Senate. It speaks no such language, and did not warrant the risking of the peace and prosperity of the nation on such an *ultimatum*. The resolution, among other causes of difference, mentions that of the “impressment of American seamen” as a subject of “amicable negotiation.” There is not the most remote intimation that it was the wish of the Senate that the United States should set up the lofty pretension that the American merchant flag should protect all persons sailing under it—a pretension which we had not one line-of-battle ship to enforce. I cannot find in the resolution an expression of the opinion of the Senate that any point of difference should be made an *ultimatum*. The whole was left open to amicable negotiation and arrangement. This would have accorded with the wise policy which was adopted in 1794, and was successful. That such was not my understanding of the resolution, as the gentleman from Virginia now contends for, he must be satisfied when I remind him of what took place three or four days before the late rejected treaty (or rather a copy of it) reached this city; when that gentleman declared, that, if the treaty did not contain a positive stipulation that the American flag should protect all persons sailing under it, and in every sea, it would be sent back. I replied, “then the treaty will be sent back;” for, it had been ascertained, to my satisfaction, that Great Britain would not agree to such a stipulation, until she was prepared to surrender her fleet, and yield up her naval superiority. Knowing that gentleman to be in the confidence of the President, I was astonished to hear the declaration; and then, for the first time, suspected that any such instructions could have been given. Had the question been put to the Senate, or the American people, Will you risk your best interests, and even your honor and independence, (which we are now told are at stake,) in an attempt to protect foreigners on board American vessels from impressment—those very foreigners whom the Administration now have it in contemplation to exclude altogether from our service? What answer would have been given? I leave every man possessing real patriotism and truly American feelings to give the answer. It is well known that a copy only of the treaty reached this city on the 3d of March, 1807—the day Congress closed their session—which copy was shown to the President; and on the evening of the same day he announced, not to the Senate, but to some individuals of that body, that the treaty would not be submitted to the Senate. At this time the original treaty, and the despatches from our Minister which accompanied the same, and explained its various provisions, had not reached our shores; for, on my arrival at New York, on my way to

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Connecticut, from the seat of Government, which I left on the 4th of March, I found Mr. Purviance, a special messenger, had just arrived there with the treaty and despatches for our Government. It was impossible, therefore, that the President should have formed any correct opinion of its merits. Not finding the proposed stipulation respecting the American flag, he decided (according to the prediction of the gentleman from Virginia) against it.

Though it was matter of great convenience to our merchants to employ foreigners to aid in carrying on their extensive and profitable commerce, yet it was not an object of such importance as that it would be wise to jeopardize that very commerce, and other important interests, merely to protect these foreigners from impressment. As to real American seamen, the British Government never claimed the right of impressing them. The only difficulty has been to devise some mode of discriminating American from British seamen. Had we not persisted in our claim that the American flag should protect all seamen, there is little doubt but that some mode would have been found out to make the discrimination, and have prevented many of the evils we have suffered from the impressment of American seamen.

It appears, from the documents communicated the last session, that the same ultimatum was contained in the instructions of 1804,* which will

* *Articles of instructions from the President of the United States, to Mr. Monroe, January 5th, 1804.*

First Proposal.—"No person whatever shall, upon the high seas and without the jurisdiction of either party, be demanded or taken out of any ship or vessel belonging to citizens or subjects of one of the parties, by the public or private armed ships belonging to, or in the service of the other, unless such person be, at the time, in the military service of an enemy of such other party."

Second and Ultimatum.—"No seaman, seafaring, or other person shall, upon the high seas, and without the jurisdiction of either party, be demanded or taken out of any ship or vessel, belonging to the citizens or subjects of one of the parties, by the public or private armed ships, belonging to, or in the service of the other party, and strict and effectual orders shall be given for the due observance of this engagement; but it is to be understood that this article shall not exempt any person on board the ships of either of the parties, from being taken therefrom by the other party, in case where they may be liable to be so taken according to the laws of nations, which liability, however, shall not be construed to extend in any case to seamen, or seafaring persons, being actually part of the crew of such vessel in which they may be, nor to persons of any description passing from one port to another port of either of the parties."

In the Instructions of May 7, 1806.

Ultimatum.—"No seaman, nor seafaring person, shall, upon the high seas, and without the jurisdiction of either party, be demanded, or taken out of any ship or vessel belonging to the citizens or subjects of one of the parties, by the public or private armed ships, or men of war belonging to, or in the service of the other party; and strict orders shall be given for the due observance of this engagement."

account for the failure of the negotiations which have been carrying on for so many years. And is it not to be lamented that our having demanded an ultimatum which it was well known would not be granted, has given to the whole negotiation an air of insincerity? It is so much the interest of Great Britain, and nations are usually governed by their interests, to be at peace with the United States, that I cannot but entertain a hope that, if a negotiation was commenced and conducted with the same spirit, and with that liberal policy which governed in the negotiation of 1794, it would have a like successful termination.

A few remarks on the subject of the British Orders in Council, and the act of Parliament, shall close my observations. The gentleman from Virginia asks, in emphatic language, Are you prepared to submit to an act of Parliament imposing a tax? Are you prepared to pay tribute to, and be colonized by, Great Britain? I answer No. I will never voluntarily yield what we waged war and encountered all the difficulties of a Revolution to obtain. Whenever there is an attempt by Great Britain, or any other nation, to impose those evils upon us, I shall be prepared to apply the proper remedy. But an embargo is not that remedy. I can never consent to inflict stripes on our backs for the faults of others.

To make myself understood, let me put a plain case or two: Supposing Orders in Council were to issue, declaring it lawful to carry on a free trade from Boston to Alexandria, are we to abandon that trade through fear that we should be thought to submit to British orders? British Orders in Council granting us permission to trade where we had a previous right, would be futile, and ought not to prevent our pursuing our trade upon the ground of our ancient right. So our carrying on trade with all such places as we have heretofore been accustomed to trade with, though they may come within the purview of the British orders, might be carried on without submission, without disgrace.

Suppose another case, that Orders in Council should prohibit a direct trade between Boston and Alexandria, and subject all vessels to capture and condemnation that did not first touch at Halifax, pay duty, and take a license; at the same time an act of Parliament should pass, laying an export duty of ten per cent. on all exports from Halifax? Of what should we have a right to complain? Surely not of the act of Parliament; that would be a mere municipal regulation, laying a duty on exports, which Parliament might have a right to do, though, by the Constitution of the United States, it is forbidden to Congress. As well might Great Britain complain of the drawback duty of three per cent. laid on her products when exported from the United States. What we should have a right to complain of, what we should complain of, would be the Orders in Council, as a gross violation of our rights, and a most unwarrantable encroachment upon our sovereignty and independence, to which we could not submit without dishonor, which ought and must be re-

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sisted. Let me ask, would it be proper, in the proposed case, for the purpose of avoiding submission and a surrender of our independence, to lay an embargo on the ports of Boston and Alexandria, and thereby not only cut off their trade with each other, but with all the world? I should call this submission: the most tame, dishonorable, cowardly submission.

Mr. President, "submission" is a word I utterly discard. It is a word not to be found in the political dictionary of New England. It is because I am not for submission; it is because I am for preserving our independence and honor, that I am for repealing the embargo.

MR. POPE'S SPEECH,

Delivered in the Senate of the United States, December 2, 1806, on the resolution to repeal the Embargo.—[*Ante*, page 330.]

MR. PRESIDENT: With the indulgence of the Senate, I will endeavor to give a satisfactory answer to those objections to this bill, which, in the view of the gentleman from Connecticut (Mr. HILLHOUSE) and the gentleman from Massachusetts (Mr. PICKERING) appear so formidable. It is unfortunate for the present Administration, that, in the opinion of its opponents, it always has either too much or too little energy, and that it cannot fix on that precise quantum which will suit them. The degree of energy to be exerted in any government must very much depend on the difficulties it has to encounter in the enforcement of its authority. The propriety and necessity of passing this bill ought to be determined by the experience of the last year, and existing facts. I cannot avoid expressing my surprise at the hostility of these gentlemen to this measure, after having told us that the opposition to the embargo was great in the Eastern section of the Union, and that we could not rely on the patriotism of the people to carry it into effect. I am the more surprised at the hostility of the gentleman from Connecticut, (Mr. HILLHOUSE,) when I recollect the measure pursued by his very Democratic State during our Revolutionary war to prevent illicit trade with the British army—that time the power of punishing offences of that description belonged exclusively to the State governments. I think the gentleman informed us, that the State of Connecticut had a prison about forty feet under ground, and every man who was detected in carrying on any unlawful intercourse with the enemy was tried by a court martial, and sent to "hell." It is strange, indeed, after this example of severity, which appears to have had that gentleman's approbation, to hear him declaim with such vehemence against the bill under consideration; which, so far from containing any provisions for sending the violators of the embargo to the infernal world, has nothing in it touching life or liberty, and in all cases where property is concerned, the owner, before he can be deprived of it, is entitled to a fair and open trial by a court and jury.

In every government a power to declare the

national will, as well as to execute it, rests somewhere; the great characteristic which marks the difference between this Government and despotism is, that in a despotism, the despot declares the national will, and with a military force always at his command he executes it, and these acts of sovereignty he performs without consulting the people and without responsibility. In a Republic, such as this, every exercise of power may be said to flow from the people, and every public functionary is responsible to them for his conduct. The people, by their Representatives, pronounce their will, and by an Executive chosen for a short period by themselves, they execute it; but in order the better to prevent oppression and guard the rights of citizens, they have secured to every man whose life, liberty, or property, may be affected by the operations of the Government, a judicial trial. In a despotism, the people neither participate in expressing the public will or in deciding on the manner in which or the purposes for which a military force shall be called forth. Here, sir, the public will is not only declared by the people through their Representatives, but the Executive department is only permitted to use the physical strength of the country in the manner and for the purposes they may direct. In every Government, however, there is a power lodged somewhere to exert the physical energy of the nation, when the public welfare or the public safety requires it. By the Constitution of the United States certain powers are delegated to Congress, to which is added an express authority to make all laws which shall be necessary and proper to carry into execution these powers, and all others, vested by the Constitution in the Government of the United States, or in any department or officer thereof, and the people, in the abundance of their caution, have inserted in that instrument certain restrictions or limitations on the powers of the General Government, in the nature of a bill of rights. Three questions, therefore, seem to present themselves for our consideration. First, whether Congress has power to lay an embargo? Secondly, whether the means furnished by this bill are necessary to carry that power into execution; and thirdly, whether it violates any of the prohibitory articles of the Constitution? It is contended that Congress has no power to lay an embargo, because it must be exercised under the power to regulate commerce with foreign nations; and that the embargo, instead of regulating, destroys commerce. To this, it might be sufficient to answer, that the embargo secures our commercial property from the avaricious grasp of the belligerents, and prevents our commerce from being regulated by Great Britain. But, sir, I shall not enter into a discussion on this question. I will content myself with calling to my aid the decisions of Congress during General WASHINGTON'S Administration, their decision at the last session, and that of the judiciary, all supported by the voice of the people. Upon these decisions I rely with more confidence, than any reasoning I am capable of offering to the Senate; it is a question worthy of consideration, whether a construction so often

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given to the Constitution, and so long acquiesced in, ought now to be disturbed.

That the means provided by this bill are necessary to carry the embargo into effect, is hardly denied by the gentlemen opposed to it—upon their representations of the opposition to this system, and the difficulty of enforcing it, this measure may be safely rested. If then we have power to lay an embargo, and this measure is necessary to enforce it, it follows, that it is our duty to pass the bill, unless we are forbidden by some part of the Constitution. If that instrument contains any such prohibition, I have not been able to discover it, and I believe I may with confidence challenge gentlemen to point it out.

Permit me, now, Mr. President, to examine more particularly the several sections of this bill, against which the arguments of the gentlemen have been particularly directed. The objections made to the second section, are entirely obviated by a proviso at the end of it, which secures small vessels from the embarrassments which gentlemen appear to apprehend. They have declaimed at great length against that part of the seventh section, which declares that neither capture, distress, or any other accident, whatever, shall be pleaded or given in evidence. To determine the propriety and necessity of this provision, we must contrast it with the law as it now stands, and endeavor to ascertain from which the greatest inconveniences will result. In every prosecution under the existing laws, if the accused can prove that he was captured, or driven into a foreign port, by contrary winds or other accident, he must be acquitted, although the capture is generally produced by a secret understanding between the captor and the captured. I appeal to the candor of the gentlemen themselves, who are better informed on this subject than I am, whether in one case of an hundred, where these excuses are made, they are founded in truth. Experience has proved the importance of this provision; it is one of the most valuable in the bill; without it, no conviction under our embargo system will be had. The power given to the Secretary of the Treasury to relieve in cases of evident hardship, is all that can or ought to be required. If there is any appearance of severity in this bill, we ought to be reconciled to it, because we know it cannot be dispensed with; there is no danger, however, of its being executed with undue rigor; we have not heard any complaint of a rigid exercise of the discretionary powers, heretofore vested in that department. There is a mildness and humanity in the American character, that revolts at the execution of severe, cruel justice; and when we consider that every man in our Government is in some degree responsible to public sentiment, we ought not to doubt, but that in every case of hardship which is clearly made out, the proper department will extend appropriate relief. The great complaint in this country, Mr. President, is not of the severity of our laws, but that they are not executed; that too much impunity is afforded to guilt. Indeed it has become a reproach to our laws and our Government.

The ninth section has been denounced with great vehemence. It authorizes the collectors to "seize money or property, found on board any vessel, boat, or watercraft, when there is reason to believe that they are intended for exportation, or when in vessels, carts, &c., or in any manner apparently on their way towards the territories of a foreign nation, or the vicinity thereof, or towards a place whence such articles are intended to be exported, and not to permit such articles to be removed until bond with sufficient sureties shall have been given for the landing or delivery of the same, in some of the United States, whence in the opinion of the collector, there shall not be any danger of such articles being exported." Is this a new principle in our code? To prove that it is not, I will call the attention of the Senate to a section of the revenue laws. [Here Mr. P. read a section, which declares that if spirits shall be removed from a distillery, contrary to law, the ship or vessel, wagon, cart &c., in which it may be found, together with the oxen, horses, &c., shall be forfeited and liable to seizure by the revenue officers.] I will not take up the time of the Senate in reading other parts of the revenue laws; the same principle pervades the whole.

But, sir, it was unnecessary for me to appeal to precedents, so numerous in our revenue code, to support this part of the bill. It is bottomed upon a principle which has been recognised and acted upon, from time immemorial, and is familiar to every one, that it is better by precautionary measures to prevent offences, than to punish the offenders after they are perpetrated. Upon this principle a man who has been guilty of no crime, but whose conduct has afforded probable cause for believing he intends to commit one, is liable to be arrested and committed, until he gives sureties of the peace, or for his good behaviour. The gentlemen, to give more plausibility to their arguments, have asserted that a power is given to the collectors to break open dwelling-houses. I protest against any such construction, and I call upon them to point out the sentence, or even the word which will justify it. They have attempted to make an impression that the collectors would not be liable for improper conduct. This suggestion is unfounded. If a collector, without reason, or, to use a technical phrase, without probable cause, should be guilty of any act of oppression or extortion, he would be liable to a suit, and there is no part of the bill which would shelter him. Gentlemen pretend to be alarmed at the tenth section, by which it is enacted that "the powers given to the collectors by this or any other act respecting the embargo, to refuse permission to load vessels, &c., shall be exercised in conformity with such instructions as the President may give, and such general rules in pursuance of the powers aforesaid; which instructions and general rules the collector shall be bound to obey; and if any action or suit be brought against any collector, or other person acting under the directions of, and in pursuance of this act, he may plead the general issue, and give this act and the instructions and regulations of the President in

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'evidence for his justification and defence." It is contended that this section makes the rules and instructions of the President paramount to the law. In this they are mistaken. In an action brought against a collector, if he should rely on the rules and instructions of the President, it will be the duty of the court to decide whether they are made in pursuance of the powers given by the embargo laws; and if the court should be of opinion that they are not authorized by law, they will not justify the collector. This principle, I am informed, has been already settled by the Judiciary and Congress. A suit was brought against an officer of the United States for some act done under the orders of the late President, and on the trial he relied on the instructions of the President for his justification, but the court determined that they were not warranted by law, and a verdict and judgment passed against him for a considerable sum in damages, which was paid out of the public Treasury, pursuant to an act of Congress. It has been the practice, heretofore, for the Secretary of the Treasury to give such instructions to the officers of the revenue, and, by a section of one of the revenue laws, the officers of the revenue cutters are made officers of the customs, and are expressly required to perform the duties enjoined by the Secretary of the Treasury. The reasons urged by gentlemen with so much force against giving discretionary powers to the collectors, and the dangers to be apprehended from their abuse of them, induced me, as one of the committee, to give my assent to this section. The propriety and necessity of it must be obvious to every impartial man upon a moment's consideration. In order to regulate and control the coasting trade, so as to prevent violations of the embargo, it has been found necessary to give the President and collectors some discretionary powers, the exercise of which ought to be governed by uniform rules in the different ports and harbors of the United States, and upon the high responsibility of the President. He is supreme executive officer of the Government, immediately responsible to Congress and the nation for the proper discharge of the executive functions; the collectors are his deputies, they emanate from him, and are under his control. I was, in the language of the gentleman, unwilling to make every collector a little, irresponsible despot, but deemed it more safe to subject them to the orders of the President, and thereby to render him responsible for the due exercise of the powers vested in the executive department. No part of this bill will warrant the assertion that the President is authorized to transcend the law or Constitution of the country. I disclaim such a principle. I have ever thought that Government the best, in which no man is superior to the law; and I advocate this bill for the purpose of carrying this principle into practical operation. I wish to arm the Government with sufficient energy to make every one bow before the majesty of the laws.

The last section objected to is the eleventh, which authorizes "the President, or such person as he shall have empowered for that purpose, to

'employ such part of the land or naval forces, or militia of the United States, or of the Territories thereof, as may be judged necessary to enforce the several embargo laws." This, we are told, establishes a military despotism. I hope to be one of the last men, in this country, to advocate a military despotism. If I could believe that this bill would produce such a state of things, it would not only cease to have my support, but meet with my most unqualified reprobation. But, sir, with whatever warmth gentlemen may bestow such epithets upon it, and sound the tocsin of alarm to the people that their liberties are in danger, whatever efforts they may make to inflame the public mind against this measure, when the good sense of the nation shall pass on it, they will be convinced that all their declamation is but empty sound. This part of the bill is not only warranted by an express grant of power in the Constitution, which declares that Congress shall provide for calling forth the militia to execute the laws of the land, suppress insurrections, and repel invasions, but, by numerous precedents, established under every administration of this Government. In addition to those read by the gentleman from Virginia, (Mr. GILES,) I will read the seventh section of an act, passed the 5th day of June, 1794, during General WASHINGTON's administration, which is strictly analogous to the eleventh section of this bill.

Mr. POPE here read the 7th section of the act before alluded to, which is in the following words:

"And be it further enacted and declared, That in every case in which a vessel shall be fitted out and armed, or attempted to be fitted out and armed, or in which the force of any vessel of war, cruiser, or other armed vessel, shall be increased or augmented, or in which any military expedition or enterprise, shall be begun or set on foot, contrary to the prohibitions and provisions of this act; and in any case of the capture of a ship or vessel, within the jurisdiction or protection of the United States, as above defined; and in any case in which any process out of any court of the United States shall be disobeyed or resisted by any person or persons, having the custody of any vessel of war, cruiser or other armed vessel of any foreign Prince or State; in every such case it shall be lawful for the President of the United States, or such other person as he shall have empowered for that purpose, to employ such part of the land or naval forces of the United States, or of the militia thereof, as shall be judged necessary for the purpose of taking possession of and detaining such ship or vessel, with her prize or prizes, if any, in order to the execution of the prohibition and penalties of this act, and to the restoring such prize or prizes, in the cases in which restoration shall have been adjudged; and also for the purpose of preventing the carrying on of any such expedition or enterprise, from the territories of the United States, against the territories or dominions of a foreign Prince or State, with whom the United States are at peace."

Here, said Mr. P., a power is given to the President, or such person as he shall have empowered for that purpose, to call forth the military strength of the country for several purposes, and among others to prevent the carrying on any mil-

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itary expedition or enterprise, from the territories of the United States, against the territories or dominions of a foreign Prince or State, with whom the United States were at peace. A power which may be exercised as well on the land, in the interior, as on our coasts and in our ports and harbors, and without a warrant or other process from any court or judicial officer. It is proper to remark that this act of 1794 was not a temporary law; it is still in force, and makes a part of our permanent statutory code. The bill before us is to expire with the embargo. All legislation of this kind, Mr. President, ought to arise out of facts, and be the result of evident necessity. The American people were unwilling to entrust to the Executive the power of employing the physical force of the nation at pleasure, or in any manner his discretion or whim might direct. No, sir, they have wisely vested in Congress the power of providing in what manner and for what purposes it shall be called forth. It cannot, I think, be seriously contended that this section violates the Constitution. The question is, does the crisis demand it? To prove that the public good and the character of the Government require it, I need only refer to the circumstances and facts disclosed by the gentlemen opposed to it. They complain of our allusions to the people of the Eastern States. If, in our remarks, we have pointed to them, more particularly than to the people in other quarters of the Union, it has been owing to the representations of the gentlemen themselves. I appeal to you, Mr. President, and every member of the Senate, whether we have not had intimations on this floor, from those gentlemen, that there was danger of insurrection, rebellion, and violent opposition to the embargo laws, in the Eastern section of the Union. I believe, sir, the friends of the embargo have expressed as much confidence in the republicanism and love of country of the Eastern people, as in any other part of the nation. If they have been slandered, these gentlemen have slandered them. If, in the discussion of the embargo, our attention has been particularly directed to that quarter, it has not been the result of any individual distinction, but of causes and circumstances which must strike every man at the first view. It ought to be recollected that our Eastern and Northern frontier is bordered by British provinces, that Halifax is in the neighborhood of Maine, and, therefore, that quarter presents greater facilities for violating the embargo than any other.

The gentleman from Massachusetts informs us that the embargo has been violated in the Southern States, as well as the Eastern States. This is probably true. While the embargo continues, I wish it to operate equally on every part of the community. I do not think, however, that the proof the gentleman has adduced is very conclusive evidence of the fact he wishes to establish by it. He has read a passage from a newspaper, stating that a vessel had arrived in the West Indies from some port in Virginia, and another from Baltimore. Does it follow, that, because they cleared out from some Southern ports, that they

belonged to those States? About one-third of the shipping of the United States belongs to Massachusetts, and a number of her vessels are, I believe, employed in the coasting trade, and those vessels which the gentleman has alluded to, may as well have belonged to the Eastern as the Southern people. The fact is immaterial. These newspapers, read by the gentleman, display one fact, perhaps of some importance. They state the price of flour in the West India islands to be thirty dollars per barrel. If this be true, I must question the correctness of public opinion respecting the violations of the embargo. If there is such a scarcity of flour in these islands as to raise the price to thirty or forty dollars per barrel, it is pretty strong evidence that it has not been evaded to the extent generally supposed. The gentleman discovered a degree of displeasure at the remark of the gentleman from Virginia, that the violations of the embargo have been produced by British influence. The feelings of no gentleman ought to have been wounded by it, especially after the explanation which was given. The observations of the gentleman from Virginia certainly did not authorize the inference which appears to have been drawn from them. But, sir, I have never heard a doubt expressed of the existence of such an influence. Is it not notorious that there are in our seaports a number of British subjects, merchants, agents, and contractors for the British navy? I believe there is, at this time, in the town of Alexandria, a contractor for the Jamaica squadron. The contiguity of their Northern possessions and West India islands, enables the British Government, with the aid of persons of the description I have mentioned, and that portion of our own people who are so lost to a sense of that duty which every citizen of a free Republic owes to his Government as to be tempted to become instruments in their hands, to exercise a degree of influence in procuring violations of our embargo, which requires all the vigilance and energy of the Government to resist. Between these violations of the embargo and the Government, issue is now made up, and it remains with Congress to decide which shall triumph. Shall we, by withholding the means necessary to enforce the laws, permit them to be trampled on, and the Government set at defiance? I hope not, sir. We are called on, not only by our most sacred duties as legislators, but by the nation, and especially that portion of it who have faithfully regarded our embargo, to compel obedience from those whose patriotism and virtue cannot be appealed to. I do not contend that the Constitution should be violated to support the embargo system, but that we ought to use such Constitutional means as will be adequate to attain the end in view.

It is worthy of remark, that the powers given by this bill will not be exercised in the interior of our country, but on our frontiers, and in our ports and harbors. Our Government, having intercourse with foreign nations, must give their officers, appointed to execute the laws regulating that intercourse, and to collect the revenue growing

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out of it, the powers contemplated by this bill; and the laws of every country against smuggling would be nugatory and idle, without a power in the revenue officers to seize those articles upon which the laws operate, whether they are attempted to be smuggled out of, or into the country. The gentleman from Connecticut, (Mr. HILLHOUSE,) has expressed his astonishment that we should be so blinded by our zeal for this measure; we are equally so at the length to which his hostility to it carries him.

It was not to have been expected, Mr. President, that the general policy of the embargo would have been drawn into debate on this bill. We are again told, as on a former occasion, that the embargo is submission. If this be true, it is strange, indeed, that every British agent, and every friend of Great Britain in this country, should be so violently opposed to it. Their hostility to this system induces me to believe they do not consider it submission, and that it is not viewed in that light by the British Government. It is not the policy or the will of that Government that we should discontinue our foreign intercourse. Has she commanded us to withdraw from the ocean? No, sir; the will of Great Britain, is that we should remove our embargo, and trade, not as an independent nation, but upon her terms, and according to the rules and regulations she has prescribed; our embargo is, at least, a refusal to carry on commerce pursuant to her orders, and must, therefore, be considered resistance, and not submission to her will. We are reminded of the opposition to former Administrations. I was not on the political theatre at the periods to which the gentlemen have alluded, and shall not attempt, here, to discuss the topics which those times furnished.

Whatever may have been heretofore the bias of national feeling, or national prejudice, or of political parties, in relation to France and Great Britain, no friend of his country could have anticipated, that at a moment when both those nations should make war upon us, that we should be a divided people. The gentleman from Massachusetts again tells us, that in our system we are precisely conforming to the views of the French Emperor, and closes his remarks on this point, with an assurance that he does not mean to attribute to us any improper motives. We ought not perhaps to doubt the gentleman's veracity. I feel no disposition to detain the Senate, at this late hour, with recriminations. Permit me, however, to expose the glaring inconsistencies of gentlemen on this subject. Great efforts have been made to prove that the embargo is designed to be a permanent measure, and to meet the wishes of France; and yet we are told in the debate in the resolution to repeal the embargo, by the gentleman from Delaware, (Mr. WHITE), equally opposed to it with the gentleman last up, that the President was tired of the embargo last Spring, and in order to get clear of it, he proposed to Mr. Canning, the British Minister, to remove it, as to Great Britain, provided she would rescind her Orders in Council as to the United States. Mr.

Canning's answer seems to have wounded the American pride and sensibility of that gentleman. He discovered a degree of indignation upon reading it, that did him honor. I believe he almost regretted that an opportunity had been afforded to Mr. Canning to treat our Government with such sarcastic insolence and contempt, after our Government has, in the opinion of gentlemen, almost humiliated itself to procure an honorable intercourse with Great Britain. What would the gentleman from Massachusetts have us to do? Why, sir, I infer from what he has said, that he would declare war against France, remove the embargo, and trade with Great Britain. To open our ports to that Government under existing circumstances, while her orders are in force against us, without any reparation or atonement for the many injuries, indignities, and insults she has heaped upon us, would be too disgraceful and degrading for the independent spirit of America. Mr. President, we have been injured and insulted by both France and Great Britain, and it would in my opinion be dishonorable to declare for either against the other, without some concession, some satisfactory atonement. To induce us to pursue the course he has recommended, the gentleman, as on a former occasion, has endeavored to excite our alarm by telling us that Bonaparte is aiming at universal dominion, and that if Great Britain should be conquered, America will fall a prey to his ambition. He might as well tell me of events that are to happen after the day of judgment. He must be a visionary statesman indeed, who would be influenced by dangers and consequences so remote and chimerical as those which appear to haunt that gentleman's imagination. I will never sacrifice the great interest of my country to gratify a vindictive spirit against any nation. I shall be ready to consent to renew our commercial intercourse with Great Britain, so soon as it can be done on terms which this people can accept. We have been assured by gentlemen that Great Britain understands her interests, and is governed by it; if so, and our friendship is necessary to enable her to stand against the conqueror of Europe, she will have it, because she can always command our friendship by conducting towards us with justice and moderation. The door of conciliation has ever been open to her, and is still open—it has never been shut by our Government.

I am really at a loss, Mr. President, to account for the inconsistencies of gentlemen in their arguments against the embargo; by one, we are told that the President was tired of it long since, and therefore solicited Mr. Canning to help him to take it off; by others, it is contended that it is a permanent measure, and resorted to for the destruction of commerce. In the debate on the resolution to repeal the embargo, the gentleman labored to prove that the embargo was submission, and not resistance to the belligerents, that it would not coerce, but benefit Great Britain; and in the same breath, it was insinuated to be a measure of conformity to French policy. All these positions cannot be correct. If it be a measure of hostility to Great Britain, it cannot be submission; if it

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is submission to Great Britain, and she is benefited by it, it could not have resulted from any concert with France. If, however, the fears of the gentleman from Massachusetts are well founded, that, if Great Britain should be crushed by the colossal power of France, we are gone, and that, therefore, our weight ought to be thrown into the scale of Great Britain, to enable her to maintain her independence; and if it be true, as the gentleman contends, that our embargo does not coerce, but subserve, the interest of England, it follows, from his own premises, that our measures are not hostile to her, and that, for our own preservation, we ought to continue our embargo to strengthen Great Britain.

Gentlemen contend that it is not fair, that the friends of the embargo have no right to call on them for a substitute. I cannot, for my part, imagine upon what ground they can refuse to offer it, if they have any. We all admit that the belligerents are committing depredations upon us, that they are in fact making war against us, and that we ought not to submit, but resist. The only question, then, is, what is the most honorable and efficient mode of resistance? We have resorted to the embargo. If gentlemen opposed to this believe there is any other better measure of resistance, it is certainly their duty to propose it. Would they substitute war? If they would, I could flatter myself with union in support of war against the belligerents. I incline to believe I should consent to accept their substitute. War cannot be their object, because they ridicule the idea of war with both belligerents as quixotic; this sentiment has been frequently expressed by gentlemen in debate, and with great apparent consequence. After all the consideration I have been able to bestow on the subject, I cannot view the project of making war with France and Great Britain in that absurd and ridiculous light in which the gentlemen endeavor to exhibit it. It may appear rather extraordinary that two nations at war with each other should both make war upon us; but, sir, I cannot imagine how it can be considered absurd for us to resist both by war; indeed, it seems to me extraordinary and quixotic that we should not. The gentlemen admit that, if one nation commits acts of hostility upon us, war with that nation would be proper and necessary; but if two nations make war against us at the same time, and they happen to be at war with each other, war, on our part, against both, would be absurd and ridiculous, because there would be great difficulty in fighting a three-sided or triangular battle. This is a kind of reasoning to me perfectly novel; it proves that the more enemies we have, the less resistance we ought to make. I should suppose the reverse of this to be correct. I can tell the gentleman from Connecticut, that the idea of three belligerents, which he thinks so ridiculous and absurd, has been often realized in the country I represent. Before Kentucky was settled by the whites, it was a great common, kept as a hunting-ground for the use of the Indian nations, and, by a general consent or law among them, no settlement

was to be made upon it. When it was seized by the whites, they were treated as common enemies by the surrounding savage tribes; and it frequently happened that different tribes, at the same time that they waged war with each other, carried on war against the whites. If the gentleman from Connecticut had been in our country at an early period, and told the people if one Indian nation made war upon them they ought to fight, but if two nations at war with each other committed hostilities upon them, that then it would be ridiculous and quixotic for them to fight both, I imagine they would have considered the gentleman's notions very ridiculous and quixotic, indeed. The opinions of gentlemen on this subject appear to arise from possible difficulties, which might occur in possible, but very improbable cases, which they have imagined. Suppose, says the gentleman from Connecticut, (Mr. HILLHOUSE,) after we declare war against Great Britain and France, that three frigates should meet on the high seas, one belonging to each belligerent, how would this singular battle be conducted? I will not attempt to solve the difficulties with which a case of such peculiarity might be attended, in any other way than by supposing another equally as likely to have happened, but which never did happen. Suppose, sir, that, before the close of the Indian war, two parties of Indians of different tribes who were at war with each other, and a party of whites had met in the wilderness, how would these gentlemen have acted in a situation so rare and embarrassing? I shall not take up your time, sir, in making conjectures so improbable.

The facts alleged by the gentlemen themselves, show that this three-sided figure cannot occur on the ocean. They tell us that France has no naval force to make war on that element; and that Great Britain, with her thousand ships, has drawn a line between us and the continent of Europe. It appears to me remarkable that such practical matter-of-fact statesmen as these gentlemen profess to be, should be influenced by such far-fetched possibilities. If, however, their opinion be correct, that it would be unwise and impolitic to substitute war with both belligerents for the embargo, it follows, as a necessary consequence, that it must be continued until a selection can, with honor, be made.

What, Mr. President, is our situation? France has interdicted our trade with Great Britain, and Great Britain has interdicted our trade to France and the Powers under her control, in many articles, the production of our own soil—cotton she has virtually prohibited altogether. The dispute between us and the belligerents is not about the carrying trade, but whether we shall be permitted to carry our surplus produce to foreign markets? The privilege of carrying our cotton to market, is one in which, not only the growers themselves are interested, but one which concerns every part of the nation. The exportation of flour from the United States has not increased since the year 1793, although it is very certain that a much larger quantity is now made, than

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at that period. This must be owing to the increased consumption of that article in our own country. The high price given for cotton since that time has induced the Southern people to employ the whole of their capital in the culture of that article, and purchase flour and other articles, for their own consumption, from the people of the Middle, Eastern, and Western States. The growth of our commercial and manufacturing towns, the increase of our shipping, and consequent demand for sea stores, have occasioned a greater consumption of flour than formerly. In those parts of the country where cotton is the chief article of culture, the people of other parts find a market for their horses, a large portion of their manufactures, flour, and other surplus productions; and the ship-owners find employment in carrying our cotton to foreign markets. Indeed sir, cotton has become the great staple of our export trade. It has been for some years the principal stimulus to every branch of industry in our country. We export annually upwards of sixty millions of pounds of cotton, a little more than half of which is used in Great Britain, the residue on the continent of Europe. If we remove the embargo while the British orders are in force, the whole of it must be carried to England; there would then be nearly thirty millions of pounds in the English market more than the demand. Have gentlemen calculated the influence which this surplus quantity would have on the price? But, sir, the prospect is still worse, if we are to credit the statement of these gentlemen. They have informed us that Great Britain is now receiving large quantities of cotton from Brazil, Spanish America, Africa, and the East Indies; and that she is not dependent on us for a supply. The necessity, therefore, of resisting the British orders, and forcing our way to those markets where there is a demand for the article, must be evident to every one who will consider the subject. It is not the cause of the cotton States merely, but of every part of the Union. I believe it will be found, upon an attentive examination, that these States are more united by interest, and that the good of the whole is more intimately connected with the interest of every part than superficial thinkers are disposed to believe. I cannot view the British orders merely as a temporary measure of retaliation on France. I fear they have originated in a policy of a more permanent character. I suspect Great Britain has in view to cripple the United States as her rival in commerce, and to prevent the Powers on the Continent from rivalling her in manufactures. The first she expects to accomplish by contracting the circle of our commercial enterprise; the second, by depriving the continental Powers of the raw materials, and preventing them from sending their manufactures to distant markets, and thereby increasing the demand in those markets for her own manufactures. If my suspicions are well founded, that her orders are the offspring of a permanent policy, I fear that, although our non-intercourse system may severely affect her interest, she will be very reluctant to change her course,

and that the American people will be compelled to vindicate their rights by their arms. Within a few months, as soon as we can be prepared to strike a blow, we must exchange our present attitude for one of a military character. Millions for defence, not a cent for tribute! has run through the public prints for two years past, and, however it may have been misapplied, I confess I like the sentiment. I hope it is deeply engraven upon the heart of every American.

I could not, Mr. President, at this late hour, trespass on the indulgence of the Senate in noticing all the observations of the gentlemen opposed to this bill. I have contented myself by answering their most prominent objections to it, and am now ready to give my vote for the passage of the bill.

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Of such proceedings as, during the time they were depending, were ordered to be kept secret, and respecting which the injunction of secrecy was afterwards removed by order of the House.

TUESDAY, November 8, 1808.

The House being cleared of all persons, except the members and the Clerk, a confidential Message was received from the President of the United States, by Mr. Coles, his Secretary, who delivered in the same, and then withdrew.

WEDNESDAY, November 9.

The House being cleared of all persons, except the members and the Clerk, proceeded in the reading of the confidential Message from the President of the United States, and the accompanying documents, received on the eighth instant, and went through the same.

The said Message is in the following, words to wit:

To the Senate and House of Representatives of the United States:

The documents communicated with my public Message of this day, contain such portions of the correspondences, therein referred to, of the Ministers of the United States at Paris and London, as relate to the present state of affairs between those Governments and the United States, and as may be made public. I now communicate, confidentially, such supplementary portions of the same correspondence as I deem improper for publication, yet necessary to convey to Congress full information on a subject of their deliberations so interesting to our country. TH. JEFFERSON.

NOVEMBER 8, 1808.

Ordered, That the said Message and documents do lie on the table.

WEDNESDAY, November 23.

The House being cleared of all persons, excepting the members and the Clerk, a motion was made by Mr. RANOLPH, that the House do come to the following resolution:

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Resolved, That the injunction of secrecy, so far as it relates to the substance of the communications from our respective Ministers at Paris and London, which accompanied the President's Message of the eighth instant, be taken off:

And on the question that the House do now proceed to take the said proposed resolution into consideration, it was resolved in the affirmative—yeas 113, nays 1, as follows:

YEAS—Lemuel J. Alston, Willis Alston, jr., Ezekiel Bacon, David Bard, Joseph Barker, William W. Bibb, William Blackledge, John Blake, jr., Thomas Blount, John Boyle, Robert Brown, William A. Burwell, William Butler, Joseph Calhoun, George W. Campbell, John Campbell, Epaphroditus Champion, Martin Chittenden, Matthew Clay, John Clopton, Orchard Cook, John Culpeper, Richard Cutts, Samuel W. Dana, John Davenport, jr., John Dawson, Josiah Deane, Joseph Desha, Daniel M. Durell, James Elliot, William Ely, John W. Eppes, William Findley, James Fisk, Meshack Franklin, Francis Gardner, James M. Garnett, Thomas Gholson, jr., Peterson Goodwyn, Edwin Gray, Isaiah L. Green, John Harris, John Heister, William Helms, William Hoge, James Holland, David Holmes, Reuben Humphreys, Daniel Hsley, John G. Jackson, Richard Jackson, Robert Jenkins, Walter Jones, William Kirkpatrick, John Lambert, Edward St. Lee Livermore, Edward Lloyd, John Love, Nathaniel Macon, Robert Marion, Josiah Masters, William McCreery, William Milnor, Daniel Montgomery jun., John Montgomery, Jeremiah Morrow, John Morrow, Jonathan O. Mosely, Gurdon S. Mumford, Roger Nelson, Thomas Newbold, Thomas Newton, Wilson C. Nicholas, Timothy Pitkin, jr., John Porter, Josiah Quincy, John Randolph, John Rea of Pennsylvania, John Rhea of Tennessee, Jacob Richards, Matthias Richards, Samuel Riker, John Russell, Benjamin Say, Ebenezer Seaver, Samuel Shaw, James Sloan, Dennis Smelt, John Smilie, Jedediah K. Smith, John Smith, Henry Southard, Richard Stanford, William Stedman, Clement Storer, Lewis B. Sturges, Samuel Taggart, Benjamin Tallmadge, John Taylor, John Thompson, Abram Trigg, George M. Troup, Jabez Upham, James I. Van Alen, Archibald Van Horn, Killian K. Van Rensselaer, Daniel C. Verplanck, Robert Whitehill, Isaac Wilbour, David R. Williams, Alexander Wilson, Nathan Wilson, and Richard Winn.

NAYS—Adam Boyd.

Mr. RANDOLPH then modified his resolution so as to read as follows:

Resolved, That the injunction of secrecy imposed on the communication from our respective Ministers at Paris and London, which accompanied the President's Message of the eighth instant, be taken off, with the exception of the extract of a letter from General Armstrong to the Secretary of State, dated Paris, December twenty-seventh, one thousand eight hundred and seven.

And on the question that the House do agree to the same, it passed in the negative—yeas 31, nays 82, as follows:

YEAS—John Campbell, Epaphroditus Champion, Martin Chittenden, John Davenport, jr., Daniel M. Durell, William Ely, James M. Garnett, Edwin Gray, John Harris, William Hoge, Richard Jackson, Joseph Lewis, jr., Edward St. Lee Livermore, Edward Lloyd, Nathaniel Macon, Josiah Masters, William Milnor, John Morrow, Jonathan O. Mosely, Roger Nelson, Josiah Quincy, John Randolph, John Russell, Samuel

Shaw, William Stedman, Lewis B. Sturges, Abram Trigg, Jabez Upham, Killian K. Van Rensselaer, David R. Williams, and Nathan Wilson.

NAYS—Lemuel J. Alston, Willis Alston, jr., Ezekiel Bacon, David Bard, Joseph Barker, William W. Bibb, William Blackledge, John Blake, jr., Thomas Blount, Adam Boyd, John Boyle, Robert Brown, William A. Burwell, William Butler, Joseph Calhoun, John Clopton, Orchard Cook, John Culpeper, Richard Cutts, Samuel W. Dana, John Dawson, Josiah Deane, Joseph Desha, John W. Eppes, William Findley, Jas. Fisk, Meshack Franklin, Francis Gardner, Thomas Gholson, jr., Peterson Goodwyn, Isaiah L. Green, John Heister, William Helms, Jas. Holland, David Holmes, Benjamin Howard, Reuben Humphreys, Daniel Hsley, John G. Jackson, Robert Jenkins, Walter Jones, William Kirkpatrick, John Lambert, Robert Marion, William McCreery, Daniel Montgomery, jr., John Montgomery, Jeremiah Morrow, Gurdon S. Mumford, Thos. Newbold, Thomas Newton, Wilson C. Nicholas, Timothy Pitkin, jr., John Porter, John Rea of Pennsylvania, John Rhea of Tennessee, Jacob Richards, Matthias Richards, Benjamin Say, Ebenezer Seaver, James Sloan, Dennis Smelt, John Smilie, Jedediah K. Smith, John Smith, Henry Southard, Richard Stanford, Clement Storer, Samuel Taggart, Benjamin Tallmadge, John Taylor, John Thompson, George M. Troup, James I. Van Alen, Archibald Van Horn, Daniel C. Verplanck, Jesse Wharton, Robert Whitehill, Isaac Wilbour, Alexander Wilson, and Richard Winn.

Another motion was then made by Mr. RANDOLPH, that the House do come to the following resolution:

Resolved, That the injunction of secrecy so far as it relates to the substance of the communications from our respective Ministers at Paris and London, which accompanied the President's Message of the eighth instant be taken off.

And on the question that the House do now proceed to take the same into consideration, an adjournment was called for, and carried, and then the House adjourned until to-morrow morning, eleven o'clock.

THURSDAY, November 24.

The House being cleared of all persons, except the members and the Clerk, and the resolution proposed by Mr. RANDOLPH, which was depending yesterday, at the time of adjournment, being again read, in the words following, to wit:

Resolved, That the injunction of secrecy, so far as it relates to the substance of the communications from our respective Ministers at Paris and London, which accompanied the President's Message of the 8th instant, be taken off, with the exception of the extract of a letter from General Armstrong to the Secretary of State, dated Paris, December twenty-seventh, one thousand eight hundred and seven.

The question was taken that the House do now proceed to the farther consideration of the same, and resolved in the affirmative.

Mr. RANDOLPH, then, with the consent of the House, withdrew the said resolution from the Clerk's table; whereupon, a motion was made by Mr. MACON that the House do come to the following resolution:

Resolved, That the injunction of secrecy imposed

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on the communications from the President, from our respective Ministers at Paris and London, be taken off, and that the same be published, with the exception of the extract of a letter from General Armstrong to the Secretary of State, dated Paris, twenty-seventh of December, one thousand eight hundred and seven.

And on the question that the House do agree to the same, it passed in the negative—yeas 29, nays 82, as follows:

YEAS—John Campbell, Epaphroditus Champion, Martin Chittenden, John Davenport, jr., Daniel M. Durell, William Ely, James M. Garnett, Edwin Gray, John Harris, William Hoge, Richard Jackson, Joseph Lewis, jr., Edward St. Loe Livermore, Edward Lloyd, Nathaniel Macon, Josiah Masters, John Morrow, Jonathan O. Mosely, Roger Nelson, Josiah Quincy, John Randolph, John Russell, Samuel Shaw, William Stedman, Lewis B. Sturges, Abram Trigg, Jabez Upham, Killian K. Van Rensselaer, and David R. Williams.

NAVS—Lemuel J. Alston, Willis Alston, jr., Ezekiel Bacon, David Bard, Joseph Barker, William W. Bibb, William Blackledge, John Blake, jr., Thomas Blount, Adam Boyd, John Boyle, Robert Brown, William A. Burwell, William Butler, Joseph Calhoun, Matthew Clay, John Clopton, Orchard Cook, John Culpeper, Richard Cutts, Samuel W. Dana, John Dawson, Josiah Deane, Joseph Desha, James Elliot, John W. Eppes, William Findley, James Fisk, Meshack Franklin, Thomas Gholson, jr., Peterson Goodwyn, Isaiah L. Green, John Heister, William Helms, James Holland, Benjamin Howard, Reuben Humphreys, Daniel Hsley, John G. Jackson, Robert Jenkins, Richard M. Johnson, John Lambert, John Love, Robert Marion, William McCreery, William Milnor, Daniel Montgomery, jr., John Montgomery, Jeremiah Morrow, Gurdon S. Mumford, Thomas Newbold, Thomas Newton, Wilson C. Nicholas, Timothy Pitkin, jr., John Rea of Pennsylvania, John Rhea of Tennessee, Jacob Richards, Matthias Richards, Samuel Riker, Benjamin Say, Ebenezer Seaver, James Sloan, John Smilie, Jedediah K. Smith, John Smith, Henry Southard, Richard Stanford, Clement Storer, Peter Swart, Samuel Taggart, Benjamin Tallmadge, John Taylor, John Thompson, George M. Troup, James I. Van Alen, Archibald Van Horn, Daniel C. Verplanck, Jesse Wharton, Robert Whitehill, Isaac Wilbour, Nathan Wilson, and Richard Winn.

A motion was then made by Mr. RANDOLPH, that the House do come to the following resolution:

Resolved, That the injunction of secrecy, so far as it relates to the substance of the communications from our respective Ministers at Paris and London, which accompanied the President's Message of the eighth instant, be taken off, with the exception of the extract of a letter from General Armstrong to the Secretary of State, dated Paris, December twenty-seventh, one thousand eight hundred and seven:

And the question being taken thereupon, it passed in the negative—yeas 39, nays 67, as follows:

YEAS—John Campbell, Epaphroditus Champion, Martin Chittenden, John Culpeper, Samuel W. Dana, John Davenport, jr., Daniel M. Durell, James Elliot, William Ely, Barent Gardener, James M. Garnett, Edwin Gray, John Harris, William Hoge, Richard Jackson, Robert Jenkins, Joseph Lewis, jr., Edward St. Loe Livermore, Edward Lloyd, Robert Marion, Josiah Masters, Wm. Milnor, Jonathan O. Mosely, Gur-

don S. Mumford, Timothy Pitkin, jr., Josiah Quincy, John Randolph, John Russell, Richard Stanford, William Stedman, Lewis B. Sturges, Peter Swart, Samuel Taggart, Benjamin Tallmadge, Jabez Upham, Archibald Van Horn, Killian K. Van Rensselaer, David R. Williams, and Nathan Wilson.

NAVS—Lemuel J. Alston, Willis Alston, jr., Ezekiel Bacon, David Bard, Joseph Barker, William Blackledge, John Blake, jr., Thomas Blount, Adam Boyd, John Boyle, Robert Brown, William Butler, Joseph Calhoun, Matthew Clay, John Clopton, Orchard Cook, Richard Cutts, John Dawson, Josiah Deane, Joseph Desha, William Findley, James Fisk, Meshack Franklin, Francis Gardner, Thomas Gholson, jr., Peterson Goodwyn, Isaiah L. Green, John Heister, William Helms, James Holland, Reuben Humphreys, Daniel Hsley, John G. Jackson, John Lambert, Nathaniel Macon, William McCreery, Daniel Montgomery, jr., John Montgomery, Jeremiah Morrow, John Morrow, Roger Nelson, Thomas Newbold, Wilson C. Nicholas, John Rea of Pennsylvania, John Rhea of Tennessee, Jacob Richards, Matthias Richards, Samuel Riker, Benjamin Say, Ebenezer Seaver, Samuel Shaw, James Sloan, John Smilie, Jedediah K. Smith, John Smith, Henry Southard, Clement Storer, John Taylor, John Thompson, Abram Trigg, George M. Troup, James I. Van Alen, Daniel C. Verplanck, Jesse Wharton, Robert Whitehill, Isaac Wilbour, and Richard Winn.

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FRIDAY, November 25.

The House being cleared of all persons, except the members and the Clerk, a motion was made by Mr. RANDOLPH, that the House do come to the following resolution:

“That the Secret Journal be published,”

The question was taken that the House do now proceed to consider the said proposed resolution, and was resolved in the affirmative—yeas 101, nays 16, as follows:

YEAS—Willis Alston, jr., Ezekiel Bacon, Joseph Barker, Burwell Bassett, William W. Bibb, William Blackledge, John Blake, jr., John Boyle, Robert Brown, William Butler, Joseph Calhoun, John Campbell, Epaphroditus Champion, Martin Chittenden, Matthew Clay, John Clopton, John Culpeper, Samuel W. Dana, John Davenport, jr., John Dawson, Joseph Desha, Daniel M. Durell, James Elliot, William Ely, John W. Eppes, James Fisk, Meshack Franklin, Barent Gardener, Francis Gardner, James M. Garnett, Thomas Gholson, jr., Peterson Goodwyn, Edwin Gray, John Harris, William Hoge, James Holland, David Holmes, Benjamin Howard, Daniel Hsley, John G. Jackson, Richard Jackson, Robert Jenkins, Richard M. Johnson, Walter Jones, John Lambert, Joseph Lewis, jr., Edward St. Loe Livermore, Edward Lloyd, Nathaniel Macon, Robert Marion, William McCreery, William Milnor, Daniel Montgomery, jr., John Montgomery, Jeremiah Morrow, John Morrow, Jonathan O. Mosely, Gurdon S. Mumford, Thomas Newbold, Thomas Newton, Timothy Pitkin, jr., John Porter, Josiah Quincy, John Randolph, John Rea of Pennsylvania, John Rhea of Tennessee, Jacob Richards, Matthias Richards, Samuel Riker, John Russell, Benjamin Say, Ebenezer Seaver, Samuel Shaw, James Sloan, Dennis Smelt, Jedediah K. Smith, John Smith, Samuel Smith, Henry Southard, Richard Stanford, William Stedman, Clement Storer, Lewis B. Sturges, Peter Swart, Samuel Taggart, Benjamin Tallmadge, John Taylor, John

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Thompson, Abram Trigg, George M. Troup, Jabez Upham, James I. Van Alen, Philip Van Cortlandt, Archibald Van Horn, Killian K. Van Rensselaer, Daniel C. Verplanck, Jesse Wharton, Isaac Wilbour, David R. Williams, Alexander Wilson, and Nathan Wilson.

YAYS—Lemuel J. Alston, David Bard, Thomas Blount, Adam Boyd, Orchard Cook, Richard Cutts, Josiah Deane, William Findley, Isaiah L. Green, John Heister, William Helms, Reuben Humphreys, Wilson C. Nicholas, John Smilie, Robert Whitehill, and Richard Winn.

The question was then taken that the House do agree to the said resolution, and resolved in the affirmative—yeas 95, nays 23, as follows:

YAYS—Willis Alston, jun., Ezekiel Bacon, Joseph Barker, Burwell Bassett, William W. Bibb, William Blackledge, John Blake, jr., William A. Burwell, John Campbell, Epaphroditus Champion, Martin Chittenden, Matthew Clay, John Clopton, John Culpeper, Richard Cutts, Samuel W. Dana, John Davenport, jr., John Dawson, Joseph Desha, James Elliot, William Ely, John W. Eppes, Meshack Franklin, Barent Gardener, Francis Gardner, James M. Garnett, Thomas Gholson, jr., Peterson Goodwyn, Edwin Gray, John Harris, William Hoge, David Holmes, Benjamin Howard, Daniel Ilaley, John G. Jackson, Richard Jackson, Robert Jenkins, Richard M. Johnson, Walter Jones, William Kirkpatrick, John Lambert, Joseph Lewis, junior, Edward St. Loe Livermore, Edward Lloyd, Nathaniel Macon, Robert Marion, Josiah Masters, William McCreery, Daniel Montgomery, jun., John Montgomery, Jeremiah Morrow, John Morrow, Jonathan O. Mosely, Gurdon S. Mumford, Roger Nelson, Thomas Newbold, Thomas Newton, Timothy Pitkin, jr., John Porter, Josiah Quincy, John Randolph, John Rea of Pennsylvania, John Rhea of Tennessee, Jacob Richards, Matthias Richards, Samuel Riker, John Russell, Benjamin Say, Samuel Shaw, James Sloan, Jedediah K. Smith, John Smith, Samuel Smith, Henry Southard, Richard Stanford, William Stedman, Clement Storer, Lewis B. Sturges, Peter Swart, Samuel Taggart, Benjamin Tallmadge, John Thompson, Abram Trigg, George M. Troup, Jabez Upham, James I. Van Alen, Philip Van Cortlandt, Archibald Van Horn, Killian K. Van Rensselaer, Daniel C. Verplanck, Jesse Wharton, Isaac Wilbour, David R. Williams, Alexander Wilson, and Nathan Wilson.

NAYS—Lemuel J. Alston, David Bard, Thos. Blount, Adam Boyd, John Boyle, Robert Brown, William Butler, Joseph Calhoun, Orchard Cook, Josiah Deane, Daniel M. Durell, William Findley, Isaiah L. Green, John Heister, William Helms, James Holland, Wilson C. Nicholas, Ebenezer Seaver, Dennis Smelt, John Smilie, John Taylor, Robert Whitehill, and Richard Winn.

A motion was made by Mr. D. R. WILLIAMS,

that the House do come to the following resolution:

Resolved, That the injunction of secrecy imposed on the letters and extracts from our Ministers at Paris and London, accompanying the Message of the President of the United States of the eighth instant, except the letter of Mr. Armstrong, of the twenty-seventh of December, one thousand eight hundred and seven, and the words contained in the parenthesis of Mr. Pinkney's letter of the twenty-sixth of January, one thousand eight hundred and eight, be removed.

The question was taken that the House agree to the said proposed resolution, and passed in the negative—yeas 43, nays 72, as follows:

YAYS—Burwell Bassett, John Campbell, Epaphroditus Champion, Martin Chittenden, John Culpeper, Samuel W. Dana, John Davenport, jr., Daniel M. Durell, James Elliot, William Ely, James Fink, Barent Gardener, James M. Garnett, Edwin Gray, John Harris, William Hoge, Richard Jackson, Joseph Lewis, jr., Edward St. Loe Livermore, Edward Lloyd, Nathaniel Macon, Josiah Masters, John Morrow, Jonathan O. Mosely, Gurdon S. Mumford, Roger Nelson, Timothy Pitkin, junior, Josiah Quincy, John Randolph, Samuel Riker, John Russell, Samuel Shaw, Samuel Smith, William Stedman, Lewis B. Sturges, Peter Swart, Benjamin Tallmadge, Abram Trigg, Jabez Upham, Philip Van Cortlandt, Archibald Van Horn, Killian K. Van Rensselaer, and David R. Williams.

NAYS—Lemuel J. Alston, Willis Alston, jr., Ezekiel Bacon, David Bard, Joseph Barker, William W. Bibb, William Blackledge, John Blake, jun., Thomas Blount, Adam Boyd, Robert Brown, William A. Burwell, William Butler, Joseph Calhoun, Matthew Clay, John Clopton, Orchard Cook, Richard Cutts, John Dawson, Josiah Deane, Joseph Desha, William Findley, Meshack Franklin, Francis Gardner, Thomas Gholson, jr., Peterson Goodwyn, Isaiah L. Green, John Heister, Wm. Helms, James Holland, David Holmes, Benjamin Howard, Reuben Humphreys, Daniel Ilaley, John G. Jackson, Robert Jenkins, Richard M. Johnson, Walter Jones, William Kirkpatrick, John Lambert, Robert Marion, William McCreery, William Milnor, Daniel Montgomery, jr., John Montgomery, Jeremiah Morrow, Thomas Newbold, Thomas Newton, Wilson C. Nicholas, John Porter, John Rea of Pennsylvania, John Rhea of Tennessee, Matthias Richards, Benjamin Say, Ebenezer Seaver, James Sloan, Dennis Smelt, John Smilie, Jedediah K. Smith, John Smith, Henry Southard, Richard Stanford, Clement Storer, John Taylor, George M. Troup, James I. Van Alen, Daniel C. Verplanck, Jesse Wharton, Robert Whitehill, Isaac Wilbour, Alexander Wilson, and Richard Winn.

On motion of Mr. MACON,

Ordered, That the Secret Journal of this day be published.

APPENDIX

TO THE HISTORY OF THE TENTH CONGRESS.

[SECOND SESSION.]

COMPRISING THE MOST IMPORTANT DOCUMENTS ORIGINATING DURING THAT CONGRESS, AND THE PUBLIC ACTS PASSED BY IT

GREAT BRITAIN.

[Communicated to Congress, November 8, 1808, January 17 and 30, 1809, and June 16, 1809.]

To the Senate and House of Representatives of the United States:

I communicate to Congress certain letters which passed between Mr. Canning, the British Secretary of State, and Mr. Pinkney, our Minister Plenipotentiary at London. When the documents concerning the relations between the United States and Great Britain were laid before Congress, at the commencement of the session, the answer of Mr. Pinkney to the letter of Mr. Canning had not been received, and a communication of the latter alone would have accorded neither with propriety nor the wishes of Mr. Pinkney. When that answer afterwards arrived, it was considered that as what had passed in conversation had been superseded by the written, and formal correspondence on the subject, the variance in the statements of what had verbally passed was not of sufficient importance to be made the matter of a distinct and special communication; the letter of Mr. Canning, however, having lately appeared in print, unaccompanied by that of Mr. Pinkney in reply, and having a tendency to make impressions not warranted by the statements of Mr. Pinkney, it has become proper that the whole should be brought into public view.

TH. JEFFERSON.

JANUARY 17, 1809.

To the Senate and House of Representatives of the United States:

I transmit to Congress a letter recently received from our Minister at the Court of St. James, covering one to him from the British Secretary of State, with his reply. These are communicated, as forming a sequel to the correspondence which accompanied my Message to both Houses of the 17th instant.

TH. JEFFERSON.

JANUARY 30, 1809.

To the Senate of the United States:

In compliance with the resolution of the Senate of the 13th instant, I transmit extracts from letters from Mr. Pinkney to the Secretary of State, accompanied by letters and communications to him, from the British Secretary of State for the

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Foreign Department; all of which have been received here since the last session of Congress.

To these documents are added a communication just made by Mr. Erskine to the Secretary of State, and his answer.*

JAMES MADISON.

JUNE 15, 1809.

Extract—The Secretary of State to Mr. Pinkney, Minister of the United States at London.

DEPARTMENT OF STATE, March 8, 1808.

Having just learned that the present mail will arrive at New York in time for the British packet, I avail myself of the opportunity of forwarding your commission and letters of credence, as successor to Mr. Monroe, in the legation at London.

Since my last, which went by Mr. Nourse, in a despatch vessel, bound first to L'Orient, and then to Falmouth, I have received your communications of the 23d November, and of — December. These, with a representation from General Armstrong to the French Government on the subject of the decree of Berlin, as expounded and enforced in the case of the ship *Horizon*, were thought by the President to throw so much light on the course likely to be pursued by Great Britain and France in relation to the United States, that he had the documents confidentially laid before Congress.

Mr. Erskine has made a written communication on the subject of the British orders. I shall answer him as soon as the very urgent business on hand will permit.

Mr. Madison to Mr. Pinkney.

DEPARTMENT OF STATE, March 22, 1808.

My last bore date the 8th instant, and went by the British packet. It acknowledged your letter of November 23d, and — December. I have since received those referred to in the latter, and, also, that of January 26, which came to hand last evening.

I cannot enclose my answer to Mr. Erskine's communication of the British orders; the unceasing pressure of other matters, on a state of health still feeble, having thus far delayed it. You will anticipate the complexion which will

* These documents are annexed to those communicated the 23d May, 1808.

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necessarily be given to it by the character of measures, not only violating our rights, and stabbing our interests, but superadding, under the name of indulgences, a blow at our national independence, and a mockery of our understandings.

Extract—Mr. Madison to Mr. Pinkney.

DEPARTMENT OF STATE, April 4, 1808.

SIR: My last was of March 22, and went under the care of Mr. Rose. I now forward printed copies of the correspondence with him on the subject of his mission, and of the antedated documents, relating to the case of the Chesapeake. As soon as the voluminous residue of the communications made to Congress issues from the press, it shall also be forwarded. You will find that they include certain documents relating to France, which were thought proper for the knowledge of Congress at the present crisis.

To those communications I add copies of Mr. Erskine's letter to me on the subject of the British decrees of November last, and of my answer. And that you may have a view of the ground which has been taken with respect to the French decree of November, 1806, and to the judicial exposition in the case of the *Horizon*, giving to it an illegal operation against the United States, I enclose copies of two letters to General Armstrong on those subjects.

The President made to Congress, a few days ago, other communications relating to the present crisis with Great Britain and France, among which were Mr. Erskine's letter, now enclosed, and a letter from Mr. Champagny to General Armstrong, explaining the course meditated by the French Government with respect to the commerce of the United States. These being excepted from the confidential character attached to the others, have been published, and will be found among the printed enclosures. Your letter of February 26 was enclosed in the communication to Congress, but not in the exception.

The conduct of the two great contending nations towards this country, as it will now appear to it, and to the world, fully displays their mutual efforts to draw the United States into a war with their adversary. The efforts on both sides are too little disguised to be worthy the discernment of either, and are addressed, moreover, to motives which prove great ignorance of the character of the United States, and, indeed, of human nature.

From the posture in which Mr. Rose's final reply to the compromise proposed to him placed the question of adjustment in the case of the Chesapeake, it remains with the British Government to resume it, if adjustment be their object. Whether a tender of reparation will be made here, or to you, will also lie on that side. It will certainly be most becoming that Government, under all circumstances, to make the reparation here; and this course might, of right, be insisted on by this Government. The President, nevertheless, in the liberal spirit which always governs him, authorizes you to accept the reparation, provided it be tendered spontaneously, be charged

with no condition, unless it be that, on the receipt of the act of reparation here, the proclamation of July 2d shall be revoked; and provided the reparation shall add to the disavowal of the attack on the Chesapeake an express engagement that the seamen retained shall be immediately restored, and that the guilty officer experience an exemplary punishment. The reparation will be the more satisfactory, and not exceed a just expectation, if the restoration of the seamen be made to the very ship from which they were wrested, and if provision be made for the wounded survivors, and for the families of those who lost their lives by the attack.

I must repeat, however, that it is considered entirely proper that the reparation should be offered here, rather than in London; and it is only in the event of a decided repugnance in the British Government to make it through a functionary here, that you are to accept it there.

The answer to Mr. Erskine's letter on the British orders will furnish the grounds to be taken in your communications with his Government on that subject. If the Cabinet can be brought to view the orders in their true light, a revocation of the whole of them cannot fail to take place, unless they mean to violate every maxim of justice, or are fixed in hostile purposes against the United States. In not regarding the orders, indeed, as acts of hostility, and in trusting for redress to the motives and the means to which they have appealed, the United States have given the most signal proof of their love of peace, and of their desire to avoid an interruption of it with the British nation.

Still, it is to be understood, that whilst the insult-offered in the attack on the American frigate remains unexpiated, you are not to pledge, or commit your Government to consider a recall of the orders as a ground on which a removal of the existing restrictions on the commerce of the United States with Great Britain may be justly expected.

The two letters to General Armstrong of 22d May, 1807, and February 8, 1808, are proofs of the sincerity and impartiality with which the President has proceeded in relation to the belligerent parties, and may, perhaps, assist you in repressing unjust suspicions imbibed by the British Cabinet. It would be happy for all parties, the belligerent as well as the United States, if truth could, in this case, be made to prevail, and if the retaliating rivalry of the former against the latter could be converted into an emulation, as politic as it would be magnanimous in both, to take the lead in a fair, lawful, and conciliatory course towards a nation which has done no wrong to either. Should the experiment be made on either side, it would probably be followed on the other, and it could never happen that the side first doing justice would suffer on that account.

In the present state of our relations to Great Britain, it would be premature to mark out the course to be pursued with respect to further negotiations on other topics than those above noticed. You are authorized, however, to continue your

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interpositions in behalf of our impressed or detained seamen; and, in the event of a repeal of the British orders, and of satisfactory pledges for repairing the aggression on the Chesapeake, to enter into informal arrangements for abolishing impressments altogether, and mutually discontinuing to receive the seamen of each other into either military or merchant service, conformably to the instructions on this point transmitted by Mr. Purviance.

You will find, by a passage in Mr. Rose's reply of March 17, that the British Government does not maintain the principle that the obligation of the United States extends beyond the discharge of deserters from their public service; and, by an order of the Navy Department here, already carried into execution, of which a copy is enclosed, that it has lately been decided that no foreign seamen, whether deserters or not, shall serve on board our ships of war. The principles respectively manifested by these documents ought to facilitate such an adjustment as is contended for by the United States.

Mr. Madison to Mr. Pinkney.

DEPARTMENT OF STATE, April 30, 1808.

My last was of the 4th instant, and went by a British packet from New York. I now forward a copy of it. Congress ended their session on the night of the 25th instant. The series of newspapers herewith sent affords a view of their proceedings subsequent to the communications last made to you. Some other points are included, which throw light on the workings of public opinion and the state of public affairs.

You will find that the critical posture of our foreign relations has produced provisions of different kinds for our greater security, and particularly that no pains have been spared to stop every leak by which the effect of the embargo laws might be diminished. I refer you also to the report made to the Senate, by a committee on the documents relating to the affair of the Chesapeake, and on the letters of Mr. Champagny and Mr. Erskine; and indicating the spirit which may be expected to influence the future policy of this country, if kept under the excitement resulting from the system now pursued against it.

You will observe, at the same time, that whilst a determination is sufficiently evinced against a dishonorable acquiescence in the despotic edicts enforced on the high seas, the United States are ready to resume their export trade, as soon as the aggressions on it shall cease; and that, in a hope that this might happen during the recess of Congress, the President is authorized, in such an event, to suspend, in whole or in part, the several embargo laws.

The conditions on which the authority is to be exercised appeal equally to the justice and policy of the two great belligerent Powers, which are now emulating each other in a violation of both. (The President counts on your endeavors to give to this appeal all the effect possible with the British Government. General Armstrong will be

doing the same with that of France. The relation in which a revocation of its unjust decrees by either will place the United States to the other is obvious, and ought to be a motive to the measure, proportioned to the desire which has been manifested by each to produce collision between the United States and its adversary, and which must be equally felt by each to avoid one with itself.

Should the French Government revoke so much of its decrees as violate our neutral rights, or give explanations and assurances having the like effect, and entitling it, therefore, to a removal of the embargo as it applies to France, it will be impossible to view a perseverance of Great Britain in her retaliating orders in any other light than that of war, without even the pretext now assumed by her.

In order to entitle the British Government to a discontinuance of the embargo, as it applies to Great Britain, it is evident that all its decrees, as well those of January, 1807, as of November, 1807, ought to be rescinded, as they apply to the United States, and this is the rather to be looked for from the present Administration, as it has so strenuously contended that the decrees of both dates were founded on the same principles and directed to the same object.

Should the British Government take this course, you may authorize an expectation that the President will, within a reasonable time, give effect to the authority vested in him on the subject of the embargo laws. Should the orders be rescinded in part only, it must be left to his free judgment to decide on the case. In either event, you will lose no time in transmitting the information to this Department, and to General Armstrong, and, particularly, in the event of such a course being taken by the British Government as will render a suspension of the embargo certain or probable, it will be proper for you to make the communication, by a courier, to General Armstrong, to whom a correspondent instruction will be given; and, to provide a special conveyance for it hither, unless British arrangements shall present an opportunity equally certain and expeditious.

Extract—Mr. Pinkney to Mr. Madison.

LONDON, May 9, 1808.

I had a conversation with Mr. Canning on Friday last, in consequence of the arrival of the Osage.

As it was obviously expected that I should seek an interview with him, I went to Downing street on the 5th with that object. He had been indisposed, and was not at his office; but, in answer to a note which I sent him in the evening, he asked to see me next day at his house in Bruton street.

The Osage had for some time been looked for with considerable anxiety, and the Government had apparently anticipated a communication (and perhaps a proposal) of some importance from me, as soon as my despatches should be received. As I had, in fact, no communication to make, it seem-

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ed to be proper that I should render the disappointment of as little moment as possible, by the manner of announcing it, without, however, putting anything to hazard by an indiscreet manifestation of unnecessary solicitude.

The little which I supposed it requisite to say on this occasion appeared to be very well received; and, if any disagreeable impression was left on the mind of Mr. Canning, it certainly was not visible. A feeling of regret was perhaps perceptible, and a hope was intimated that the time was not far distant, when I should be enabled to do what at present was out of my power; but nothing occurred which could be construed into a symptom of impatience, jealousy, or dissatisfaction. There was, undoubtedly, no real ground for anything of the sort; but it was, notwithstanding, quite possible that the importance, which it had become a habit to attach to the arrival of the *Osage*, from circumstances principally accidental, might have produced a disposition to think otherwise.

I thought it advisable to make use of this opportunity (although the topic was, in many views, more delicate than it had been) to suggest the propriety of yielding, as the moment was sufficiently favorable to such a course, upon the subject of the late Orders in Council, of which I had seen nothing to change my original opinion. There was reason to apprehend, however, that it might be worse than useless to press the suggestion upon my own authority merely, while I could say nothing of the French decrees; and, accordingly, I forbore to do so.

An idea has evidently gone forth, since the *Osage* arrived, founded upon rumors of a doubtful description, that our relations with France have grown to be extremely precarious, and that we are consequently about to come to an understanding of a very friendly kind with Great Britain. It is not improbable that the Government has, in some degree at least, adopted this idea.

I have the honor to enclose the copy of a notification, recently received from Mr. Canning, of the blockade of Copenhagen and of the other ports of the island of Zealand, which I have caused to be communicated in the usual manner to our Consuls and citizens.

There being no particular inducement for detaining the *Osage*, Lieutenant Lewis, who will be charged with my letters, will leave town the day after to-morrow; and the ship will sail as soon after he reaches Falmouth as possible.

[Referred to in Mr. Pinkney's despatch, May 8, 1808.]

Mr. Canning to Mr. Pinkney.

FOREIGN OFFICE, May 4, 1808.

The undersigned, His Majesty's principal Secretary of State for Foreign Affairs, has received His Majesty's command to acquaint Mr. Pinkney, that His Majesty has judged it expedient to establish the most rigorous blockade of the port of Copenhagen, and all the other ports in the island of Zealand. Mr. Pinkney is therefore requested to apprise the American Consuls and merchants

residing in England, that the entrances of all the ports above mentioned are and must be considered as being in a state of blockade, and that from this time all the measures authorized by the law of nations, and the respective treaties between His Majesty and the different neutral Powers, will be adopted and executed with respect to all vessels attempting to violate the said blockade after this notice.

The undersigned requests Mr. Pinkney to accept the assurances of his high consideration.

GEORGE CANNING.

Extract—Mr. Pinkney to the Secretary of State.

LONDON, June 5, 1808.

I have the honor to acknowledge the receipt of your letter of the 4th of April, by Mr. Bethune, together with the printed and other copies of papers mentioned in it.

I am to have an interview with Mr. Canning in a few days, (which he will agree to consider extra official,) in the course of which I intend to press, by every argument in my power, the propriety of their abandoning immediately their Orders in Council, and of proposing in America (the only becoming course, as you very properly suggest,) reparation for the outrage on the Chesapeake. I shall for obvious reasons do this, informally, as my own act.

Your unanswered reply to Mr. Erskine's letter of the 23d February has left nothing to be urged against the Orders in Council upon the score of right; and there may be room to hope that the effect, which that reply can hardly have failed to produce upon Ministers, as well by its tone as by its reasoning, will, if followed up, become, under actual circumstances, decisive. The discussion, which Mr. Rose's preliminary in the affair of the Chesapeake has undergone, gives encouragement to an expectation that this Government will not now be backward to relinquish it, and to renew their overture of satisfaction in a way more consistent with reason, and more likely to produce a just and honorable result.

You may be assured that I will not commit our Government by anything I shall do or say, and that, if I cannot make things better than they are, I will not make them worse.

My view of the course which our honor and our interests have required, and still require, is, as you know, in precise conformity with that of the President; but if it were otherwise, I should make his view, and not my own, the rule of my conduct.

Extract—Mr. Madison to Mr. Pinkney.

LONDON, June 29, 1808.

I had a long interview this morning with Mr. Canning, which has given me hopes that the object mentioned in your letter of the 30th of April, (a duplicate by the packet, for the *St. Michael* has not yet arrived,) may be accomplished, if I should authorize the expectation which the same letter suggests. Some days must elapse, however,

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before I can speak with anything like certainty on this subject. The *St. Michael* will probably have arrived before that time, and will furnish me with an opportunity of giving you not only the result but the details of what has passed and may yet occur. I beg you, in the mean time, to be assured that the most effectual care shall be taken to put nothing to hazard, and to avoid an improper commitment of our Government.

I was questioned on the affair of the *Chesapeake*. There seems to be a disposition here to consider the *amende honorable* as already made, and, in a great degree, at least, by Mr. Rose's mission; but I am strongly inclined to think that it will not be at all difficult to induce them to renew their overture in the same manner, on terms more conformable with the view which you very justly take of this interesting subject. I was told (it was not said officially) that the persons taken out of the *Chesapeake* would be readily restored. The punishment of the officer (otherwise than by his recall, which has been done) will, perhaps, form the greatest embarrassment; but I will endeavor to ascertain, informally, what will be done on that and every other part of the case. My sole object will be, of course, to lead them, as occasion offers, (as far as in my power,) to do what they ought, in the way most for our honor. I can the more properly do this now, as Mr. Canning has himself proposed the subject to me, as intimated above.

Extract—Mr. Madison to Mr. Pinkney.

DEPARTMENT OF STATE, July 18, 1808.

SIR: Your communications by Lieutenant Lewis were safely delivered on the evening of the 8th instant. As it had been calculated that the interval between the return of Mr. Rose, and the departure of Lieutenant Lewis, would give sufficient time to the British Government to decide on the course required by the posture in which the affair of the *Chesapeake* was left, its silence to you on that subject could not fail to excite the particular attention of the President: and the appearance is rendered the more unfavorable, by the like silence, as we learn from Mr. Erskine, of the despatches brought to him by the packet which left England, and arrived at New York, at nearly the same time with the *Osage*. I have intimated to Mr. Erskine the impressions made by this reserve, without, however, concealing our hope that the delay does not imply a final purpose of withholding reparation, and that the next communications from London will be of a different import. They must at least ascertain the real views of the British Government on this interesting subject.

There was certainly no just ground for Mr. Canning to expect any particular communications from you on the arrival of the *Osage*, unless they should have grown out of such accounts from France as would second our demands of justice from Great Britain, particularly the revocation of her Orders in Council; and in imparting to him what you did in that quarter, every proof

of candor was given which the occasion admitted. If Mr. Canning was disappointed because he did not receive fresh complaints against the Orders in Council, he ought to have recollected that you had sufficiently dwelt on their offensive features in the first instance; and that, as he had chosen to make the formal communication of them to this Government through another channel, it was through that channel rather than through you that answers to it would be most regularly given.

The communications and instructions forwarded by Mr. Purviance, who was a passenger in the *St. Michael*, will enable you to bring the British Government to a fair issue on the subject of its orders. If it has nothing more in view than it is willing to avow, it cannot refuse to concur in an arrangement rescinding on her part the Orders in Council, and on ours the embargo. If France should concur in a like arrangement, the state of things will be restored which is the alleged object of the orders. If France does not concur, the orders will be better enforced by the continuance of the embargo against her than they are by the British fleets and cruisers; and, in the mean time, all the benefits of our trade will be thrown into the lap of Great Britain. It will be difficult, therefore, to conceive any motive in Great Britain to reject the offer which you will have made, other than the hope of inducing, on the part of France, a perseverance in her irritating policy toward the United States, and on the part of the latter hostile resentments against it.

If the British Government should have elected the more wise and more worthy course of meeting the overture of the President in the spirit which dictated it, it is to be hoped that measures will have been taken in concert with you, and through its Minister here, for hastening as much as possible the renewal of the intercourse which the orders and the embargo have suspended; and thereby smoothing the way for other salutary adjustments.

It appears that the British Government, not satisfied with the general blockade by her orders of November 11, has superadded a particular blockade, or rather a diplomatic notification of an intended one, of Copenhagen, and the other ports in the island of Zealand; that is to say, a strict and legal blockade of the whole island. The island cannot be much less than two hundred miles in its outline, and is described as abounding in inlets. It is not probable, therefore, if it be possible, that a blockade, within the true definition, should be carried into effect. And as all defective blockades, whether so in the disproportion of force to the object, or in the mode of notification, will authorize fair claims of indemnification, it is the more necessary that guarded answers should be given in such cases as heretofore suggested.

Since the British order of — evidently inviting our citizens to violate the laws of our country, by patronizing on the high seas their vessels destitute of registers and other necessary papers, and therefore necessarily smugglers if not pirates,

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the circular letter of Mr. Huskisson has made its appearance, in which the United States are named as alone within the purview of the order. A more extraordinary experiment is, perhaps, not to be found in the annals of modern transactions. It is levelled, moreover, against a nation towards which friendship is professed, as well as against a law the justice and validity of which is not contested; and it sets the odious example, in the face of the world, directly in opposition to all the principles which the British Government has been proclaiming to it. What becomes of the charge against the United States for receiving British subjects who leave their own country, contrary to their allegiance? What would be the charge against them if they were, by proclamation, to invite British subjects, those too expressly and particularly prohibited from leaving their country, to elude the prohibition; or to tempt, by interested inducements, a smuggling violation or evasion of laws, on which Great Britain founds so material a part of her national policy? In the midst of so many more important topics of dissatisfaction, this may not be worth a formal representation. But it will not be amiss to let that Government understand the light in which the proceeding is regarded by this. I have already touched on it to Mr. Erskine, with an intimation that I should not omit in it my observations to you.

The French decree, said to have been issued at Bayonne, has not yet reached this country. Such a decree, at such a time, has a serious aspect on the relations of the two countries, and will form a heavy item in our demands of redress. It is much to be regretted, at the same time, that any of our vessels, by neglecting to return home, and conforming to the arbitrary regulations of one belligerent, should expose themselves to the arbitrary proceedings of another. So strong and general an indignation seems particularly to prevail here against the Americans in Europe, who are trading under British licenses, and thereby sacrificing, as far as they can, the independence of their country, as well as frustrating the laws which were intended to guard American vessels and mariners from the dangers incident to foreign commerce, that their continuance in that career ought to be frowned upon, and their return home promoted in every proper manner. It appears, by information from our Consul at Tangier, that great numbers of our vessels are engaged in a trade between Great Britain and Spanish ports, under licenses from the former, and that the experiment proves as unsuccessful as it is dishonorable; the greater part of them being either arrested in port, or by French and Spanish cruisers.

Extract—Mr. Pinkney to Mr. Madison.

LONDON, August 4, 1808.

The *St. Michael* arrived at Falmouth, on Thursday the 14th of last month, after a passage of eight days from L'Orient. Captain Kenyon delivered me on Wednesday the 20th, (upon my

arrival in town from Brighton, where I had been for a short time on account of my health,) your letters of the 30th April, and your private letter of the 1st of May, together with newspapers, printed copies of the embargo act, and its supplements, and of papers laid before Congress at their last session. Mr. Hall brought me a letter from General Armstrong of the 26th of June. (of which I send an extract,) and Mr. Upson brought me a private letter from him, with the following postscript of the 1st of July: "An order has been received from Bayonne to condemn eight other of our ships."

On Friday, the 22d of July, I had an interview with Mr. Canning, and renewed my efforts to obtain a revocation of the British orders of January and November, 1807, and of the other orders dependent upon them. I have already informed you, in my private letter of the 29th of June, that, on the morning of its date, I had a long conversation with Mr. Canning, which had rendered it somewhat probable that the object mentioned in your letter of the 30th of April, (of which I had received a duplicate by the packet,) would be accomplished, if I should authorize the expectation which that letter suggests, but that some days must elapse before I could speak with any thing like certainty on the subject; and I have mentioned in another private letter (of the 10th of July) that it was understood between Mr. Canning and myself that another interview should take place soon after the prorogation of Parliament. In effect, however, Mr. Canning was not prepared to see me again, until the 22d of July, after I had been recalled to London by the arrival of the *St. Michael*, and had, in consequence, reminded him of our arrangement by a private note.

In the interview of the 29th of June, I soon found it necessary to throw out an intimation that the power vested in the President by Congress, to suspend the embargo act and its supplements, would be exercised, as regarded Great Britain, if their orders were repealed as regarded the United States. To have urged the revocation upon the mere ground of strict policy, or of general right, and there to have left the subject, when I was authorized to have placed it upon grounds infinitely stronger, would have been, as it appeared to me, to stop short of my duty. Your letters to Mr. Erskine (which Mr. Canning has read and considered) had exhausted the first of these grounds; and endless discussions here, in every variety of form, in and out of Parliament, had exhausted the second. There was, besides, no objection of any force to my availing myself, without delay, of the powerful inducements which the intimation in question was likely to furnish to Great Britain to abandon her late system; and it seemed to be certain that, by delaying to present these inducements to Mr. Canning's consideration, I should not only lose much time, but finally give to my conduct a disingenuous air, which, while it must be foreign to the views and sentiments of the President, could hardly fail to make a very unfavorable impres-

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sion upon the minds of Mr. Canning and his colleagues. I thought, moreover, that if I should reserve the suggestion for a late stage of our discussions, it would be made to wear the appearance of a concession reluctantly extorted, rather than of, what it was, the spontaneous result of the characteristic frankness and honorable policy of our Government.

The intimation once made, a complete development of its natural consequences, if properly acted upon, followed of course; and, taking advantage of the latitude afforded by the informal nature of a mere conversation, I endeavored to make that development as strong an appeal as, consistently with truth and honor, I could (and there was no necessity to do more) to the justice and the prudence of this Government.

It was not possible, however, that Mr. Canning could require to be assisted by my explanations. It was plain, upon their own principles, that they could not equitably persevere in their Orders in Council, upon the foundation of an imputed acquiescence, on our part, in French invasions of our neutral rights, when it was become (if it was not always) apparent that this imputation was completely and in all respects an error; when it was manifest that these orders, by letting loose upon our rights a more destructive and offensive persecution than it was in the power of France to maintain, interposed between us and France, furnished answers to our remonstrances against her decrees and pretexts for those decrees, and stood in the way of that very resistance which Great Britain affected to inculcate, as a duty, at the moment when she was taking the most effectual measures to embarrass and confound it; and when it was also manifest that a revocation of those orders would, if not attended or followed by a revocation of the decrees of France, place us at issue with that Power, and result in a precise opposition, by the United States, to such parts of the anti-commercial edicts as it became us to repel.

In a prudential view, my explanations seemed still less to be required. Nothing could be more clear than that, if Great Britain revoked her orders, and entitled herself to a suspension of the embargo, her object, (if it were anything short of the establishment and practical support of an exclusive dominion over the seas) must, in some mode or other, be accomplished, whether France followed her example or not. In the first case, the avowed purpose of the British orders would be fulfilled, and commerce would resume its accustomed prosperity and expansion. In the last, the just resistance of the United States (more efficacious than that of the British orders) to French irregularities and aggressions, would be left to its fair operation, (and it was impossible to mistake the consequences,) while the commercial intercourse between the United States and Great Britain, being revived, would open the way for a return to good understanding, and, in the end, for an adjustment of all their differences.

On the 29th of July I met Mr. Canning again, and was soon apprized that our discussions, if continued at all, must take a new form.

These, and many other reflections of a similar tendency, which I forbear to repeat, could not have escaped the penetration of Mr. Canning, if they had not been suggested to him in considerable detail. But whatever might be their influence upon his mind, he certainly did not pronounce any opinion; and what he said consisted principally of inquiries, with a view to a more accurate comprehension of my purpose. He asked if I thought of taking a more formal course than I was now pursuing; but immediately remarked that he presumed I did not, for that the course I had adopted was undoubtedly well suited to the occasion. I told him that I was so entirely persuaded that the freedom of conversation was so much better adapted to the nature of our subject, and so much more likely to conduct us to a beneficial result, than the constraint and formality of written communication, which usually grew into protracted discussion, and always produced embarrassment when there was anything of delicacy in the topics, that I had not intended to present any note.

This interview (in the progress of which other points were incidentally touched upon) did not authorize any very confident opinion that Mr. Canning approved of what had been suggested to him; and still less could it warrant any anticipation of the final opinion of his Government. But the manner in which my communication was received, and the readiness shown by Mr. Canning to proceed in the mode which was peculiarly favorable to my object, connected with the reasonableness of the object itself, induced me to think it rather probable that the issue would be satisfactory.

The interview of the 22d of July was far from producing anything of an unpromising complexion. I urged again much of what had been said at the last conference, and suggested such further considerations as had since occurred to me in support of my demand. Mr. Canning was still much more reserved than I had hoped to find him, after so much time had been taken for deliberation; but, from all that passed, I was more than ever inclined to believe that the orders would be relinquished. He seemed now to be extremely desirous of ascertaining whether I was authorized and disposed, with a view to a final arrangement, to present what I had suggested, as to the suspension of the embargo, in a more precise shape. I told him, after some conversation upon this point, that, although I would prefer that course which was the least formal, yet, if everything should be first matured, I might be able to combine, with a written demand that their orders should be repealed, such an assurance as I had already mentioned, that the embargo would be suspended; but that I would consider of this with reference to the manner and terms. He then observed, that I would perhaps allow him a little time to reflect whether he would put me to the necessity of presenting such a paper; and, upon my assenting to this, he said that he would give me another appointment towards the end of the following week. As I was on the point of leav-

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ing him, he asked me if I would endeavor to prepare, before the next interview, such a note as we had talked of; but he had scarcely made this proposal before he added, "but you will, doubtless, desire first to know what are our ideas and intentions upon the whole subject."

On the 29th of July I met Mr. Canning again, and was soon apprized that our discussions, if continued, must take a new form. He began by inquiring if I had received any intelligence of a late affair on the Lakes, which had caused great alarm and anxiety among the British traders, and of which an account had just been put into his hands. He then read, very rapidly, from a letter, apparently written in Canada, a complaint of an attack upon some British boats, in violation of the third article of the Treaty of 1794, and observed that this was the more to be regretted, as it followed some recent misunderstandings in the Bay of Passamaquoddy. I told him that I had no intelligence, official or private, of these transactions, which he would perceive took place upon our borders, at a great distance from the seat of Government, and that of course I could only express my conviction that the Government of the United States would disavow whatever was improper in the conduct of its agents, and would in other respects act as good faith and honor required.

This matter being disposed of, Mr. Canning said that he had thought long and anxiously upon what I had suggested to him at our late conferences; that the subject had at first struck him as much more simple and free from difficulty than upon careful examination it was found to be; that, in the actual state of the world, it behooved both him and me to move in this affair with every possible degree of circumspection, an intimation which he did not explain; that, without some explicit proposal on my part, in writing, upon which the British Government could deliberate and act, nothing could be done; and, finally, that he must leave me to consult my own discretion whether I would make such a proposal.

I answered that, with such a previous understanding between us as I had counted upon, I should feel no objection to take occasion to say, in an official note requiring the revocation of their Orders in Council, that the orders being rescinded as to us, it was the intention of the President to suspend the embargo as to Great Britain; but that I expected to be told, before my note was presented, what would be the reply to it, and what its consequences in every direction; and that I could not conjecture, if it was really meant to acquiesce in my demand, (the exact nature of it being, in point of fact, understood by this Government just as well as if it had been made in writing,) or if more time than had already been afforded was required for deliberation, why it was necessary that I should, in the last case, take the step in question at all, or, in the first case, without being frankly apprized of the effect it would produce.

Mr. Canning replied that my wish in this par-

ticular could not be acceded to; that, if I presented a note, they must be left at perfect liberty to decide upon what it proposed; that he could not give me even an intimation of the probable consequences of it; and, in a word, that he would neither invite nor discourage such a proceeding. He observed, too, that there were some points belonging to the subject which it was necessary to discuss in writing; that my suggestions implied that the embargo was produced by the British Orders in Council; that this could not be admitted; and that there were other questions incident to these two measures, with the examination of which it was proper to begin upon an occasion like the present. I remarked, in answer, that, with an actual result in view, and with a wish to arrive at that result without delay, nothing could be worse imagined than to entangle ourselves in a written correspondence, undefined as to its scope and duration, upon topics on which we were not likely to agree; that if I were compelled to frame my note, with a knowledge that it was to provoke argument, instead of leading at this momentous crisis to a salutary change in the state of the world, he must be conscious that I, too, must argue, and that I could not justify it to my Government to abstain from a complete assertion of all its pretensions, and a full exposure of the true character of those acts of which it complained as illegal and unjust. And where would this end? To what wholesome consequence could it lead?

My remarks having no effect, I made a further slight attempt to ascertain the reception which my note would meet with, if I should determine to present one. This attempt failed; but I believed it to be apparent that, if any other consequence than mere discussion should follow the receipt of my note, it would be at a great distance.

At the close of the conference I observed, that, as the footing upon which this interview had placed this subject made delay of no importance, I should take time to prepare such further proceeding as might appear to me to be required by the occasion.

I ought to mention that I give you in this letter the substance only of the conversation which it states, and that there was nothing in any degree unfriendly in the language or manner of Mr. Canning. I need not say that I thought it my duty to adopt the same tone and manner.

My desire to send a duplicate of this hasty letter by the packet induces me to defer, until another opportunity, all reflections upon the turn which this affair has taken.

As there is now no occasion for detaining the *St. Michael*, she will be dispatched immediately for *L'Orient*.

[Referred to and enclosed in Mr. Pinkney's letter of August 4.]

Extract—General Armstrong to Mr. Pinkney.

PARIS, June 26, 1808.

The *St. Michael* arrived at *L'Orient* on the 1st instant, and the Government messenger at

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Paris on the 8th. A passport for the vessel to Falmouth, and thence to L'Orient again, was immediately requested, but one in this form could only be granted by order of the Emperor, and this was not given until the 18th. These circumstances will account for the long detention of your despatches. We have reason to regret that the views of our Government, founded on the justice and wisdom of the belligerent Powers, are so little likely to succeed. Attempts of this character made here (and they have not been unfrequent) have hitherto done no good; nay, the repetition of these may be fairly presumed to have done mischief, inasmuch as it has tended to establish a creed, that words, in some form or other, are the only means we have to employ. The French Council of Prizes, which is, I am told, as like the English Court of Admiralty as one egg is like another, has lately begun its career of condemnation. Between the 1st and 15th instant, five cases have been decided, and I am assured that orders have been received from Bayonne for condemning all American cases "*en bloc*." What has suspended the axe since the 15th, we can but conjecture. It may be presumed that the reflections of the Spanish junta on the political and other relations subsisting between Spain and the United States, through the medium of the colonies, may have produced this pause. That it is not owing to any conquest which good principles have obtained over bad ones, is certain. Are things any better on your side the channel? &c.

Mr. Pinkney to Mr. Madison.

LONDON, September 6, 1808.

I have an opportunity of writing by Mr. Bethune, who leaves town to-morrow for Falmouth, to embark for the United States in the British packet, and I cannot omit to take advantage of it, although I have still nothing conclusive to communicate.

The Hope arrived off Falmouth and landed Mr. Atwater on the 16th of last month, and immediately proceeded on her voyage to Havre, with a fair wind. Mr. Atwater arrived in London on the 20th, in the evening, and delivered your letter of the 18th of July.

My public letter of the 4th of August will have apprized you of the footing on which my different interviews with Mr. Canning left the subject of the British Orders in Council, and my private letter of the 2d of that month will have made you acquainted with my intention to present, in an official note, what I had ineffectually suggested in conference.

To such a course there could not, even in the first instance, have been any other objection than that it was calculated to lead to discussion rather than to adjustment; but whatever might be its tendency, it is certain that I could have no inducement to resort to it, until it was indicated by Mr. Canning as indispensable, nor any motive to decline it afterwards.

At our last interview, and not before, it was

unexpectedly found that it was in that mode only that I could obtain a knowledge of the light in which this Government thought fit to view the overture I had been directed to make to it, and I determined, in consequence, to lay before it, in writing, the intention of the President, with the same frankness which had characterized my verbal communications.

I have now the honor to transmit a copy of the note, which, in conformity with that determination, I delivered in person to Mr. Canning, on the 26th of last month, a few days after its date. To this note no answer has yet been returned, but it is to be presumed that it will not be much longer withheld.

You will perceive that some time had elapsed after I had sent off my despatches by the St. Michael (the 8th of August) before my note was presented. The truth is, that I had employed a part of that time in framing a note of great length, which, when nearly completed, I thought it prudent to abandon, in favor of one that held out fewer invitations to unprofitable discussions, which, although I would not shun them if pressed upon me, I did not suppose it proper that I should seek.

I believed, too, that a little delay on my part would be far from being disadvantageous. There would still be sufficient time for obtaining a final answer to my proposal, in season for the meeting of Congress; and as the temper of this Government, so far as it had been tried, had not appeared to be favorable to my purpose, I believed that I should act in the spirit of my instructions, and consult the honor of my Government, by avoiding, under such circumstances, the appearance of urgency and precipitation.

Upon the terms or general plan of my note it is not, I hope, necessary to remark. You will discover that it was prepared under a persuasion that, whatever might be its effect, it was infinitely better to make it as conciliatory as, without a sacrifice of principle or national dignity, was possible.

The topics to be embraced by it were such as did not demand, but rather forbade, minute expositions. While it was difficult to urge, in their full force, without seeming to aim at exciting a disposition unfriendly to the object of my instructions, all the considerations which justified the United States in remonstrating against the British orders, it was yet more difficult, without a degree of harshness scarcely suited to the occasion, and without also the hazard of indiscretion, to display in detail the signal injustice and impolicy of persevering in them, after what I had proposed. This could be done, and had been done, in conversation; but it did not, upon trial, appear to be equally practicable in the more formal and measured proceedings which I was now called upon to adopt.

I considered, besides, that an overture so highly advantageous to Great Britain, which the United States were not bound to make by any obligations of equity, although it was wise to make it, did not require, with any view to the

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character of my country, or even to the success of the overture itself, to be again recommended by an anxious repetition of arguments already fully understood.

As soon as my note was prepared, I called at the Foreign Office to arrange an interview with Mr. Canning, for the purpose of enabling me to accompany the delivery of it with a communication which I deemed important, as well as of affording him an opportunity of asking and receiving such explanations as he might desire. The interview took place on the 28th of August.

It had occurred to me that it would be proper (and could not be injurious) to read to Mr. Canning, from your letter to me of the 18th of July, a brief summary of the instructions under which I was acting. This had not been requested, but it could not be unacceptable, and it was, besides, well calculated to do justice to the liberal sentiments by which my instructions had been dictated, as well as to give weight to my efforts in the execution of them.

I was led, by the reading of these passages, (without having originally intended it,) into a more extensive explanation than I had before attempted of the influence which the proposal of my Government would have, in truth, as well as in the judgment of the world, upon the supposed justice of their new system, as it affected the United States. To that explanation, with the particulars of which I will not, and indeed, for want of time, cannot, at present trouble you, I added a concise recapitulation of some of the prudential considerations which had been so often pressed before, and there I left the subject.

I am, &c.,

WM. PINKNEY.

[Enclosed in the preceding despatch.]

Mr. Pinkney to Mr. Canning.

GREAT CUMBERLAND PLACE,
August 23, 1808.

SIR: I have had the honor, in consequence of the orders of the President, to recall your attention, in the course of several recent interviews, to the British Orders in Council of the 7th of January, and 11th of November, 1807, and to the various other orders founded upon or in execution of them, and I now take the liberty to renew, in the mode which I have understood to be indispensable, my instances on that subject.

I need scarcely remind you, sir, that the Government of the United States has never ceased to consider these orders as violating its rights, and affecting most destructively its interests, upon grounds wholly inadmissible, both in principle and fact.

The letters of Mr. Madison to Mr. Erskine, of the 20th and 29th of March, 1807, produced by the official communication of that Minister of the order of the 7th of January, and the answer of Mr. Madison of the 25th of March, 1808, to a like communication of the orders of the 11th of November, contained the most direct remonstrances against the system which these orders introduce and execute, and expressed the confident

expectation of the President that it would not be persisted in.

That expectation has not yet been fulfilled, but it has, notwithstanding, not been relinquished. The President is still persuaded that its accomplishment will result from a careful review by His Majesty's Government, made in the spirit of moderation and equity, of the facts and considerations which belong to the occasion.

It is not my purpose to recapitulate in this note the statements and reasonings contained in the above-mentioned letters of Mr. Madison in support of the claims of the Government of the United States, that the British orders be revoked. I content myself with referring to those letters for proofs, which it is not necessary to repeat, and for arguments which I could not hope to improve.

But there are explanations which those letters do not contain, and which it is proper for me now to make. Even these, however, may be very briefly given, since you have already been made acquainted, in our late conversations, with all their bearings and details.

These explanations go to show that, while every motive of justice conspires to produce a disposition to recall the orders of which my Government complains, it is become apparent that even their professed object will be best attained by their revocation.

I have the honor to state to you, sir, that it was the intention of the President, in case Great Britain repealed her orders as regarded the United States, to exercise the power vested in him by the act of the last session of Congress, entitled "An act to authorize the President of the United States, under certain conditions, to suspend the operation of the act laying an embargo on all ships and vessels in the ports and harbors of the United States, and the several supplementary acts thereto," by suspending the embargo law and its supplements as regards Great Britain.

I am authorized to give you this assurance in the most formal manner; and I trust that, upon impartial inquiry, it will be found to leave no inducement to perseverance in the British orders, while it creates the most powerful inducements of equity and policy to abandon them.

On the score of justice, it does not seem possible to mistake the footing upon which this overture places the subject, and I venture to believe that in any other view there is as little room for doubt.

If, as I propose, your orders should be rescinded as to the United States, and our embargo rescinded as to Great Britain, the effect of these concurrent acts will be, that the commercial intercourse of the two countries will be immediately resumed; while, if France should adhere to maxims and conduct derogatory to the neutral rights of the United States, the embargo, continuing as to her, will take the place of your orders, and lead, with an efficacy not merely equal to theirs, but probably much greater, to all the consequences that ought to result from them.

On the other hand, if France should concur in respecting those rights, and commerce should

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thus regain its fair immunities, and the law of nations its just dominion, all the alleged purposes of the British orders will have been at once fulfilled.

If I forbear to pursue these ideas through all the illustrations of which they are susceptible, it is because the personal conferences to which I have before alluded, as well as the obvious nature of the ideas themselves, render it unnecessary.

I cannot conclude this note without expressing my sincere wish that what I have now suggested, in conformity with the liberal sentiments and enlightened views of the President, may contribute, not only to remove the more immediate obstacles to the ordinary intercourse of trade between your country and mine, in a manner consistent with the honor of both, but to prepare the way for a satisfactory adjustment of every question important to their future friendship.

I have the honor to be, &c.,

WILLIAM PINKNEY.

Right Hon. GEORGE CANNING, &c.

Extract—Mr. Pinkney to Mr. Madison.

LONDON, *September 21, 1808.*

DEAR SIR: The Hope arrived at Cowes, from France, on the 13th instant.

Not having heard from Mr. Canning, although he returned to London on the 16th, I called again yesterday at Downing street, and was assured that the answer to my note would be sent to-night, or early to-morrow morning. Mr. Atwater will of course be able to leave town on Friday, and embark on Saturday, with a copy of it.

I have been told, since the arrival of the last British packet, (but do not believe it,) that there is more probability than I had anticipated that the late events in Spain and Portugal (which ought not to be considered as deciding anything) will have an effect on public opinion in America against the continuance of the embargo, and favorable to all the purposes of Great Britain. If this were true, I should think that it was deeply to be lamented. I may misunderstand the subject, but I cannot persuade myself that anything that has happened on this side the Atlantic ought to induce us to retreat in any degree from our present system.

If we should resolve to trade with Spain and Portugal (Great Britain and France persisting in their orders and decrees) in any way to which Great Britain would not object, we must suspend the embargo as to those countries only, or as to those countries and Great Britain, or we must repeal it altogether.

The temptation to the first of these courses is, even in a commercial sense, inconsiderable; the objections to it endless. The object to be gained (if no more was gained than ought to be gained) would be trifling. There could, indeed, be no gain. An inadequate market, redundantly supplied, would be more injurious than no market at all. It would be a lure to destruction, and nothing more.

A suspension of the embargo so limited in its

nature as this would be, (supposing it to be in fact what it would be in form,) would have a most unequal and invidious operation in the different quarters of the Union, of which the various commodities would not, in the ports of Portugal and Spain, be in equal demand. A war with France would be inevitable, and such a war, so produced, from which we could not hope to derive either honor or advantage, would place us at the mercy of Great Britain, and, on that account, would in the end do more to cripple and humble us than any disaster that could otherwise befall us.

The actual state of Spain and Portugal, is, moreover, not to be relied upon. My first opinion on that subject remains; but even the most sanguine will admit that there is great room for doubt. The Emperor of France is evidently collecting a mighty force for the reduction of Spain, and Portugal must share its fate. And even if that force should be destined (as some suppose) first to contend with Austria, the speedy subjugation of Spain is not the less certain. If France should succeed, Spain and Portugal would again fall under the British orders of November, as well as under the operation of the French decrees. Our cargoes would scarcely have forced their way to the ocean in search of this boasted market before they would be once more in a state of prohibition; and we should, in the mean time, have incurred the scandal of suffering an improvident thirst of gain to seduce us from our principles into a dilemma presenting no alternative but loss, in all the senses of that word.

But it is not even certain what Great Britain would herself finally say to such a partial suspension of the embargo. She would doubtless, at first, approve of it; but her ultimate course, (especially if war between France and the United States were not the immediate consequence, or if the measure were eventually less beneficial to herself than might be supposed at the outset,) ought not to be trusted. That she would approve at first is hardly to be questioned; and the considerations upon which she would do so are precisely those which should dissuade us from it. Some of these are—the aid it would afford to her allies, as well as to her own troops co-operating with them, and its consequent tendency to destroy everything like system in our conduct; its tendency to embroil us with France; its tendency to induce us, by overstocking a limited market, to make our commodities of no value, to dissipate our capital, to ruin our merchants without benefiting our agriculture, to destroy our infant manufactures without benefiting our commerce; its tendency to habituate us to a trammelled trade, and to fit us for acquiescence in a maritime despotism. But there are other reasons. Our trade with Spain and Portugal, while it lasted, would be a circuitous trade, with Great Britain and her colonies, for their benefit; our productions would be carried in the first instance to Spain and Portugal, would be bought there for British account, and would find their way to the West Indies, or centre here, as British convenience might require;

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and thus, in effect, the embargo would be removed as to Britain, while it continued as to France, and we professed to continue it as to both. And if any profits should arise from this sordid traffic, they would become a fund to enable us to import into the United States, directly or indirectly, the manufactures of Great Britain, and thus relieve her in another way, while her orders would prevent us from receiving the commodities of her enemy. It would be far better openly to take off the embargo as to Great Britain, than, while affecting to continue it as to that Power, to do what must rescue her completely (and that, too, without advantage to ourselves) from the pressure of it, at the same time that it would promote her views against France in Portugal and Spain.

As to withdrawing the embargo from Great Britain as well as Spain and Portugal, while the British orders are unrepealed, the objections to that course are just as strong now as they were four months ago. The change in Spain and Portugal (if it were even likely to last) cannot touch the principle of the embargo as regards Great Britain, who reasserts her orders of November in the very explanations of the 4th of July, under which we must trade with those countries if we trade with them at all. If we include Great Britain in the suspension, and exclude France, we do now what we have declined to do before, for the sake of delusive commerce, which may perish before it can be enjoyed, and cannot, in any event, be enjoyed with credit, with advantage, or even with safety. We take part at once with Great Britain against France, at a time the least suited that could be imagined to such a determination; at a time when it might be said that we were emboldened by French reverses to do what before we could not resolve upon, or were tempted by the prospect of a scanty profit, exaggerated by our cupidity and impatience, to forget what was due to consistency, to character, to permanent prosperity. We sanction, too, the maritime pretensions which insult and injure us. We throw ourselves, bound hand and foot, upon the generosity of a Government that has hitherto refused us justice, and all this when the affair of the Chesapeake and a host of other wrongs are unredressed, and when Great Britain has just rejected an overture which she must have accepted with eagerness if her views were not such as it became us to suspect and guard against.

To repeal the embargo altogether would be preferable to either of the other courses, but would, notwithstanding, be so fatal to us, in all respects, that we should long feel the wound it would inflict, unless, indeed, some other expedient, as strong at least, and as efficacious in all its bearings, can (as I fear it cannot) be substituted in its place.

War would seem to be the unavoidable result of such a step. If our commerce should not flourish in consequence of this measure, nothing would be gained by it but dishonor; and how it could be carried on to any valuable purpose it would be difficult to show. If our commerce should flourish in spite of French and British edicts and the miserable state of the world, in

spite of war with France, if that should happen it would, I doubt not, be assailed in some other form. The spirit of monopoly has seized the people and Government of this country. We shall not, under any circumstances, be tolerated as rivals in navigation and trade. It is in vain to hope that Great Britain will voluntarily foster the naval means of the United States. Even as allies we should be subjects of jealousy. It would be endless to enumerate in detail the evils which would cling to us in this new career of vassalage and meanness, and tedious to pursue our backward course to the extinction of that very trade to which we had sacrificed everything else.

On the other hand, if we persevere, we must gain our purpose at last. By complying with the little policy of the moment, we shall be lost. By a great and systematic adherence to principle, we shall find the end of our difficulties.

The embargo, and the loss of our trade, are deeply felt here, and will be felt with more severity every day. The wheat harvest is likely to be alarmingly short, and the state of the Continent will augment the evil. The discontents among their manufacturers are only quieted for the moment by temporary causes. Cotton is rising, and will soon be scarce. Unfavorable events on the Continent will subdue the temper, unfriendly to wisdom and justice, which now prevails here. But, above all, the world will, I trust, be convinced that our firmness is not to be shaken. Our measures have not been without effect. They have not been decisive, because we have not been thought capable of persevering in self-denial, if that can be called *self-denial* which is no more than prudent abstinence from destruction and dishonor.

I ought to mention that I have been told by a most respectable American merchant here, that large quantities of such woollen cloths as are prohibited by our non-importation act have been and continue to be sent to Canada, with the view of being smuggled into the United States.

I need not tell you that I am not induced to trouble you with my hasty reflections because I think you stand in need of them. I give them merely because I believe that you are entitled to know the impressions which a public servant on this side of the water receives from a view of our situation.

P. S. September 24.—Mr. Canning's answer, received last night, confirms all my late anticipations. It is a little extraordinary that, if a written proposal was required from me with the idle motive mentioned in the accompanying paper, as such motive was suggested at the time, and ere that other motives were suggested. The fact probably is, that they wished to evade the overture, and hoped that it would not be formally made. Being made, it was difficult to dispose of it, and hence the delay.

Mr. Pinkney to Mr. Madison.

London, September 24, 1806.

SIR: I am now enabled to transmit to you a copy of Mr. Canning's answer, received daily last

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night, to my note of the 23d of August. This answer was accompanied by a letter, of which also a copy is enclosed, recapitulating what Mr. Canning supposes to be "the substance of what has passed between us at our several interviews, previous to the presentation of my official letter."

To the accompanying paper I think it indispensable that I should reply without delay, supporting with politeness, but with firmness, the statements which I have already had the honor to make to you of the conversations in question, and correcting some errors upon points which Mr. Canning has thought fit to introduce into his letter, but which I had not supposed it necessary to mention in detail in my despatches.

I shall not detain Mr. Atwater with a view to his reply, but will take care to forward a copy of it by an early conveyance. My official note, and my answer to it, being perfectly explicit, Mr. Canning's misapprehensions (for such they are) of previous verbal communications can scarcely be very important in a public view; but it is, nevertheless, of some consequence, that, whatever may be the object of his statement, I should not make myself a party to its inaccuracies by even tacit admission of them.

I do not perceive that a formal reply to the more official paper can now be of any advantage, but I shall probably take occasion to combine with my reply to the one paper some observations upon the other.

I regret extremely that the views which I have been instructed to lay before this Government have not been met by it as I had at first been led to expect. The overture cannot fail, however, to place in a strong light the just and liberal sentiments by which our Government is animated, and, in other respects, to be useful and honorable to our country.

I have the honor to be, &c.,

WILLIAM PINKNEY.

Enclosed in Mr. Pinkney's letter of September 24.]

Mr. Canning to Mr. Pinkney.

FOREIGN OFFICE, Sept. 23, 1808.

SIR: In laying before the King your letter of the 23d of August, and in communicating to you the enclosed answer which I have received His Majesty's commands to return to it, I confess that I feel some little embarrassment from the repeated references which your letter contains to what has passed between us in conversation—an embarrassment arising, in no degree, as you are perfectly aware, from any feeling of distrust in you, personally, but from a recollection of the misrepresentation, which took place in America, of former conferences between us. You gave me, on that occasion, the most satisfactory proof that such representation did not originate with you, by communicating to me that part of your despatch which the conferences particularly referred to were related, and related correctly; but this very circumstance, while it establishes your personal firmness to entire confidence, proves, at the same time, that a faithful report of a conference on

your part is not a security against its misrepresentation. It was for that reason principally, that, after hearing with the most respectful attention all that you had to state to me verbally on the subject of the present overture, I felt myself under the necessity of requiring, as "indispensable," a written communication upon the subject. It is for that reason, also, that as, in your written communication, you refer me to our late conversations for the "bearings and details" of your proposal, I feel it necessary to recapitulate, as shortly as I can, what I conceive to have passed in those conversations beyond what I find recorded in your letter.

The principal points in which the suggestions brought forward by you in personal conference appear to me to have differed, in some degree, from the proposal now stated by you in writing, are two: the first, that, in conversation, the proposal itself was not distinctly stated as an overture authorized by your Government; the second, that the beneficial consequences likely to result to this country from the acceptance of that proposal, were "pursued" through more ample "illustrations."

In the first of our conferences, I understood you to say little more, on the authority of your Government, than that you were instructed to remonstrate against the Orders in Council of the 7th of January, and of the 11th of November, 1807, but to add, as from yourself, an expression of your own conviction that, if those orders were repealed, the President of the United States would suspend the embargo with respect to Great Britain. Upon the consequences of such a suspension of the embargo, while it would still continue to be in force against France, you expatiated largely; still speaking, however, as I understood, your own individual sentiments. It was suggested by you that America, in that case, would probably arm her merchant ships against the aggressions of France, an expedient to which, you observed, it would be perfectly idle to resort against Great Britain. The collision of armed vessels would probably produce war, and the United States would thus be brought into the very situation in which we must wish to place them, that of hostility to France, and virtual, if not formal alliance with Great Britain.

In our second conference you repeated and enforced these arguments, calculated to induce the British Government to consent to the repeal of the Orders in Council; and, in this conference, though not stating yourself to be authorized by your Government formally to offer the suspension of the embargo as an immediate consequence of that repeal, yet you did profess (as I understood you) a readiness to take upon yourself to make that offer, provided that I would give you beforehand an unofficial assurance that, coupled with that offer so made, the demand of the repeal of the Orders in Council of January and November, 1807, would be favorably received. I, of course, declined to give any such previous assurance; but as you appeared to attach great importance to this suggestion, and as I was led to think that

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a compliance with it might relieve you from a difficulty in executing the instructions of your Government, I consented to take a few days to consider of it, and to reserve my definitive answer until I should see you again.

I never doubted, in my own mind, as to the inexpediency and impropriety of encouraging you to take an unauthorized step, by an unofficial promise that it should be well received. But, in a matter of such delicacy, I was desirous of either confirming or correcting my own opinion by the opinions of others. The result was, that, in a third interview, which took place shortly after the second, I had the honor to inform you, that, after the most mature deliberation, I found it impossible to yield to your suggestion; and that it therefore remained for you to frame your proposition according to the instructions of your Government, or to your own unbiassed discretion.

My own share in these several conferences, beyond what is implied in the above statement, was very small. I have, as you know, always rather wished to refer the argumentative discussion of the subject of the Orders in Council to the official correspondence I have more than once been taught to expect you to open upon it, than to engage with you in a verbal controversy, which, if confined to ourselves, would be useless; if afterwards to be reduced into writing for the purpose of being communicated to our respective Governments, superfluous.

But to the representations which you have repeatedly made against the Orders in Council of January and November, as "violating the rights of the United States, and affecting most destructively their best interests, upon grounds wholly inadmissible, both in principle and in fact," I have uniformly maintained the "unquestionable right" of His Majesty to "resort to the fullest measures of retaliation, in consequence of the unparalleled aggression of the enemy, and to retort upon that enemy the evils of his own injustice;" and have uniformly contended that, "if third parties suffer from those measures, the demand of reparation must be made to that Power which first violates the established usages of war and the rights of neutral States."

There was, indeed, one point, upon which I was particularly anxious to receive precise information, and upon which, from your candor and frankness, I was fortunate enough to obtain it. The connecting together, in your proposed overture, the suspension of the embargo and the repeal of the Orders in Council, (as well those of November as the preceding one of the 7th of January,) might appear to imply that the embargo had been the immediate consequence of these orders; and I was therefore desirous to ascertain whether, in fact, the Orders in Council of November had been known to the Government of the United States, previously to the Message of the President proposing the embargo, so as to be a moving consideration to that Message. I had the satisfaction to learn from you, sir, that such was not the fact; that rumors, indeed might have reached America of some measure of further retaliation being in

the contemplation of the British Government; that perhaps, (as I understood you,) some more severe and sweeping measure might have been expected, but that of the Orders in Council of the 11th of November as having been actually issued, there was no certain knowledge in America, or at least none in the possession of the American Government, at the time of proposing the embargo.

Such, sir, is, according to the best of my recollection, correctly the substance of what has passed between us at our several interviews, previous to the presentation of your official letter; and such I have represented to have been the substance of what passed on these several occasions, in the report of our conferences which it has been my duty to make to the King.

If, in this recapitulation, there is anything mistaken, or anything omitted, you will do me the justice to believe the error unintentional, and you may rely on my readiness to set it right.

I have the honor to be,

GEORGE CANNING.

Mr. Canning to Mr. Pinkney.

FOREIGN OFFICE, Sept. 23, 1808.

The undersigned, His Majesty's principal Secretary of State for Foreign Affairs, had the honor to receive the official letter addressed to him by Mr. Pinkney, Minister Plenipotentiary of the United States, respecting the Orders in Council issued by His Majesty on the 7th January and 11th November, 1807.

He has laid that letter before the King; and he is commanded to assure Mr. Pinkney that the answer to the proposal, which Mr. Pinkney was instructed to bring forward, has been deferred only in the hope that the renewed application, which was understood to have been recently made by the Government of the United States to that of France, might, in the new state of things which has arisen in Europe, have met with such a reception in France as would have rendered the compliance of His Majesty with that proposal consistent, as much with His Majesty's own dignity, and with the interests of his people, as it would have been with His Majesty's disposition towards the United States.

Unhappily, there is now no longer any reason to believe that such a hope is likely to be realized, and the undersigned is, therefore, commanded to communicate to Mr. Pinkney the decision which, under the circumstances as they stand, His Majesty feels himself compelled, however unwillingly, to adopt.

The mitigated measure of retaliation, announced by His Majesty in the Order in Council of the 7th January, and the further extension of that measure (an extension in operation, but not in principle) by the Orders in Council of November, were founded (as has been already repeatedly avowed by His Majesty) on the "unquestionable right of His Majesty to retort upon the enemy the evils of his own injustice;" and upon the consideration, that "if third parties incidentally suf-

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ferred by these retaliatory measures, they were to seek their redress from the Power by whose original aggression that retaliation was occasioned."

His Majesty sees nothing in the embargo laid on by the President of the United States of America, which varies this original and simple state of the question.

If considered as a measure of impartial hostility against both belligerents, the embargo appears to His Majesty to have been manifestly unjust, as, according to every principle of justice, that redress ought to have been first sought from the party originating the wrong. And His Majesty cannot consent to buy off that hostility, which America ought not to have extended to him, at the expense of a concession made, not to America, but to France.

If, as it has more generally been represented by the Government of the United States, the embargo is only to be considered as an innocent municipal regulation, which affects none but the United States themselves, and with which no foreign State has any concern; viewed in this light, His Majesty does not conceive that he has the right, or the pretension, to make any complaint of it, and he has made none. But, in this light, there appears not only no reciprocity, but no assignable relation, between the repeal, by the United States, of a measure of voluntary self restriction, and surrender, by His Majesty, of his right of retaliation against his enemies.

The Government of the United States is not now to be informed that the Berlin decree of November 21st, 1806, was the practical commencement of an attempt, not merely to check or impair the prosperity of Great Britain, but utterly to annihilate her political existence, through the ruin of her commercial prosperity; that, in this attempt, almost all the Powers of the European continent have been compelled, more or less, to co-operate; and that the American embargo, though most assuredly not intended to that end, for America can have no real interest in the subversion of the British power, and her rulers are so enlightened to act from any impulse, against the real interests of their country,) but, by some unfortunate concurrence of circumstances, without any hostile intention, the American embargo did come in aid of the "blockade of the European continent," precisely at the very moment when, if that blockade could have succeeded at all, this interposition of the American Government would most effectually have contributed to its success.

To this universal combination His Majesty has opposed a temperate but a determined retaliation upon the enemy; trusting that a firm resistance would defeat this project, but knowing that the smallest concession would infallibly encourage a perseverance in it.

The struggle has been viewed by other Powers, not without an apprehension that it might be fatal to this country. The British Government has not disguised from itself that the trial of such an experiment might be arduous and long, though it has never doubted of the final issue. But if that issue, such as the British Government confidently

anticipated, has providentially arrived much sooner than could even have been hoped; if "the blockade of the Continent," as it has been triumphantly styled by the enemy, is raised even before it had been well established; and if that system, of which extent and continuity were the vital principles, is broken up into fragments utterly harmless and contemptible; it is nevertheless important, in the highest degree, to the reputation of this country, (a reputation which constitutes great part of her power,) that this disappointment of the hopes of her enemies should not have been purchased by any concession; that not a doubt should remain to distant times of her determination and of her ability to have continued her resistance; and that no step, which could even mistakenly be construed into concession, should be taken on her part, while the smallest link of the confederacy remains undissolved, or while it can be a question whether the plan devised for her destruction has, or has not, either completely failed, or been unequivocally abandoned.

These considerations compel His Majesty to adhere to the principles on which the Orders in Council of the 7th of January, and the 11th of November, are founded, so long as France adheres to that system, by which His Majesty's retaliatory measures were occasioned and justified.

It is not improbable, indeed, that some alterations may be made in the Orders in Council, as they are at present framed; alterations calculated not to abate their spirit or impair their principle, but to adapt them more exactly to the different state of things which has fortunately grown up in Europe, and to combine all practicable relief to neutrals, with a more severe pressure upon the enemy.

But of alterations to be made with this view only, it would be uncandid to take any advantage in the present discussion; however, it might be hoped that in their practical effect they might prove beneficial to America, provided the operation of the embargo were not to prevent her from reaping that benefit.

It remains for the undersigned to take notice of the last paragraph of Mr. Pinkney's letter. There cannot exist, on the part of Mr. Pinkney, a stronger wish than there does on that of the undersigned and of the British Government, for the adjustment of all the differences subsisting between the two countries.

His Majesty has no other disposition than to cultivate the most friendly intercourse with the United States.

The undersigned is persuaded that Mr. Pinkney would be one of the last to imagine, what is often idly asserted, that the depression of any other country is necessary or serviceable to the prosperity of this. The prosperity of America is essentially the prosperity of Great Britain; and the strength and power of Great Britain are not for herself only, but for the world. When those adjustments shall take place, to which, though unfortunately not practicable at this moment, nor under the conditions prescribed by Mr. Pinkney, the undersigned nevertheless confidently looks

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forward, it will perhaps be no insecure pledge for the continuance of the good understanding between the two countries, that they will have learned duly to appreciate each other's friendship; and that it will not hereafter be imputed to Great Britain, either on the one hand that she envies American industry as prejudicial to British commerce, or on the other hand that she is compelled to court an intercourse with America as absolutely necessary to her own existence.

His Majesty would not hesitate to contribute, in any manner in his power, to restore to the commerce of the United States its wonted activity; and if it were possible to make any sacrifice for the repeal of the embargo, without appearing to deprecate it as a measure of hostility, he would gladly have facilitated its removal, as a measure of inconvenient restriction upon the American people.

The undersigned is commanded, in conclusion, to observe, that nothing is said in Mr. Pinkney's letter of any intention to repeal the proclamation by which the ships of war of Great Britain are interdicted from all those rights of hospitality in the ports of the United States which are freely allowed to the ships of His Majesty's enemies.

The continuance of an interdiction, which, under such circumstances, amounts so nearly to direct hostility, after the willingness professed and the attempt made by His Majesty to remove the cause on which that measure had been originally founded, would afford but an inauspicious omen for the commencement of a system of mutual conciliation; and the omission of any notice of that measure, in the proposal which Mr. Pinkney has been instructed to bring forward, would have been of itself a material defect in the overture of the President.

But the undersigned is commanded no further to dwell upon this subject than for the purpose of assuring Mr. Pinkney that on this, and every other point in discussion between the two Governments, His Majesty earnestly desires the restoration of a perfect good understanding, and that His Majesty would decline no measure for the attainment of that object which should be compatible with his own honor and just rights and with the interests of his people.

The undersigned requests Mr. Pinkney will accept the assurances of his high consideration.

GEORGE CANNING.

Mr. Pinkney to Mr. Canning.

GREAT CUMBERLAND PLACE,
September 24, 1808.

SIR: I have the honor to acknowledge the receipt of your answer to my official note of the 23d of last month, relative to the British Orders in Council of January and November, 1807, together with a statement of "the substance of what has passed between us at our several interviews, previous to the presentation of that note."

I shall lose no time in transmitting to my Government copies of both these papers, upon the last

of which I will take the liberty in the course of a few days to trouble you with some observations. I have the honor to be, &c.

WILLIAM PINKNEY.

Right Hon. GEORGE CANNING.

Mr. Pinkney to Mr. Madison.

LONDON, October 11, 1808.

SIR: I have the honor to transmit, enclosed, a copy of my reply to Mr. Canning's letter to me of the 23d of last month, accompanying his official answer of the same date to my note of the 23d of August. I have the honor to be, &c.

WILLIAM PINKNEY.

Hon. JAMES MADISON.

[Alluded to in the above letter of Mr. Pinkney.]

Mr. Pinkney to Mr. Canning.

GREAT CUMBERLAND PLACE,

October 10, 1808.

SIR: If my reply to the letter which you did me the honor to address to me on the 23d of last month should be of greater length than the occasion may be thought to require, you will I am sure impute it to its real cause—an earnest desire on my part, arising from a feeling of sincere respect for you, that the statement which I am to give of facts deemed by you to be important, should be full as well as accurate.

I will not fatigue you, sir, with assurances that no person could be less disposed than I am to find fault with the object of your letter, which appears to be to guard against all misrepresentation of "what has passed in our late interviews beyond what you find recorded in my note." You have told me that I have personally no concern in that object, and I did not require to be told that my Government has as little. I understand, indeed, that the circumstance which has suggested a peculiar motive for this proceeding was one of those newspaper misrepresentations which every day produces where the press is free—which find no credit, and beget no consequence—and for which it is greatly to be feared your expedient will provide no remedy. Of my conduct, when that circumstance occurred, in giving you unsolicited proofs that I had transmitted to Mr. Secretary Madison a faithful report of our conferences, mistaken by public rumor or private conjecture, it is not necessary for me to speak; for you have yourself done justice to it.

The motive to which I am indebted for the honor of your letter appears to have been instrumental in producing another effect, equally unexceptionable. But you will allow me to say, that until the receipt of that letter, I had not been apprized, by the slightest intimation, that it was in any degree owing to such a cause that you declined, on the part of His Majesty's Government, after two conferences, in which I had been suffered if not encouraged to unfold myself individually as well as officially, at great length and with perfect frankness to give an answer to my verbal overture.

At our first interview, (on the 29th of June,

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verbal communication was not discountenanced, but commended: for, after I had made myself understood as to the purpose for which the interview had been requested, you asked me if I thought of taking a more formal course, but immediately added that you presumed I did not, for that the course I had adopted was well suited to the occasion. My reply was, in substance, that the freedom of conversation was better adapted to our subject, and more likely to conduct us to an advantageous conclusion than the constraint and formality of written intercourse, and that I had not intended to present a note. At the second interview, (on the 22d of July,) it did not occur to me that I had any reason to conclude, and certainly I did not conclude, that verbal communication had not continued to be acceptable as a preparatory course; and it was not until the third interview (on the 29th of July) that it was rejected as inadmissible. But even then I was not told, and had not the smallest suspicion, that this rejection was to be ascribed, either wholly or partially, to the motive which your letter has since announced to me. That this motive had, nevertheless, all the influence now imputed to it I am entirely confident, and I take notice of it only because, as I have not mentioned it to my Government in my official account of our conferences, I can no otherwise justify the omission, either to it or to you, than by showing that I had, in truth, no knowledge of the fact when that account was transmitted.

I may take occasion to set forth, in the present letter, the import of all that can be material of our several conversations, according to my recollection of them; but there are some points to which I ought to pay a more particular attention, because you have thought them entitled to it; although I should myself, perhaps, have been inclined to think that they had lost much of their importance by the presentation of my note and the receipt of your written answer; both of which are perfectly intelligible, upon these points at least, without the aid of the conferences that preceded them.

You observe, that "the principal points in which the suggestions brought forward by me, in a personal conference, appear to you to have differed in some degree from the proposal stated by me in writing, are two: the first, that in conversation the proposal itself was not distinctly stated as an overture authorized by my Government; the second, that the beneficial consequences, likely to result to this country from the acceptance of that proposal, were "pursued" through more ample "illustrations."

With regard to the first of these supposed differences, I feel persuaded, sir, that upon further recollection, it will occur to you, that, at our first conference, I told you explicitly that the substance of what I then suggested, (that is to say, that your orders being repealed as to us, we would suspend the embargo as to Great Britain,) was from my Government; but that the manner of conducting and illustrating the subject, upon which I had no precise orders, was my own. I

even repeated to you the words of my instructions as they were upon my memory; and I did not understand, either then or afterwards, that there was any doubt as to their existence or their sufficiency, or any desire to have a more exact and formal communication of them while the result of our discussions was distant and uncertain. I said, undoubtedly, that I had been directed to require the revocation of the British Orders in Council; but I said also that, although the Government of the United States still supposed itself to be authorized to expect their repeal upon the ground of right as it existed from the first, (a subject, however, which I informed you I did not wish at that time to agitate,) I was, notwithstanding, empowered to give you the above-mentioned assurances, which would, as I presumed, hold out inducements to Great Britain, as well on the score of policy as on that of justice, to fulfil that expectation. I should scarcely have undertaken to offer such assurances as from myself, or upon my own "conviction" that the President would act in conformity with them. And I should still less (if that were possible) have ventured to ask of you that you would make them, in that form, the subject of repeated conferences, and even of reference to others, as placing the question of a recall or continuance of the Orders in Council upon new grounds of prudence and equity.

If it is merely intended (as I doubt not it is) to say that I did not make, or declare my intention to make, my overture in writing, before I had endeavored to prepare for it by personal explanations such a reception as I felt it deserved, and before I could ascertain what shape would be most proper to give to it, or how it would be met by this Government, nothing can be more correct.

It was my sincere wish that my proposal, which I believed to be advantageous to Great Britain, as well as honorable to the United States, should be accepted; and accordingly I preferred a mode of proceeding, which, while it was calculated to avoid unprofitable discussions upon topics of some delicacy and great difficulty, would furnish opportunities for frank and friendly communication upon all the bearings of my proposal, and lead to the result at which I aimed, if that result should be practicable in such way as upon mature reflection, and after a liberal interchange of sentiments, should be found to be most for the honor of our respective Governments. These views were laid before you without reserve, and seemed to be approved; and I confess to you, sir, that when I was afterwards informed that, if I would obtain an answer to my overture, I must make it in writing, and that I must not look for any previous intimation of the nature of that answer, I did not allow myself any longer to anticipate with much confidence such an issue as I desired.

The second difference which your letter supposes to exist between my note and verbal suggestions cannot, I think, in any view, be very material. I will say something upon it, however.

My note declares, that, if I forbear to pursue certain ideas through all the illustrations of which they are susceptible, it is because our personal

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conferences, as well as the obvious nature of the ideas themselves, render it unnecessary. This implies, undoubtedly, that more had been said in our conferences, explanatory of these ideas, than is to be found in the note itself; and that implication can scarcely be otherwise than true, if I "expatiated largely," as you very justly say I did, "upon the consequences of a suspension of the embargo as to Great Britain, while it still continued to be enforced against France."

The general idea to which the note refers, is, that justice and interest conspired to recommend that you should take advantage of my proposal. The particular positions are, that, if your orders and our embargo should be rescinded in the manner suggested, our commercial intercourse would be immediately revived; that, if France followed your example, and retracted her decrees, the avowed purpose of your orders would be accomplished; that, if France refused to retract, the American embargo, continuing as to her, would occupy the place of your orders, and perform their office even better than they could perform it themselves, without any of the disadvantages inseparable from such a system.

It is certain that in our conversations I endeavored to prove that these general and particular notions were founded in truth, by a variety of arguments thrown out in a very desultory way with more zeal than precision, and with that entire freedom which unlimited confidence in your candor, and a firm opinion that the views of my Government would derive new titles to respect from a full examination, were calculated to produce.

I should not deal ingenuously with you, sir, if I were to pretend that I think myself able to recapitulate these disjointed arguments as they were actually delivered; and I am quite sure that I shall consult your gratification, as well as my own credit, by declining such an undertaking. But I think I can state, in a condensed form, what I intended you should understand; and I presume that what I did say was not very wide of my real impressions.

Upon the footing on which my overture would place the justice of the British orders, I did not go into much detail at any one of the three interviews mentioned in your letter. But, combining my unconnected and occasional observations on that point, as they were made at different times, and more especially as they were afterwards given and enlarged upon when I had the honor to see you on the 26th of August, (of which, however, it is proper to say I have only a very scanty memorandum,) their import will not perhaps be found to be much, if at all, mistaken in such parts of the following statement as relate to that branch of the subject.

I meant to suggest, then, that upon your own principles it would be extremely difficult to decline my proposal; that your orders inculcate, as the duty of neutral nations, resistance to the maritime decrees of France, as overturning the public law of the world, and professedly rely upon that duty, and an imputed abandonment of it, for

their inducement and their justification; that, of these orders, that of the 7th of January, 1807, (of which the subsequent orders of November are said, in your official reply to my note of the 24th of August, to be only an extension, "an extension in operation, not in principle,") was promulgated and carried into effect a few weeks only after the Berlin decree had made its appearance, when the American Government could not possibly know that such a decree existed, when there had been no attempt to enforce it, and when it had become probable that it would not be enforced at all to the prejudice of neutral rights; that the other orders were issued before the American Government, with reference to any practical violation of its rights, by an attempt to execute the Berlin decree in a sense different from the stipulations of the treaty subsisting between the United States and France, and from the explanations given to General Armstrong by the French Minister of Marine, and afterwards impliedly confirmed by General Champagny, as well as by a correspondent practice, had any sufficient opportunity of opposing that decree, otherwise than it did oppose it; that your orders, thus proceeding upon an assumed acquiescence not existing in fact, retaliated a thousand-fold, through the rights of the United States, wrongs rather threatened than felt, which you were not authorized to presume the United States would not themselves repel, as their honor and their interests required; that orders so issued, were, to say the least of them, an unreasonable interposition between the injuring and the injured party, in a way the most fatal to the latter; that, by taking justice into your own hands, before you were entitled to do so, at the expense of everything like neutral rights, and even at the expense of other rights, justly the objects of yet greater sensibility, and by inflicting upon neutral nations, or rather upon the United States, the only neutral nation, injuries infinitely more severe and extensive than it was in the power of France to inflict, you embarrassed and confounded, and rendered impracticable, that very resistance which you demanded of us; that my proposal destroyed all imaginable motives for continuing, whatever might have been the motives for adopting, this new scheme of warfare; that it enabled you to withdraw, with dignity, and even with advantage, what should not have come between France and us; that its necessary tendency was to place us at issue with that Power, or, in other words, in the precise situation in which you have maintained we ought to be placed, if it should persist in obnoxious edicts; that the continuance of our embargo, so modified, would be at least equivalent to your orders, for that, in their most efficient state, your orders could do no more as regards the United States, than cut off their trade with France, and the countries connected with her, and that our embargo remaining as in France and those countries, would do exactly the same; that if the two courses were bare, or even nearly, upon a level, in point of expediency, Great Britain ought to be forward to adopt that which was consistent with the rights, and respect-

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ful to the feelings, of others; that my proposal, however, had powerful recommendations, which the Orders in Council had not; that it would re-establish, without the hazard of any disadvantage, before new habits had rendered it difficult if not impossible, a traffic which nourished your most essential manufactures, and various other important sources of your prosperity; that it would not only restore a connexion, valuable in all its views, but prepare the way for the return of mutual kindness, for adjustments greatly to be desired, and, in a word, for all those consequences which follow in the train of magnanimity and conciliation, associated with prudence and justice.

Among the observations intended to illustrate my opinion of the certain, probable, and possible effects of the concurrent acts which my proposal had in view, were those to which you alluded in the sixth paragraph of your letter. Having stated that renewed commercial intercourse between Great Britain and the United States would be the first effect, I remarked, in the progress of the conversation, that the edicts of France could not prevent that intercourse, even if France should adhere to them; although Great Britain, by her superior naval means, might be able to prevent the converse of it; that the power of France upon the seas was in no degree adequate to such a purpose, and, if it were otherwise, that it was not to be supposed that the United States, resuming their awful commerce with this country, after a recall of the British Orders in Council, would take no measures against systematic interruptions of that commerce by force and violence, if such should be attempted.

If, when I was honored with the different interviews before mentioned, I had been able to conjecture the nature of the arguments which were to have influence against my proposal, as I now find them stated in your answer to my note, I should have ventured to suggest, in addition to the remarks actually submitted to your consideration, that, if "the blockade of the European continent," by France and the Powers subservient to or in combination with her, to which your orders, as "a temperate but determined retaliation," were opposed, has been "raised even before it had been well established," and if "that system," so opposed, "of which extent and continuity were the vital principles, has been broken up into fragments utterly harmless and contemptible," there seems scarcely to be left, in your own view of the subject, any intelligible justification for perseverance in such of the retaliatory measures of Great Britain as operate through the acknowledged rights of a Power, confessedly no party to that combination, and ready to fulfil her fair neutral obligations if you will suffer her to do so. Under such circumstances, to abandon, what it is admitted to have lost, its own legitimate object, is not "concession," it is simple justice. To France, indeed, it might be concession. But it is not France, it is the Government of America, neither subservient to France nor combined with France, a third party whose rights and interests your orders deeply affect, without any

adequate necessity, according to your own showing, that requires their recall; and that, too, upon terms, which cannot but promote the declared purposes of these orders, if any remain to be promoted. I say "without any adequate necessity according to your own showing;" for I am persuaded, sir, you do not mean to tell us, as upon a hasty persual of your answer to my note might be imagined, that those rights and interests are to be set at naught, "lest a doubt should remain to distant times of the determination and the ability of Great Britain to have continued her resistance," or that your orders may, indefinitely, give a new law to the ocean, lest the motive to their repeal should be mistaken by your enemy. If this might, indeed, be so, you will, perhaps, permit me to say, that, highly as we may be disposed to prize the firm attitude and vast means of your country, at this eventful moment, it would possibly suggest to some minds a reluctant doubt on the subject of your observation, "that the strength and power of Great Britain are not for herself only, but for the world."

I might also have been led to intimate that my proposal could apparently lose nothing by admitting, that, "by some unfortunate concurrence of circumstances, without any hostile intention, the American embargo did come in aid of "the before-mentioned" blockade of the European continent, precisely at the very moment when, if that blockade could have succeeded at all, this interposition of the American Government would most effectually have contributed to its success." Yet, I should probably have thought myself bound to remind you, that, whatever may be the truth of this speculation, the same embargo withheld our tonnage and productions from that communication with the colonies of your enemies and with the European continent, which you had asserted your right to prevent; which, as a direct communication (with the Continent,) you had in fact prohibited; which, even through the British ports, or in other qualified forms, you had professed to tolerate, not as that which could be claimed, but as an indulgence that could at any time be withdrawn; which, as a traffic for the United States to engage in, you had at least discouraged, not only by checks and difficulties in the way of its prosecution, but by manifesting your intentions to mould it into all shapes which the belligerent, fiscal, or other peculiar policy of Great Britain might require, and to subject it to the exclusive jurisdiction of her municipal code, armed with all the prerogatives of that universal law to which nations are accustomed to look for the rights of neutral commerce.

In giving an account of our second conference you say "that, though not stating myself to be authorized by my Government formally to offer the suspension of the embargo as an immediate repeal of the Orders in Council, yet I did profess my readiness to take upon myself to make that offer, provided that you would give me beforehand an unofficial assurance that, coupled with that offer so made, the demand of the repeal of the orders would be favorably received; but you,

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of course, declined to give any such previous assurance; but, as I appeared to attach great importance to this suggestion, and you were led to think that a compliance with it might relieve me from a difficulty in executing the instructions of my Government, you consented to take a few days to consider of it, and to reserve your definitive answer until you should see me again." You then observe that you never doubted, in your own mind, as to the inexpediency and impropriety of encouraging me to take an unauthorized step, by an unofficial promise that it should be well received. I am sure you did not, sir; but I must take the liberty to say that I am equally sure that I never thought of asking you to give me encouragement to take an unauthorized step of any kind. I am, indeed, truly mortified that my conduct has appeared to you in that light; and I should not be readily consoled, if I did not reflect that, in condescending to listen, even for a moment, to what must have struck you as an irregularity, as vain and nugatory in its purpose as reprehensible in its principle, you must at least have given me credit for good intentions, and for a strong desire, sincerely felt, although erroneously obeyed, that our countries should find themselves in that relative position which suits the interests and tends to the happiness of both.

When I professed a readiness to make my proposal in writing, it was, as you state, provisionally; but I did not intimate that I was acting without authority, nor did I comprehend that such was, as I now know it to have been, your impression. The provisional nature of my offer arose out of circumstances, and was afterwards pressed upon conviction that, if it was meant to adopt the views of the President, nothing more could be necessary. I understood you to be desirous of ascertaining whether I was empowered and disposed, with a view to a final arrangement, to present what I had suggested, in a written form, as an overture originating with my Government. I said, of course, that, everything being first matured, a note should be presented, but that I would, with your permission, take a little time to consider of the manner and terms. I did not at that time suppose that we were conversing about a written proposal which was to be made only to be rejected, or even for the purpose of deliberation; and consequently, in professing my willingness to make it as soon as we were prepared for it, I presumed that I had done all that you desired. And I was confirmed in this opinion, not only by your saying nothing, as I supposed, to the contrary, but by your requesting me, as I was about to leave the room, to employ myself, before the next interview, upon such a note as we had been talking of; and then retracting that request, by observing, that I would doubtless first desire to know what were your ideas and intentions upon the subject of it, with which I was given to understand I should be made acquainted at another conference.

At the third interview, after speaking of a transaction upon the Lakes, of which your traders com-
plained, and of another occurrence in the bay

of Passamaquoddy, you observed, that you had thought long and anxiously upon what I had suggested to you; that the subject had at first struck you as being much more simple than upon careful examination it had been found to be; that, in the actual state of the world, it behooved both you and me to move in this affair with every possible degree of circumspection; that, without some explicit proposal on my part, in writing, upon which the British Government could deliberate and act, nothing could be done; and, finally, that you must leave me to consult my own discretion whether I would make such a proposal.

It appeared to me that, if this determination should be persisted in, my overture was not likely to be successful; and I urged, accordingly, the propriety of going on in a course which would lead us to a better issue. That course was, that we should understand one another as to our respective views, and that a concise note, which I had in fact prepared since the last meeting, should then be presented and acted upon. You informed me that my wish in this particular could not be acceded to; that, if I presented a note, you must be left at perfect liberty to decide upon what it proposed; that you could not give me even an intimation of the probable consequences of it; and, in a word, that you would neither invite nor discourage such a proceeding. You added that there were some points belonging to the subject which it would be proper to discuss in writing, one of which was the connexion between our embargo and your orders of November, supposed to be implied by my proposal. I remarked that, with an actual result in view, and with a wish to arrive at that result without delay, it could not be advisable to entangle ourselves in a written correspondence, undefined as to its scope and duration, upon topics on which we were not likely to agree, and that, if I were to frame my note, with a knowledge that it was to provoke argument, instead of leading at this crisis to a salutary change in the state of the world, you must be conscious that I too must argue. And where would this end? To what wholesome consequences would it conduct us? At the close of the interview I observed that, as the footing upon which the subject was now placed made delay of no importance, I should take time to prepare such further proceeding as the occasion required.

On the 26th of August I had the honor to see you again, and, after entering more at large than I had before believed to be proper into a consideration of the effect of my proposal on the equity of adhering to your Orders in Council, and, after reading to you parts of my instructions, I delivered an official note, in which the proposal was made in the form required.

Something was said at this interview of the affair of the Chesapeake, and the President's proclamation, which it is not, I presume, necessary to repeat. It will be sufficient to state, that you asked me what was to be done with these subjects? And that my reply was, that they had no connexion with the present; but that I could say, with confidence, that my Government had every

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disposition to attend to them, with a view to such an adjustment as would be honorable to both parties. I did not suppose that it was expected (for you did not intimate such an expectation) that renewed negotiation upon these points should, as well as the repeal, upon terms, of your Orders in Council, be invited by a formal overture from the Government of America.

I will not trouble you with many observations more.

You state in your letter that "there was one point upon which you were particularly anxious to receive precise information, and upon which, from my candor and frankness, you were fortunate enough to obtain it." This was, "whether in fact the Orders in Council of November had been known to the Government of the United States previously to the Message of the President proposing the embargo, so as to be a moving consideration to that Message?" I quote this passage principally that I may recall to your recollection that my suggestions upon the subject if it were not made officially, or as being authorized or furnished by any communication from my Government, or in answer to any direct inquiries on your part. They were very briefly made near the close, as I think, of our third interview, in consequence of your intimation, (intending, perhaps, to amount to an inquiry,) that my proposal implied that the embargo had been produced by the orders of November; to which you added that this could not be admitted, and, (as I comprehended what you said,) that it even required to be made the subject of some notice or discussion in writing, as intimately connected with my proposal, if it should be brought forward in that shape; and I understood you to assign this as one of the reasons why a written overture was indispensable. In replying to that intimation, and the remarks which followed it, I professed to speak, as I did in fact speak, from general information only, and disclaimed, as it was my duty to do, all authority to say more upon the nature and origin of the embargo than I had some time before communicated to you, in obedience to the orders of the President. The purpose of my observations was chiefly to show that there was no inducement for harking in formal discussions upon this point; and I assured you that it was not in my power, either as respected instructions from my Government, or knowledge of facts, to do so. My opinion was, and I spoke accordingly, that it was one of those questions which might be left completely at rest, without the least injury to the freedom or the justice of our conclusions upon the great object of our conferences. There could be no objection, however, to my giving you on this head such conjectural information as I was able; on the contrary, by fully disclosing to you my own materials for forming an opinion upon it, you would be enabled more distinctly to see that I could take no part in any discussion which you might propose to apply to it. And I could not but be assured that any anxiety you might feel to obtain a knowledge of the facts in question sprang from considerations which had

every claim to my respect; for I knew that your mind was far above the reach of prejudice, which would ascribe the American embargo to participation in the councils or views of your adversary, or of any foreign Power whatsoever.

My suggestions were to the following effect: that I believed that no copy of your orders of November had arrived in the United States, at the date of the President's Message; that a recent change in the conduct of France to our prejudice did appear to be known; that intelligence had been received, and a belief entertained, of your intention to adopt some further measure, as a measure of retaliation against France, by which our commerce and our rights would be affected; that there was reason to conclude that you had actually adopted such a measure; that (as I collected from American newspapers) this had appeared from private letters and the newspapers of this country, received in the United States some days before the Message of the President, and probably known to the Government; that, in a word, various information concurred to show that our trade was likely to be assailed by the combined efforts of both of the belligerent parties; and that the embargo was a measure of wise and peaceful precaution, adopted under this view of reasonably anticipated peril.

You observe, in another part of your letter, that you have always rather wished to refer the argumentative discussion of the subject of the Orders in Council to the official correspondence which you have more than once been taught to expect me to open upon it. If I should object to any part of this statement, of which the substance is undoubtedly correct, it would be the words "more than once." Your wish has also appeared to be such, as you now represent it, and you had reason to expect that I would commence a written discussion of the orders of November soon after their publication. I had told you that I should do so, and you had said that there could be no objection to it. But you were afterwards informed that, upon reflection, I had determined to leave the subject where it was, until I should know the pleasure of my Government.

The orders had been officially communicated, not to me, but to Mr. Madison, through the British Minister at Washington. It seemed, therefore, to be proper, (unless my instructions should make it otherwise,) that the view which the Government of the United States took of them should find its way to you through the same channel; and, accordingly, the letters of Mr. Madison, to which I have referred in my note of the 23d of August, did open at great length a discussion, which I could have no inducement to shun, although I did not continue to think myself authorized to commence it.

It only remains to add, that your share in our several conversations was, what you represent it to have been, not considerable; and that your manner, although reserved, was, as it always is, perfectly friendly.

I need not say that if, in this letter, written under the influence of sincere concern, the pro-

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posal I had the honor to lay before you has been unsuccessful, anything is to be found which you could wish to be otherwise than it is, I shall be the first to regret that I have not been able to do justice to my own feelings and intentions.

I have the honor to be, &c.

WILLIAM PINKNEY.

Mr. Pinkney to Mr. Madison.

LONDON, Nov. 25, 1808.

SIR: I have the honor to send enclosed a copy of a letter, received last night from Mr. Canning, in answer to my letter to him of the 10th of last month.

The tone of this letter renders it impossible to reply to it with a view to a discussion of what it contains; although it is not without further inadvertences as to facts, and many of the observations are open to exception. I intend, however, to combine, with an acknowledgment of the receipt of it, two short explanations. The first will relate to the new and extraordinary conjecture, which it intimates, that my authority was contingent; and the second will remind Mr. Canning that my letter of the 10th of October does not, as he imagines, leave unexplained the remark that "the provisional nature of my offer to make my proposal in writing arose out of circumstances;" but, on the contrary, that the explanation immediately follows the remark.

The Union is not yet returned from France. Lieutenant Gibbon arrived in London more than three weeks ago, and delivered your letter of the 9th of September, with duplicates of papers in the case of the Little William, and copies of letters which lately passed between the Department of State and Mr. Erskine.

I have the honor to be, &c.

WILLIAM PINKNEY.

Hon. JAMES MADISON.

[Referred to in the preceding despatch.]

Mr. Canning to Mr. Pinkney.

FOREIGN OFFICE, Nov. 22, 1808.

SIR: I regret exceedingly that an unusual and unintermitting pressure of official business has prevented me from finding an earlier opportunity to reply to your letter of the 10th of last month.

The observations which I have to offer upon some parts of that letter are not, indeed of such a nature, as to make it matter of any great importance whether you receive them a week sooner or later; as they refer less to any point of public interest to our two Governments than to what has passed personally between ourselves.

But I should have been much mortified if you could have been led to believe me deficient in attention to you; the manner as well as the substance of the communication, which I have had the honor to receive from you, entitling it to the most prompt and candid consideration. Your understanding of the motives which induced me to accompany my official note of the 23d September with my letter of the same date, is so far imper-

fect; as that you seem to imagine that the wish to guard against misrepresentation was the only motive which induced me to write that letter, and that, from that motive alone, I should, in any case, have troubled you with it. Whereas, I must have expressed myself very incorrectly indeed, if I did not convey to you the assurance, that if what had passed between us in conversation had not been referred to by you in your official letter of the 23d August, I certainly should not have thought it necessary or proper to preserve any written record of your verbal communications, which I understood at the time to be confidential, and which I certainly was so far from attempting or intending to "discountenance," that I have no doubt but I expressed myself (as you say I did) in favor of "the course which you adopted, as well suited to the occasion." But you state, at the same time, most correctly, that it was as a preparatory course, that I understood and encouraged this verbal and confidential communication. I never did nor could understand it as being intended to supersede or supply the place of an official overture. I never did nor could suppose that the overture of your Government, and the answer of the British Government to it, were intended to be intrusted solely to our recollections. Accordingly, when the period arrived at which you appeared to be prepared to bring forward an official proposal, I did, no doubt, express my expectation that I should receive that proposal in writing.

It is highly probable that I did not (as you say I did not) assign to you, as the motive of the wish which I then expressed, my persuasion that written communications are less liable to mistake than verbal ones; because that consideration is sufficiently obvious, and because the whole course and practice of office is, in that respect, so established and invariable, that I really could not have supposed the assignment of any specific motive to be necessary, to account for my requiring a written statement of your proposals previous to my returning an official answer to them.

I had taken for granted all along that such would, and such must be, the ultimate proceeding on your part, however you might wish to prepare the way for it by preliminary conversations.

In framing your note, I did not pretend to anticipate how much of what had been stated by you in our several conferences you would think it proper to repeat in writing. But, whatever the tenor of your note had been, I should have felt it right to conform strictly to it, in the official answer, avoiding any reference to any part of your verbal communications, except such as, by repeating them in writing, I should see that it was your intention to record as official.

I confess, however, I was not prepared for the mixed course which you actually did adopt, I am persuaded, (I am sincerely persuaded,) without any intention of creating embarrassment—that of referring generally to what had passed in our conferences, as illustrative of your official proposition, and as tending to support and recommend it, but without specifying the particular points to which such reference was intended to apply; a

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course which appeared at first sight to leave me no choice, except between the two alternatives of either recapitulating the whole of what you had stated in conversation for the purpose of comprehending it in the answer, or of confining myself to your written note, at the hazard of being suspected of suppressing the most material part of your statement.

The expedient to which I had recourse, of accompanying my official note with a separate letter, stating, to the best of my recollection, the substance of what I had heard from you in conversation, appeared to me, after much deliberation, to be the most respectful to you.

Such having been the motives which dictated my letter, I cannot regret that it was written, inasmuch as it has produced, at a period so little distant from the transaction itself, an opportunity of comparing the impressions left on our minds, respectively, of what passed in our several conferences, and of correcting any erroneous impression on either side.

There are two points in which our recollections do appear to differ in some degree.

The first relates to the authority which you said, and that which I understood you to state yourself to have, at the time of our first conference, for bringing forward a direct overture, in the name of your Government; the second to the expectation which I stated myself to have entertained "more than once," of your opening an official correspondence on the subject of the Orders in Council.

With respect to the first point, you will give me credit, when I assure you that my understanding of what was said by you, not only in the first, but in our second conference, was precisely what I stated it to be in my letter; and you will, I hope, forgive me, if, after the most attentive perusal of your letter of the 10th October, and after a careful comparison of different passages in it, while I am compelled, by your assurance, to acknowledge that I must have misapprehended you, I find grounds in your statement to excuse, if not to account for, my misapprehension.

According to your recollection, you told me explicitly, in our first conference, "that the substance of what you then suggested, that is to say, that our orders being repealed, as to the United States, the United States would suspend the embargo as to Great Britain," was from your Government; "that the manner of conducting and illustrating the subject (upon which you had no precise orders) was your own," and you even quoted part of your instructions to me which was to that effect.

In a subsequent paragraph, you state that "nothing can be more correct than my apprehension that you did not make, nor profess to intend making, an overture in writing, before you had endeavored to prepare for it such a reception as you felt it deserved, and before you could ascertain what shape it would be most proper to give to that overture, and how it would be met by the British Government."

And in another part of your letter, you admit

that "when you expressed your readiness to make your proposal in writing, it was (as I have stated) provisionally;" and you inform me that "the provisional nature of your offer arose out of circumstances;" the nature of which circumstances you do not explain, nor have I any right to require such an explanation.

But, comparing these several statements together; seeing that, in our first interview, you declared no intention of making a proposal in writing; that, in our second interview, (a month or five weeks afterward) you described that intention as "provisional" and contingent; and protesting at the same time (as I do in the most solemn manner) that I cannot find any trace in my memory of any communication whatever of any part of your instructions communicated to me as such; seeing also, that, whatever might be the nature and extent of your instructions from the President of the United States as to the substance of the overture to be made to the British Government, the manner, the time, and the conditions of that overture were evidently considered by you as left to your own discretion; it surely may be pardonable in me to have mistaken (as I most unquestionably must have done,) the precise limits at which the authority of your Government ended and your own discretion began, and to have imagined (which I very innocently did) that a proposition, over which you appeared to have a power so nearly absolute, was a proposition in a great measure of your own suggestion. I do not mean that I supposed you to bring forward such a measure without reference to the knowledge which you must of course have had of the general feeling, disposition, and intentions of your Government, but without its specific instructions for that purpose at that time.

In attributing to you this exercise of judgment, in addition to many others, which it is confessed you were at liberty to exercise, I really intended to convey no imputation disrespectful to you; I can conceive abundance of cases in which it would have been not only excusable but highly meritorious.

My mistake, at least, was a very harmless one, as, whether the fact were that you had no precise authority to give in an official proposal, or that you had such an authority, but subject to contingencies which had not occurred, the practical result must be of necessity the same.

What these contingencies might be, it is not for me to inquire; but if they were of the nature of which I now cannot but conjecture they may have been; if the overture which you were authorized to make to the British Government was to be shaped and timed according to the result of any other overture to any other Government, I am then at once able to account for all those appearances which misled me into a belief of the want of a precise authority on your part. This consideration leads me to the other point, on which alone there appears a difference between us upon any matter of fact, but a difference by no means so wide as it appears. Admitting the general correctness of my statement of the expectation

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which I was taught to entertain of a written communication from you, on the subject of the Orders in Council, you add, that it was, however, only in November last, and immediately after the publication of the Orders in Council, that you had directly announced to me your intention of opening a correspondence upon them—an intention, from which you afterward desisted, “until you should receive the pleasure of your Government.” The correctness of this statement I do not dispute; but you, I am sure, will agree with me, sir, in recollecting how many times, “more than once,” since the period of that first intention of yours being announced and withdrawn, my expectations that you were about to “receive the pleasure of your Government” upon this subject have been excited by the notification in America, and the destination hither of ships employed by the United States, as it was generally supposed, for the special purpose of conveying representations or proposals from the American Government to the Governments of France and Great Britain, upon the subject of their respective maritime decrees and orders.

Such was the universal belief both in America and in England, upon the arrival of the *Osage*, upon that of the *Hope*, of the *St. Michael*, and of another vessel named, I think, the *Union*. I have certainly no right to affirm that you shared in the expectation which so universally prevailed; I have no right to say that the Government of the United States designedly created that expectation; but that it did prevail, and that I very sincerely believed it to be well founded, you, I think, must do me the justice to recollect, as, in one instance, at least, that of the *Osage*, so strong was my persuasion that you must have received instructions from your Government, that I took the liberty of sending to you to inquire whether you had not some communication to make to me, and received for answer that you had none.

It is to these missions that I particularly referred, when I said that I had “more than once expected you to open a correspondence with me upon the subject of the Orders in Council.” This expectation it was that alone prevented me sending instructions to Mr. Erskine to reply to the note addressed to him by Mr. Madison on the 25th of March, in answer to that note of Mr. Erskine’s in which he communicated the Orders in Council, and in allusion to these missions, particularly to that of the *Osage*; and to the expectation, which had been founded here upon the return here of that vessel after its voyage to France, it was, that I made that declaration in Parliament, which, I see, has been the subject of some misapprehension (I will not say misrepresentation) in America; that, “since the termination of Mr. Rose’s mission, the American Government had not made any communication here, in the shape of remonstrance, or in a tone of irritation.” I am not aware, sir, that there is any other part of your letter which requires that I should trouble you with many observations.

Your report of your answer to the inquiry, which I took the liberty of making “whether the

Orders in Council of November were known to the Government of the United States previously to the Message of the President proposing the embargo, was to be a moving consideration to that Message,” does not appear to differ in any material degree from my statement of it. That your answer to such an inquiry was official, or authorized by your Government, I did not assert nor presume. I have already said that it was not till you had, in your official letter of the 23d of August, referred to what passed in conversation, that I should have thought any such reference allowable on my part; and, even then, the generality of your reference precluded me from judging correctly how much of what you had stated in conversation was from official authority, how much from your own personal information or opinion.

You inform me that your answer to this question was of the latter description only; but, even if it were only from your individual authority, it was very material and highly gratifying to learn that the embargo, which had been sometimes represented, both here and in America, as the direct and immediate consequence of the Orders in Council of November, and as produced solely by them, was, in your opinion, “a measure of precaution against reasonably anticipated peril.”

The purpose of this letter is not to renew the discussion upon the subject of your proposal, but merely to clear up any misunderstanding which had existed between us in the course of that discussion. I cannot conclude it, however, without adverting very shortly to that part of your letter in which you argue that the failure of France, in the attempt to realize her gigantic project of the annihilation of the commerce of this country, removes all pretext for the continuance of the retaliatory system of Great Britain. This impotency of the enemy to carry his projects of violence and injustice into execution might, with more propriety, be pleaded with him as a motive for withdrawing decrees at once so indefensible and so little efficacious for their purpose, than represented as creating an obligation upon Great Britain to desist from those measures of defensive retaliation which those decrees have necessarily occasioned. If the foundation of the retaliating system of Great Britain was (as we contend it to have been) originally just, that system will be justifiably continued in force, not so long only as the decrees which produced it are mischievously operative, but until they are unequivocally abandoned; and, if it be thus consistent with justice to persevere in that system, it is surely no mean motive of policy for such perseverance, that a premature departure from it, while the enemy’s original provocation remains unrepelled, might lead to false conclusions as to the efficacy of the decrees of France, and might hold out a dangerous temptation to that Power to resort to the same system on any future occasion; a result which, not Great Britain alone, but all commercial nations are deeply interested in preventing. I have now, sir, only to express my sense of the candor and liberality with which this discussion

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has been conducted on your part, and my acknowledgments for the justice which you render to my disposition to treat you, at all times, with reciprocal respect, and to listen to you with the attention to which, personally, as well as officially, you have every claim.

I cannot forego the hope that it may yet fall to our lot to be instrumental in the renewal of that good understanding between our two Governments, which is as congenial to the feelings as it is essential to the interests of both countries; which nothing but the forced and unnatural state of the world could have interrupted; and which there is, on the part of the British Government, the most anxious and unabated desire to restore.

I have the honor to be, &c.,

GEORGE CANNING.

Mr. Pinkney to Mr. Madison.

LONDON, December 3, 1808.

SIR: I have the honor to send, enclosed, a copy of my reply to Mr. Canning's letter to me of the 22d ultimo. A copy of the letter, to which it is an answer, was transmitted a few days since by the British packet, and a duplicate has been sent to Liverpool.

The Union is not yet arrived from France, and we have no intelligence of her.

I have the honor to be, &c.,

WILLIAM PINKNEY.

HON. JAMES MADISON.

[Enclosed in Mr. Pinkney's despatch of December 3.]

Mr. Pinkney to Mr. Canning.

GREAT CUMBERLAND PLACE.

November 28, 1808.

SIR: I have had the honor to receive your letter of the 22d instant, and to transmit a copy of it to my Government.

Without desiring to protract a discussion, in the conduct of which neither your sincerity nor mine will, I feel assured, be doubted by any one, I may be permitted to say, that the authority under which I acted in our late communications was not contingent, as you now appear to conjecture, and that the remark contained in my letter of the 10th of October, "that the provisional nature of my offer to make my proposal in writing arose out of circumstances," will be found explained, in the same letter, by passages which immediately follow the remark.

I have said, in my letter of the 10th of October, that "I had no precise instructions as to the manner of conducting and illustrating the subject confided to my management;" but you will suffer me to enter my friendly protest against all suppositions that the overture was left to my own discretion; that I had a power "nearly absolute" over it, or that it was, "in a great measure, of my own suggestion."

I will trouble you no further, sir, on this occasion, than to assure you that nothing could give me more sincere pleasure than to see fulfilled the hope which you express, that it may yet fall to

our lot to be instrumental in the renewal of good understanding between our two Governments.

I have the honor to be, &c.,

WILLIAM PINKNEY.

Right Hon. GEORGE CANNING.

Mr. Canning to Mr. Pinkney.

FOREIGN OFFICE, Dec. 24, 1808.

SIR: In my official note of the 23d September, I stated to you the probability that some alterations might be made in the Orders in Council, with a view to adapt their operation more exactly to the altered state of Europe, and to combine all practicable relief to neutrals with a more severe pressure upon the enemy.

As this statement was, however, only incidental, and as I at the same time disclaimed any intention of taking advantage of such proposed alterations in the discussions then pending between us, seeing that, if made, they would not be founded on the admission of any of the principles for which you were contending, it was, perhaps, not necessary that I should trouble you with any further communication upon this subject. But the order, of which I have the honor to enclose a copy, having been passed by His Majesty in Council on Wednesday last, I am desirous, previous to its actual publication, of explaining to you the grounds on which the more extended alterations which were in contemplation have been suspended.

It was intended to relax, in a certain degree, the regulations of the Orders in Council, with respect to such of the Powers in hostility with His Majesty as were not, or should not place themselves, in a state of hostility with Spain; but at the same time that this relaxation was extended to other Powers, to prohibit absolutely, by strict, rigorous, and unmitigated blockade, all intercourse whatever with France.

The adoption by these Powers, who were to have been the objects of such relaxations, of the views and projects of France with respect to Spain, does away all assignable ground of distinction between France and these Powers; and that part, therefore, of the intended alterations does not take place.

The alterations contained in the enclosed Orders in Council stand upon a separate ground, and, as I have more than once understood from you that the part of the Orders in Council which this order goes to mitigate is that which was felt most sorely by the United States, I have great pleasure in being authorized to communicate it to you.

I have the honor to be, &c.,

GEORGE CANNING.

WILLIAM PINKNEY, Esq.

[Order in Council, enclosed in Mr. Canning's letter of December 24.]

His Majesty, in virtue of the powers reserved to him, by two certain acts passed in the forty-eighth year of His Majesty's reign, the one entitled "An act for granting to His Majesty, until

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the end of the next session of Parliament, duties of customs on the goods, wares, and merchandises therein enumerated, in furtherance of the provisions of certain Orders in Council;" the other entitled "An act for granting to His Majesty, until the end of the next session of Parliament, certain duties, on the exportation from Ireland, of goods, wares, and merchandise therein enumerated," is pleased, by and with the advice of his Privy Council, to order, and it is hereby ordered, that the operation of the aforesaid acts be suspended, as to any duties on exportation, granted by the said acts, so far as relates to articles being the growth, produce, or manufacture of any country, for the time being, in amity with His Majesty, and from the ports of which the British flag is not excluded, imported direct from such country into any port or place of the United Kingdom, either in British ships or in ships of the country of which such articles are the growth, produce, or manufacture.

And His Majesty is further pleased, with the advice aforesaid, to order, and it is hereby ordered, that the said duties on exportation be suspended, as to all goods, wares, or merchandise, which have been or may be condemned as prize, until further order shall be made therein.

Mr. Pinkney to Mr. Canning.

GREAT CUMBERLAND PLACE,
December 28, 1808.

SIR: I have had the honor to receive your letter of the 24th instant, communicating an order passed by His Majesty in Council on Wednesday last, and have transmitted copies of these papers to my Government.

It is perfectly true, as the concluding paragraph of your letter supposes me to believe, that the United States have viewed with great sensibility the pretension of this Government (which, as a pretension, the present order plainly reasserts, without much, if at all, modifying its practical effect) to levy imposts upon their commerce outward and inward, which the Orders in Council of the last year were to constrain to pass through British ports.

But it is equally true, that my Government has constantly protested against the entire system with which that pretension was connected, and has, in consequence, required the repeal, not the modification, of the British Orders in Council.

I have the honor to be, &c.,

WILLIAM PINKNEY.

Extract—Mr. Pinkney to the Secretary of State.

LONDON, March 10, 1809.

I have received from Mr. Canning a notification of blockade, of which a copy is enclosed.

[Referred to in Mr. Pinkney's despatch of March 10, 1809.]

FOREIGN OFFICE, March 8, 1809.

The undersigned, His Majesty's principal Secretary of State for Foreign Affairs, has received

His Majesty's commands to acquaint Mr. Pinkney that His Majesty has judged it expedient to establish the most rigorous blockade of the isles of Mauritius and Bourbon; Mr. Pinkney is, therefore, requested to apprise the American Consuls and merchants residing in England, that the isles above mentioned are, and must be considered as being in a state of blockade, and that, from this time, all the measures authorized by the law of nations, and the respective treaties between His Majesty and the different neutral Powers, will be adopted and executed with respect to all vessels attempting to violate the said blockade after this notice.

The undersigned requests Mr. Pinkney to accept the assurances of his high consideration.

GEORGE CANNING.

Extract—Mr. Pinkney to Mr. Smith.

LONDON, May 1, 1809.

I had the honor to receive, on the 25th of March, the letter of your predecessor of the 10th of February; and, on the 15th of last month, Lieutenant Reed delivered to me your letter of the 15th of March.

Upon the receipt of your letter of the 15th of March, it became my obvious duty to ask a conference with Mr. Canning. It took place accordingly on Monday, the 17th of April.

At the close of the conference, he told me that my communications were such as would require reflection, and would naturally make him anxious to see me again; and that he would fix as early a day as possible, and give me notice.

Our next interview took place on the 27th of April.

Mr. Canning read the new Order in Council, and then proceeded very briefly to suggest the practical alterations which it would introduce.

I thought I should best discharge my duty by forbearing useless discussion, and by receiving it as it was offered, but without making myself a party to it, an actual improvement, capable of future extension, under the auspices of just and friendly sentiments and enlightened policy.

Mr. Canning to Mr. Pinkney.

FOREIGN OFFICE, April 30, 1809.

SIR: When I had the honor to transmit to you, on the 24th of December last, the Orders in Council passed on the 21st of that month, I referred to that passage of my official note of the 23d of September, 1808, in which I stated to you that "it is not improbable, indeed, that some alterations may be made in the Orders in Council, as they are at present framed—alterations calculated not to abate their spirit or impair their principle, but to adapt them more exactly to the different state of things which has fortunately grown up in Europe, and to combine all practicable relief to neutrals with a more severe pressure upon the enemy;" and, I at the same time explained to you the grounds on which the design of the larger alterations which had been in contemplation in

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September was for the time laid aside. By the Order of Council which I have now the honor to enclose to you, that design, as explained in my official note of September 23, is fully carried into execution. I have the honor to be, &c.

GEORGE CANNING.

At the Court at the Queen's Palace, the 26th of April 1809; Present, the King's Most Excellent Majesty in Council.

Whereas, His Majesty, by his Order in Council of the 11th of November, 1807, was pleased, for the reasons assigned therein, to order that, "all the ports and places of France and her allies, or of any other country at war with His Majesty, and all other ports or places in Europe from which, although not at war with His Majesty, the British flag is excluded, and all ports or places, in the colonies belonging to His Majesty's enemies, should, from henceforth, be subject to the same restrictions in point of trade and navigation as if the same were actually blockaded in the most strict and rigorous manner;" and, also, to prohibit "all trade in articles which are the produce or manufactures of the said countries or colonies;" and whereas, His Majesty, having been nevertheless desirous not to subject those countries which were in alliance or in amity with His Majesty to any greater inconvenience than was absolutely inseparable from carrying into effect His Majesty's just determination to counteract the designs of his enemies, did make certain exceptions and modifications expressed in the said order of the 11th of November, and in certain subsequent orders of the 25th of November, declaratory of the aforesaid order of the 11th of November, and of the 18th of November, 1807, and the 30th of March, 1808:

And whereas, in consequence of divers events which have taken place since the date of the first-mentioned order, affecting the relations between Great Britain and the territories of other Powers, it is expedient that sundry parts and provisions of the said orders should be altered or revoked:

His Majesty is, therefore, pleased, by and with the advice of his Privy Council, to revoke and annul the said several orders, except as hereinafter expressed; and so much of the said several orders, except as aforesaid, is hereby revoked accordingly. And His Majesty is pleased, by and with the advice of his Privy Council, to order, and it is hereby ordered, that all ports and places as far north as the river Ems, inclusively, under the Government styling itself the Kingdom of Holland, and all ports and places under the Government of France, together with the colonies, plantations, and settlements in the possession of those Governments, respectively, and all ports and places in the northern parts of Italy, to be reckoned from the ports of Orbitello and Pesaro, inclusively, shall continue, and be subject to the same restrictions, in point of trade and navigation, without any exception, as if the same were actually blockaded by His Majesty's naval forces in the most strict and rigorous manner; and that every vessel

trading from and to the said countries or colonies, plantations, or settlements, together with all goods and merchandise on board, shall be condemned as prize to the captors.

And His Majesty is further pleased to order, and it is hereby ordered, that this order shall have effect from the day of the date thereof with respect to any ship, together with its cargo, which may be captured subsequent to such day, on any voyage which is and shall be rendered legal by this order, although such voyage, at the time of the commencement of the same, was unlawful, and prohibited under the said former orders; and such ships, upon being brought in, shall be released accordingly; and with respect to all ships, together with their cargoes, which may be captured in any voyage which was permitted under the exceptions of the orders above mentioned, but which is not permitted according to the provisions of this order; and it is hereby ordered, that such ships and their cargoes shall not be liable to condemnation, unless they shall have received actual notice of the present order before such capture, or, in default of such notice, until after the expiration of the like intervals, from the date of this order, as were allowed for constructive notice in the orders of 25th November, 1807, and the 18th of May, 1808, and the several places and latitudes therein specified.

And the right honorable the Lords Commissioners of His Majesty's Treasury, His Majesty's principal Secretaries of State, the Lords Commissioners of the Admiralty, and the Judge of the High Court of Admiralty, and Judges of the Courts of Vice-admiralty, are to give the necessary directions herein as to them may respectively appertain.

STEPHEN COTTRELL.

FRANCE.

[Communicated to Congress, November 8, 1808.]

To the Senate and House of Representatives of the United States:

The documents communicated with my public Message of this day contain such portions of the correspondence therein referred to of the Ministers of the United States at Paris and London, as relate to the present state of affairs between those Governments and the United States, and as may be made public. I now communicate, confidentially, such supplementary portions of the same correspondences as I deem improper for publication, yet necessary to convey to Congress full information on a subject of their deliberations so interesting to our country.

TH. JEFFERSON.

NOVEMBER 8, 1808.

Extract—Mr. Madison, Secretary of State, to General Armstrong, Minister Plenipotentiary of the United States at Paris.

DEPARTMENT OF STATE, May 22, 1807.

SIR: The two last letters received from you were of December 24, and January 16.

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The decree of November 21, communicated in the first, had previously reached us, and had excited apprehensions which were repressed only by the inarticulate import of its articles, and the presumption that it would be executed in a sense not inconsistent with the respect due the treaty between France and the United States. The explanations given you by the Minister of Marine were seen by the President with much pleasure, and it only remains to learn that they have been confirmed by the express authority of the Emperor. We are the more anxious for this information, as it will fortify the remonstrances which have been presented at London against the British order of January 7th. Should it, contrary to expectation, turn out that the French decree was meant, and is to operate according to the latitude of its terms, you will, of course, have made the proper representations, grounded as well on the principles of public law, as on the express stipulations of the convention of 1800. Nothing, besides, could be more preposterous than to blend with an appeal to neutral rights and neutral nations, a gross infraction of the former, and outrage on the sentiments of the latter, unless it be to invite a species of contest on the high seas, in which the adversary has every possible advantage. But, on the more probable supposition that the decree will not be unfavorably expounded, it will be still necessary to press on the French Government a dispatch of such orders to their cruisers in every quarter, as will prevent a construction of the decree favorable to their licentious cupidity. The moment your letter was received, the answer of the French Minister of Marine to your note was communicated to General Turreau, with a call on him to transmit it immediately to the French Governors in the West Indies. This he readily engaged to do. But, notwithstanding this precaution, there are proofs that the West India privateers have, under color of the edict, committed depredations which will constitute just claims of redress from their Government.

Mr. Erving has forwarded a Spanish decree also, avowedly pursuing the example and the views of the French Emperor. The terms of this decree are even more vague, or rather more broad, than those of the prototype; and if not speedily recalled or corrected, will doubtless extend the scene of spoliations already begun in that quarter; and, of course, thicken the cloud that hangs over the amity of the two nations.

Extract—Mr. Armstrong to Mr. Monroe.

PARIS, July 7, 1807.

SIR: The accounts you have had of recent captures made by French privateers of American vessels, under cover of the decree of November last, are not correct; at least, if such captures have been made, I know nothing of them; the only captures I have at any time heard of were those made from Porto Ferrajo. They are by no means of recent date, and have all (I believe,) been redressed by the Council of Prizes. Two of these cases, to which I attended personally, re-

ceived decisions equally favorable and prompt; interest and damages were given to the plaintiffs, and I know not why decisions equally favorable should not have been given in the other cases. I have within a week been informed by Mr. Erving that he had reason to believe that a French privateer, then in a port of Spain, had plundered American ships, either going to or coming from England, of dry goods to the amount of three hundred dollars. Before anything could be done in Spain for the recovery of these goods, the ship went to sea, and professedly for the purpose of returning to the port of her armament. Believing her to have arrived there, I put all the evidence I possessed before M. Decrés, who closes his answer with the following assurance. "Your Excellency may be assured that, as far as it depends on me, the captains of these vessels, or their owners, shall obtain, if there is ground for it, a prompt and full reparation." I quote this to show you that there is no disposition in the Minister of this Government to sanction or protect such enterprises upon our commerce. From the uses you may be able to make of the facts, and their relation to your question generally, I subjoin a brief exposition of the construction now given to the November decree. It was, you know, admitted by both ministerial and judicial authorities, that this decree did not infract the provisions of the treaty of 1800, between the United States and France. Still it was contended that vessels of the United States, coming from any port of Great Britain, since the date of the edict, could not be admitted to entry in the ports of France. This rule, without some qualifications, was likely to become mischievous, and I accordingly obtained the following modifications of it, and hope to obtain a further modification, which will render it perfectly harmless. These changes took place as circumstances rose to produce them; for though the necessity for them was both foreseen and represented, it was only upon real, not upon hypothetical cases, that the ministers of His Majesty were willing to act.

1. Vessels leaving ports of the United States before a knowledge of the arrêt had been promulgated there, are not subject to the rule.

2. Vessels not coming directly from a British to a French port are not subject to the rule.

3. The cargoes of vessels coming directly from a British to a French port, and offered for entry, on proof that the touching of the ship in England, &c., was involuntary, are put in dépôt or sequestration, until His Majesty shall have decided on the sufficiency of the proof offered, or they are at once given up to the consignees on their giving security to abide the decision which shall be ultimately taken by the Emperor in their respective cases. The vessels can go out freely, and without impediment of any kind. The former rule, of which this is an amelioration, was, that ships as well as cargoes, coming under this description, should be sequestered, &c. The further alteration which I have asked is, the establishment of some principle which shall regulate the kind and degree of proof required with respect

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to the alleged application of a *force majeure*, &c.; my own opinion is, that this may best be found in the greater or less correspondence which shall exist between the cargo when shipped in America, and when arrived here. If the correspondence be complete, the evidence ought to be considered as complete also, that they were not in Great Britain for the purposes of commerce; and, not being there for these purposes, the inference is fair, that their going there at all was involuntary. This is a rule the Ministers will consent to; whether His Majesty will do so also will be known in a few days. He is expected here about the beginning of August.

Mr. Armstrong to Mr. Madison.

PARIS, August 3, 1807.

SIR: We had yesterday our first audience of the Emperor since his return to Paris. Happening to stand near the Minister of Denmark, I overheard His Majesty say to that Minister, "So, M. Baron, the Baltic has been violated." The Minister's answer was not audible to me, nor did it appear to have been satisfactory to the Emperor, who repeated, in a tone of voice somewhat raised and peremptory, "But, sir, the Baltic has been violated." From Mr. Deyer he passed to myself and others, and lastly to the Ambassador of Portugal, to whom, it is said, he read a very severe lecture on the conduct of his Court. These circumstances go far to justify the whispers that begin to circulate, that an army is organizing to the south for the purpose of taking possession of Portugal, and another to the north for a similar purpose with regard to Denmark; and, generally, that having settled the business of belligerents, with the exception of England, very much to his own liking, he is now on the point of settling that of neutrals in the same way. It was, perhaps, under the influence of this suggestion, that Mr. Deyer, taking me aside, inquired whether any application had been made to me with regard to the projected union of all the commercial States against Great Britain, and on my answering in the negative, he replied, "You are much favored, but it will not last." I give you this detail, not from any importance it has in itself, but from the circumstance of its containing all that I have yet heard in relation to a project highly interesting to the United States, and of which you ought to be immediately apprized.

August 9. Not a syllable has yet been mentioned with regard to the projected union, &c. As far as I can learn, they are satisfied that the course we are pursuing is honest to ourselves, and not dishonest to either of the belligerents.

August 15. We had this morning an audience of the Emperor. The seizure of Copenhagen by the British gave room for a new conversation with the Minister of Denmark, in the course of which he stated the British force to have been not ten or twelve thousand men; demanded what had become of the Prince Regent, and asked why the Government had not defended the city? As in the former audience from Baron Deyer he

came directly to me, and, after some questions merely personal, he adverted to the outrage committed by the *Leopard* on the *Chesapeake*. "This," said he, "is abominable; they have pretended hitherto to visit merchantmen, and that they had a right to do so; but they, even they, have set up no such pretensions with respect to armed ships. They would now arrange it by giving up a right or usage which never existed; but they will arrange it; they are afraid to go to war with your country."

I have the honor to be, sir, your most obedient servant,

JOHN ARMSTRONG.

Mr. MADISON.

Mr. Armstrong to Mr. Champagny.

PARIS, August 9, 1807.

SIR: Your Excellency is not unapprized that soon after the promulgation of the imperial decree of the 2d of November last, one of similar character and injunctions was issued by the Prince of Peace, in behalf of His Catholic Majesty. Under this order, sundry vessels belonging to the citizens of the United States have been captured on the high seas, brought into the ports of Spain, and are now before the Court of Admiralty for examination. To this brief statement I subjoin an extract from a letter of the 27th ultimo, from the *Chargé des Affaires* of the United States at Madrid, which will show your Excellency that the fate of these vessels will depend, not on the construction which might be given to the Spanish decree by the Spanish tribunals, but on the practice which shall have been established by France, under her decree of November last; and that Prince Massirano has accordingly been directed to ask from your Excellency such exposition of that decree, and of the practice under it, as shall regulate on this head, the conduct of Spanish courts and cruisers towards neutral commerce in general. Assured, as I feel myself, that this exposition, whenever given, will not be less friendly and liberal than that already found in the decisions of His Imperial Majesty's Council of Prizes, and correspondence of his Minister of Marine, viz: that the provisions of the decree in question do not infract any of the rights of commerce stipulated by treaty between France and the United States; it is incumbent on me to pray your Excellency, that it (the exposition required) be given as expeditiously as possible, to the end that the legitimate commerce of the United States be relieved from all further annoyance growing out of the doubtful meaning and operation of the Spanish decree aforesaid.

Your Excellency will permit me to avail myself of this occasion to recall to your attention the subject of my letter of the 26th of June last. I learn from Antwerp that the cargoes mentioned in that letter are yet under sequestration, and that considerable loss, as well by diminution of price in the articles, as by accumulation of interest and charges, has been already incurred.

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Your Excellency will do me the honor to accept the assurances of my profound respect.

JOHN ARMSTRONG.

His Excellency the PRINCE OF BENEVENTO.

Mr. Champagny to Mr. Armstrong.

AUGUST 21, 1807.

SIR: I have received the letter which you did me the honor of addressing me on the 9th of this month, relative to American vessels carried into ports of Spain, in consequence of the measures taken by that Power against the English commerce, in imitation of France.

As the execution of the maritime measures indicated by the imperial decree of the 21st of November, 1806, rests naturally with his Excellency, the Minister of Marine, and that, moreover, he has already had the honor of addressing you some first observations on the application of that decree, I transmitted without delay your letter, and asked from him the new explanations which you might desire. When they shall have been forwarded to me, I will have the honor of informing you of them.

Accept the assurance of my high consideration,

CHAMPAGNY.

His Excellency Gen. ARMSTRONG.

Mr. Armstrong to the French Minister of Exterior Relations.

PARIS, September 24, 1807.

SIR: I have this moment learned that a new and extended construction, highly injurious to the commerce of the United States, was about to be given to the imperial decree of the 21st of November last. It is therefore incumbent upon me to ask from your Excellency an explanation of His Majesty's views in relation to this subject, and, particularly, whether it be His Majesty's intention, in any degree, to infract the obligations of the treaty now subsisting between the United States and the French Empire?

I pray your Excellency, &c.,

JOHN ARMSTRONG.

M. Regnier to the Procureur General of the Council of Prizes.

PARIS, September 18, 1807.

I have submitted, sir, to His Majesty the Emperor and King, the doubts of his Excellency the Minister of Marine and Colonies on the extent of some of the provisions of the imperial decree of November 21, 1806, which has declared the British islands in a state of blockade. The following are the intentions of His Majesty on the points in question:

1. Can armed vessels, under the imperial decree of the 21st of November last, seize, in neutral vessels, either English property or merchandise proceeding from the manufactures of the English territories?

His Majesty notifies me, that since he had not thought proper to express any exception in his de-

crees, there is no ground to make any in the execution, with respect to anything whatsoever.

2. His Majesty has not decided the question, whether French armed vessels may possess themselves of neutral vessels going to or from England, although they have no English merchandise on board.

3. On the question whether French armed vessels are subject to the deduction ordered by the sixth article of the decree of November 21, His Majesty has declared that the provision of that article was not susceptible of any restriction; that is to say, that the deduction must take effect on the proceeds of all confiscations of merchandise and property which have been or may be pronounced in execution of the decree, without regard to the place of seizure or character of the captors.

You will be so good, sir, as to notify these decisions to the Council of Prizes, to have them entered in the registers, and to acknowledge the receipt of my letter. Accept, &c.

The Grand Judge, Minister of Justice,
REGNIER.

Mr. Champagny to Mr. Armstrong.

FONTAINEBLEAU, October 7, 1807.

SIR: You did me the honor on the 24th of September, to request me to send you some explanations as to the execution of the decree of blockade of the British islands as to vessels of the United States.

The provisions of all the regulations and treaties relative to a state of blockade have appeared applicable to the existing circumstance; and it results, from the explanations which have been addressed to me by the Imperial Procureur General of the Council of Prizes, that His Majesty has considered every neutral vessel going from English ports, with cargoes of English merchandise, or of English origin, as lawfully seizable by French armed vessels.

The decree of blockade has been now issued eleven months; the principal Powers of Europe, far from protesting against its provisions, have adopted them. They have perceived that its execution must be complete to render it more effectual, and it has seemed easy to reconcile these measures with the observance of treaties, especially at a time when the infractions by England of the rights of all maritime Powers render their interest common, and tend to unite them in support of the same cause. Accept, &c.

CHAMPAGNY.

Mr. Armstrong to Mr. Madison.

PARIS, November 12, 1807.

SIR: It was not till yesterday that I received from Mr. Skipwith a copy of the decree of the Council of Prizes in the case of the *Horizon*. This is the first unfriendly decision of that body, under the arrêt of the 21st of November, 1806. In this case, and on the petition of the defendant, the Court has recommended the restitution of the whole cargo. I did not however think proper to

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join in asking, as a favor, what I believed myself entitled to as a right. I subjoin a copy of my note to the Minister of Foreign Affairs, and am, sir, your most obedient and very humble servant,
JOHN ARMSTRONG.

[Enclosed in Mr. Armstrong's letter of November 12.]

Mr. Armstrong to Mr. Champagny.

PARIS, November 12, 1807.

SIR: The document to which these observations are prefixed will inform your Excellency that an American ship, trading under the protection of the laws of nations, and of particular treaties, and suffering shipwreck on the coast of France, has recently been seized by His Majesty's officers, and adjudged by his Council of Prizes as follows, viz: "Our Council puts at liberty the American vessel, the *Horizon*, shipwrecked the 30th of May last, near Morlaix; and, consequently, orders that the amount arising from the sale legally made of the wreck of the said vessel, together with the merchandise of the cargo, which, according to an estimate made in presence of the overseers of the administrations of the marine and custom-house shall have been acknowledged not to proceed from English manufactures, nor from English territory, shall be restored to Captain McClure, without deducting any other expenses than those relative to the sale; and with regard to the other merchandise of the cargo, which, from the result of the said estimate, shall be acknowledged to come from manufactures, or English territory, by virtue of the fifth article of the decree of the 21st of November, 1806, they shall be confiscated for the use of the State; the whole to be sold by the forms prescribed in the regulations; and the application of the product to be made in conformity to the arrangements of the said decree, deduction being made for the expense of saving the goods, and that of the support of the crew, until the day that the Captain shall receive the notification of the present decision."

The reasons upon which this decision are founded are at once so new and so alarming to the present friendly relations of the two Powers, that I cannot but discuss them with a freedom in some degree proportioned to my sense of their novelty and importance.

"Considering," says the Council, "first, that the neutrality of the ship and cargo was sufficiently established, the whole ought to be restored, (agreeably to the provisions of the convention of the 30th of September, 1800,) provided no merchandise of English origin had been found in her, and, of course, that she had not been brought within the limits of the imperial decree of the 21st of November, 1806."

Here is an open and unqualified admission that the ship was found within the rules prescribed by the Convention of 1800; that, according to these rules, her cargo and herself ought to have been restored; and that such would have been the fact, but for the operation of the decree of the 21st of November, 1806.

In the letter your Excellency did me the honor to write to me on the 7th of October last, you thought it "easy to reconcile the obligations of this decree with the preservation of those arising from treaties." It was not for me to examine the means by which this reconciliation was to be effected; they no doubt fully existed, and yet exist, in His Majesty's good pleasure; and taking for granted this fact, I saw in the opinion nothing but proofs of friendly dispositions and pledges that these were not to be either wantonly destroyed or diminished. How inauspicious, however, to its authority, and the consolations derived from it, is this recent act of the Council of Prizes! an act which explicitly acknowledges the opposite characters and conflicting injunctions of these two instruments; and which, of course, draws after it considerations the most serious to the Government of the United States.

The second reason of the Council is, "that the decree declaring (British) merchandise good prize had principally in view captures made on the high seas; but that the question, whether shipwrecked goods ought to be restored or confiscated, having always been judged under the fourteenth article of the regulation of the 26th of July, 1778, and, according to their character, (which might have rendered lawful, or have even commanded their seizure at sea,) there is no room to introduce, in this case, any new distinction which, however philanthropic it may appear, has not as yet been adopted as a rule by any maritime nation."

The doctrine resisted in this passage, and which inculcates the duty of extending protection to the unfortunate, is not new to His Majesty's Council of Prizes. They have themselves consecrated it by their decision of the 5th of March, 1800. By that decision they restored an enemy's ship, (the *Diana*), on the single reason, that "she had been compelled to enter a French port by stress of weather." "I should equally fail," says the Attorney General, "in respect to myself and to the Council, before whom I have the honor to represent the Government, were I not to maintain a principle consecrated by our laws, and by those of all nations. In all circumstances, let the loyalty of the French Government serve as the basis of your decisions. Prove yourselves at once generous and just; your enemies will know and respect your magnanimity." Such was the principle adopted by the Council in the year 1800, and in the case of an enemy's ship; yet we are now told that this very principle, so honorable to the Court, to the nation, and to human nature, is utterly unknown to all maritime people. And on what occasion do we hear this? When an enemy's ship is again thrown on the French coast? No; it has been reserved for the wreck of a neutral and a friendly vessel—for a ship of the United States! It is not denied that, had this ship escaped the rocks and made the port of Morlaix, the only inhospitality to which she would have been exposed, (under the most rigorous interpretation of the law in question,) would have been that of being ordered again to sea.

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Has, then, the misfortune of shipwreck so far altered her condition, as to expose her to the injury of confiscation also? and is this among the principles which the defender of maritime rights means to consecrate by his power and his wisdom? It is impossible!

The third reason of the Council is, "that the application of the fifth article aforesaid, in as far as it concerns the Americans and other nations, is the result both of the general expressions of that very article, and of the communication recently made by his Excellency, the Grand Judge, concerning the primitive intension of the sovereign."

This reason will be found to be substantially answered in my reply to reason No. 5 of the Council. It will be seen that the opinion given here, that "the application of article fifth of the imperial decree, to American commerce, is the result of the general expressions of that very article," was not the opinion of the Council on the 5th of March last, when they judged the case of the *Hibernia*. They then declared, *in totidem verbis*, that the decree "said nothing of its own influence on the convention of 1800," between the United States and France.

The fourth reason of the Council is, "that the expedition in question having certainly been made with full knowledge of the said decree, no objection can be drawn, with any propriety, from the general rules forbidding a retrospective action, nor, even in this particular case, from the posterior date of the act in which the Sovereign decides the question; since that act sprung from his supreme wisdom, not as an interpretation of a doubtful point, but as a declaration of an anterior and positive disposition."

A distinction is here attempted to be taken between the interpretation of a doubtful point and the declaration of an anterior and positive rule. This distinction cannot be maintained; for, if the rule had been positive, there would have been no occasion for the declaration. Neither the Minister of Marine, nor the Council of Prizes, could have had any doubts on the subject; the execution of the decree would have been prompt and peremptory; nor would a second act on the part of His Majesty, after the lapse of twelve months, have been necessary to give operation to the first. Need I appeal to your Excellency's memory for the facts on which these remarks turn? You know that doubts did exist. You know that there was, under them, much hesitation in pronouncing. You know that, as late as the ninth of August, I sought an explanation of the decree in question; and that even then your Excellency (who was surely a competent and legitimate organ of His Majesty) did not think yourself prepared to give it. The conclusion is inevitable. His Majesty's answer, transmitted to the Court of Prizes on the 18th of September last, through the medium of the Grand Judge, was in the nature of an interpretation, and, being so, could not, without possessing a retroactive quality, apply to events many months anterior in date to itself.

The fifth reason of the Council, and the last which enters into my present view of the subject, is, "that, though one of the principal agents of His Majesty had given a contrary opinion, of which the Council had at no period partaken, this opinion being that of an individual, could not, whatever consideration its author may merit, balance the formal declaration given in the name of His Majesty himself; and that, if the communication of this opinion had, as is alleged, given room to and served as a basis for many American shipments, and particularly of the one in question, this circumstance, which may call for the indulgence of His Majesty, in a case in which the confiscation is entirely to the advantage of the State, does not prevent a council, rigid in its duty, to pronounce in conformity to the decree of the 21st of November, and of the declaration which followed it."

It would appear from this paragraph that, not finding it easy to untie the knot, the Council had determined to cut it. Pressed by the fact that an interpretation of the decree had been given by a Minister of His Majesty, specially charged with its execution, they would now escape from this fact, and from the conclusions to which it evidently leads, by alleging, 1st. That at no time had the Council partaken of the opinion given by the Minister; and 2d. That this opinion, being that of an individual, could not possess either the force or the authority of one truly ministerial.

It appears to me, as I think it will appear to your Excellency, that the Council have, in these statements, been less correct than is usual to them on similar occasions. If, as they now assert, they have never partaken of the Minister's opinion; if they have never even hesitated on the question, whether the decree of November did or did not derogate from the Treaty of 1800, why, I ask, suspend the American cases generally; or why decide as they did in the case of the *Hibernia*? If I mistake not, we find in this case the recognition of the very principle laid down by the Minister of Marine. That officer says: "In my opinion, the November decree does not work any change in the rules at present observed with respect to neutral commerce, and, consequently, none in the convention of the 8th Vendemiaire, year nine." And what says the Council? "Admitting that this part of the cargo (the rum and ginger,) was of British origin, the dispositions of the November decree, [which contain nothing with regard to their own influence over the convention of the 8th Vendemiaire, year nine,] evidently cannot be applied to a ship leaving America on the 6th of the same month of November; and, of course, cannot have authorized her capture in the moment she was entering the neutral port of her destination." We have here three distinct grounds of exemption from the effects of the November decree:

1st. The entire silence of that decree, with regard to its own influence over the convention of 1800.

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2d. The early period at which the ship left the United States; and

3d. The neutral character of the port to which he was destined. If such, sir, were the principles admitted by the Council on the 25th of March last, with what correctness can it be now said, 'that at no period have they partaken of the opinion of the Minister?'

The second fact asserted by the Council is, that he interpretation of the decree in question, given on the 24th of December, 1806, was private, not public; or, in other words, that it was the interpretation of the *man*, not that of the Minister, and, as such, cannot outweigh the more recent declaration coming directing from His Majesty himself.

On the comparative weight of those declarations I shall say nothing, nor shall I do more to unveil the first part of the insinuation, (that the Minister's declaration was that only of the individual,) than to submit to your Excellency my letter of the 20th of December, 1806, claiming from that Minister an official interpretation of the decree in question, and his answer of the 24th of the same month, giving to me the interpretation demanded.

To your Excellency, who, as late as the 21st of August last, considered the Minister of Marine as the natural organ of His Majesty's will, in whatever regarded the decree aforesaid, and who actually applied to him for information relating to it, his allegation of the Council of Prizes, and the reasoning founded upon it, cannot but appear very extraordinary, and will justify me in requesting that His Majesty may be moved to set aside the decision in question, on the ground of error in the opinion of the Council.

If, in support of this conclusion, I have drawn no arguments from the Treaty of 1800, nor from the laws of nations, your Excellency will not be at a loss to assign to this omission its true cause. It would surely have been a useless formality to appeal to authorities, not only practically, but even professedly extinct. In the letter of the Minister of Justice of the 18th of September, we are told by His Majesty himself, that, "since he had not judged proper to make any exception in the letter of his decree, there was no room to make any in its execution;" and in the report of your Excellency's predecessor, of the 20th of November, 1806, we have these memorable words:

"England has declared these places blockaded, before which she had not a single ship of war.

"She has done more, for she has declared in a state of blockade places which all her assembled forces were incapable of blockading—immense coasts and a vast empire.

"Afterwards, drawing from a chimerical right, and from an assumed fact, the consequence that she might justly make her prey of everything going to the places laid under interdiction by a simple declaration of the British Admiralty, and of everything arising therefrom, and carrying his doctrine into effect, she has alarmed neutral navigators, and driven them to a distance from ports whither their interests attracted them, and

which the laws of nations authorized them to frequent.

"Thus it is, that she has turned to her own profit, and to the detriment of Europe, but more particularly of France, the audacity with which she mocks at all rights, and insults even reason itself.

"Against a Power which forgets to such a pitch all ideas of justice and all humane sentiments, what can be done but to forget them for an instant one's self?"

Words cannot go further to show the extinguished authority, in the one case, of the treaty subsisting between the United States and His Imperial Majesty, and, in the other, of the law of nations; to appeal to them, therefore, would be literally appealing to the dead. Accept, sir, &c.,

JOHN ARMSTRONG.

The MINISTER of Foreign Relations.

Mr. Armstrong to Mr. Madison.

PARIS, December 1, 1807.

SIR: I have this moment received a letter from His Majesty's Minister of Foreign Relations, of which I subjoin a copy; and am, sir, with very high consideration, your most obedient and most humble servant,

JOHN ARMSTRONG.

[Enclosed in the above.]

Mr. Champagny to General Armstrong.

MILAN, November 24, 1807.

SIR: The execution of the measures taken against the English commerce has frequently caused reclamations on your part. The intention of His Majesty, without doubt, is, that every particular abuse may be repressed; but the Federal Government cannot make any complaint against the measures themselves; and while the United States allow that their vessels may be visited by England, that she may drag them into her ports and turn them from their destination; while they do not oblige England to respect their flag and the merchandise which it covers; while they permit that Power to apply to them the absurd rules of blockade which it has set up, with the view of injuring France; they bind themselves, by that tolerance towards England, to allow also the application of the measures of reprisals which France is obliged to employ against her. His Majesty regrets, without doubt, to have been forced to recur to such measures. He knows all that the commercial classes may have to suffer in consequence of them, particularly those who, having habitual relations with England, using a common language, and often mixing their interests, might more frequently occasion an apprehension of some commercial connivance with the English, inasmuch as they would have greater facilities in covering it. This circumstance made it necessary to use towards them precautions more exact, and an unceasing watchfulness, in order not to be exposed to abuses which might result from a less constant vigilance. But it is not to:

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France, it is to England, that these inconveniences to individuals ought to be imputed. She it is who has given the example of measures unjust and illegal, and infringing on the sovereignty of nations. To oblige her to renounce them, it has become necessary to combat her with her own arms; in violating the rights of all nations she has united them all by a common interest; and it is for them to have recourse to force against her, to forbid her the search (*la visite*) of their vessels, the taking away of their crews, and to declare themselves against measures which wound their dignity and their independence. The unjust pretensions of England will be kept up as long as those whose rights she violates are silent; and what Government has had more to complain of against her than the United States? All the difficulties which have given rise to your reclamations, sir, would be removed with ease, if the Government of the United States, after complaining in vain of the injustice and violations of England, took with the whole Continent the part of guarantying itself therefrom. England has introduced into the maritime war an entire disregard for the rights of nations; it is only in forcing her to a peace that it is possible to recover them. On this point the interest of all nations is the same; all have their honor and their independence to defend. Accept, sir, &c.

CHAMPAGNY.

Mr. Armstrong to Mr. Madison.

PARIS, December 27, 1807.

SIR: I forward by Mr. McElhonnay a copy of a second and very extraordinary decree of this Government with regard to neutral commerce. Whether it be meant to stimulate Great Britain to the commission of new outrages, or to quicken us in repelling those she has already committed, the policy is equally unwise, and so decidedly so, that I know not a single man of consideration who approves of it. It is, however, not less true that it is as difficult to find one who will hazard an objection to it. T*****d, who in this way is permitted to go further than any other person, dare not avow his opinion of it, nor (bad as he thinks it) will he do more than state that the present moment would appear to dictate some modifications. To this point he stands engaged to go, and I wait the result with much anxiety. The Emperor is expected here on the last day of the month.

I have the honor to be, with very great respect, sir, your most obedient and humble servant,

JOHN ARMSTRONG.

P. S.—As Mr. Lee thinks it probable that both the copies of my despatch of the 16th November are taken to England, I send a third copy of it with this. There is no longer a doubt that the Emperor wished to get hold of the royal family of Portugal. There is a degree of wickedness that makes even scoundrels honest. This is verified in the conduct of Aranjó. In every other act of his life he betrayed his master; in this he served, and perhaps saved him. The assailant

confided to him his whole secret, and, abandoned as he was, he could not lend himself to its execution.

I have seen a letter from the Minister of Marine, in which he says, "The vessels of friendly and allied Powers now in the ports of the empire shall not be permitted to depart until further orders." The professed object of this measure is "to prevent their falling into the hands of the enemy;" the real object to induce the British to arrest all such vessels [of ours] as may be within their grasp. Thus the two rivals are to go on endeavoring which can most outrage law and justice. The letter above-mentioned was written to the Minister of Denmark. A similar notice has not yet been sent to me. It is, therefore, possible that His Majesty's care is restricted to vessels of Powers both friendly and allied; that it is a squeeze purely fraternal. If so, we may escape for this time. I state this, however, as a thing barely possible.

I am, sir, with very high consideration, your most obedient servant,

JOHN ARMSTRONG.

Extract.—Mr. Armstrong to Mr. Madison.

PARIS, January 22, 1808.

The conjecture offered in my last letter with regard to the embargo of our vessels, turns out to be correct; the order was intended to be confined to the vessels of friendly and allied Powers, or Powers having both these characters. The word neutral crept into it merely by mistake. An extract from the Minister's letter to me on this subject is as follows, to wit: "No order has been given to retain neutral vessels in the ports of the empire; and as soon as I knew of the error committed in this respect, I hastened to correct it, and to notify expressly that neutral vessels, and particularly those of the United States, should enjoy an entire freedom." I subjoin, also, a copy of a letter in answer to the remonstrances I have made against the new arrêt of the 17th of December last; by this you will see that the captures under this decree, like those under that of November, 1806, are in the nature of detention, and that, in the contingency of an exclusion of British commerce from the United States, the ships and cargoes will be immediately released. I expect, from one moment to another, the Emperor's orders for immediately raising all the sequestrations which have taken place under the November decree.

[Referred to in Mr. Armstrong's despatch of January 22, 1808.]

Translation of a letter from Mr. Champagny to General Armstrong, dated

PARIS, January 15, 1808.

SIR: The different notes which you have done me the honor to address to me have been laid before His Majesty.

The proceedings of England towards all Governments are so contrary to the law of nations, and all the rules constantly observed even among enemies, that no recourse against this Power is

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any longer to be found in the ordinary means of repression. In order to annoy her, it is become necessary to turn against her the arms which she makes use of herself; and, if transient inconveniences result therefrom, it is to her alone that they are to be imputed. Since England respects no laws, how could they be respected with regard to her? The maritime laws which she violates, ought they still to be a protection to her? And if some Powers tolerate the infractions committed on their independence, could they have the right to require that France alone should restrain herself within limits which her enemy has every where overleaped?

The United States, more than any other Power, have to complain of the aggressions of England. It has not been enough for her to offend against the independence of their flag, nay, against that of their territory and of their inhabitants, by attacking them even in their ports, by forcibly carrying away their crews; her decrees of the 11th November have made a fresh attack on their commerce and on their navigation, as they have done on those of all other Powers.

In the situation in which England has placed the Continent, especially since her decrees of the 11th November, His Majesty has no doubt of a declaration of war against her by the United States, whatever transient sacrifices war may occasion; they will not believe it consistent either with their interest or dignity to acknowledge the monstrous principle and the anarchy which that Government wishes to establish on the seas. If it be useful and honorable for all nations to cause the true maritime law of nations to be re-established, and to avenge the insults committed by England against every flag, it is indispensable for the United States, who, from the extent of their commerce, have oftener to complain of these violations. War exists, then, in fact, between England and the United States; and His Majesty considers it as declared from the day on which England published her decrees. In that persuasion, His Majesty, ready to consider the United States as associated with the cause of all the Powers who have to defend themselves against England, has not taken any definitive measures towards the American vessels which may have been brought into our ports; he has ordered that they should remain sequestered until a decision may be had thereon, according to the disposition which shall have been expressed by the Government of the United States.

Extract—Mr. Madison to Mr. Armstrong.

DEPARTMENT OF STATE, Feb. 8, 1808.

Your letters and communications by Doctor Bullus were duly delivered on the 14th day of December; the same conveyance brought a copy of the sentence pronounced by the French Prize Court in the case of the *Horizon*, giving a judicial effect to the decree of November 21, 1806, as expounded in the answer of Mr. Champagny to your letter of the 12th November, 1807.

Whilst the French Government did not avow

or enforce a meaning of the decree of November, 1806, in relation to the United States extending its purview beyond the municipal limits, it could not, in strictness, be regarded as an infraction either of our neutral or conventional rights; and, consequently, did not authorize more than a demand of seasonable explanations of its doubtful import, or friendly expostulations with respect to the rigor and suddenness of its innovations.

The case is now essentially changed. A construction of the decree is avowed and executed, which violates as well the positive stipulations of the convention of September 30, 1800, as the incontestable principles of public law. And the President charges you to superadd, to whatever representations you may have previously made, a formal remonstrance, in such terms as may be best calculated either to obtain a recall of the illegal measure, so far as it relates to the United States, or to have the effect of leaving in full force all the rights accruing to them from a failure to do so.

That the execution of local laws against foreign nations on the high seas is a violation of the rights of the former and the freedom of the latter, will probably not be questioned. A contrary principle would in fact imply the same exclusive dominion over the entire ocean as is enjoyed within the limits of the local sovereignty, and a degradation of every other nation from its common rights and equal rank.

If it be contended that the decree, as a retaliation on the other belligerent, at the expense of neutral nations, is justified by a culpable acquiescence in the prior measures of that belligerent operating through neutrals, you will be able to deny such acquiescence; and to urge moreover that on every supposition the retaliating measure could not be justly enforced in relation to neutrals, without allowing them at least a reasonable time for choosing between due measures against the prior wrong, and an acquiescence in both. The copy of the representations to the British Government, through its Minister here, on the subject of its orders of January, 1807, will at once disprove an acquiescence on the part of the United States, and explain the grounds on which the late extension of the French decree of November, 1806, is an object of just remonstrance.

The conduct of the French Government in giving this extended operation to its decree, and indeed in issuing one with such an apparent or doubtful import against the rights of the sea, is the more extraordinary, inasmuch as the inability to enforce it on that element exhibited the measure in the light of an empty menace, at the same time that it afforded pretexts to her enemy for severe retaliations, for which ample means are found in her naval superiority.

The accumulated dangers to which the illegal proceedings of the belligerent nations have subjected the commerce and navigation of the United States, have at length induced Congress to resort to an embargo on our own vessels, as a measure best fitted for the crisis—being an effectual security for our mercantile property and mariners now

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at home and daily arriving, and at the same time neither a measure nor just cause of war. Copies of this act were soon after its passage transmitted to Mr. Pinkney, with an authority to assure the British Government that it was to be viewed in this light, and that it was not meant to be the slightest impediment to amicable negotiations with foreign Governments. He was requested to avail himself of an opportunity of communicating to you and Mr. Erving this view of the subject, and I hope that you will have been thence enabled to present it to the French Government. Not relying however on that indirect opportunity, I send by this another copy of the act, with an instruction from the President that you make it the subject of such explanations as will guard against any misconception of the policy which led to it. It is strictly a measure of precaution, required by the dangers incident to external commerce, and, being indiscriminate in its terms and operation towards all nations, can give no just offence to any. The duration of the act is not fixed by itself, and will consequently depend on a continuance or cessation of its causes in a degree sufficient, in the judgment of the Legislature, to induce or forbid its repeal. It may be hoped that the inconveniences felt from it by the belligerent nations may lead to a change of conduct which imposed the inconveniences of it on ourselves. France herself will be a sufferer, and some of her allies far more so. It will be very agreeable to find in that consideration, and still more in her sense of justice, a sufficient motive to an early manifestation of the respect due to our commercial rights. The example would be worthy of the professions which he makes to the world on this subject.

February 18. Since the above was written I have been under a degree of indisposition, which has suspended the proposed continuation of it, and which now will oblige me to be very brief; the more so, as the vessel has been some days detained, which was engaged for the special purpose of conveying public despatches and private letters to Europe.

The delay has enabled me to inform you that Mr. Erskine, a few days ago, communicated, by instructions from his Government, its late decrees of November 11th, and those forming a sequel to them. The communication was accompanied with assurances that much regret was felt by His Britannic Majesty at the necessity which the conduct of his enemy had created for measures so embarrassing to neutral commerce, and that His Majesty would readily follow an example of relinquishing such a course, or even of making relaxations *pari passu* with his enemy.

Whether these intimations have any reference to the distinction between such parts of the French decree as operate municipally on shore, and such as, operating on the high seas, violate the rights of neutrals, or to a distinction between the former restriction and the late extension of the decree with respect to the United States, Mr. Erskine did not seem authorized to say. The probability is that neither of these distinctions entered into the views of the British Cabinet. But

it is certainly neither less the duty nor the true policy of the Emperor of the French so to vary his decree as to make it consistent with the rights of neutrals, and the freedom of the seas, and particularly with his positive stipulations to the United States. This may be the more reasonably expected, as nothing can be more clear, as has been already observed, than that the effect of the decree, as far as it can be carried into effect, would not be sensibly diminished by abolishing its operation beyond the limits of the territorial sovereignty.

In remonstrating against the injustice and illegality of the French decree, I am aware that you may be reminded of antecedent injuries to France and her allies through British violations of neutral commerce. The fact cannot be denied, and may be urged with great force, in our remonstrances against the orders to which Great Britain has given a retaliating character, since the French decree might on the same ground be pronounced a retaliation on the preceding conduct of Great Britain. But ought the legitimate commerce of neutrals to be thus the victim and the sport of belligerents contesting with each other the priority of their destructive innovations, and, without leaving either of them to neutrals, even the opportunity or the time for disproving that culpable acquiescence which is made the pretext by both for the wrongs done to them? And I must repeat that, apart from all questions of this nature, the French decree, or at least the illegal extensions of it to the United States, remain chargeable with all the impolicy which has been pointed out.

I find by accounts from Hamburg, Bremen, Holland, and Leghorn, that the trade and property of our citizens have been much vexed by regulations subaltern to those of the original decree of November 21, 1806. How far the complaints are founded on proceedings violating our public rights, or on such as are unfriendly and inequitable towards our citizens who have placed their property within those jurisdictions, you will be able to decide better than we can do at this distance; and the President refers to your own judgment the kind of representation to the French Government which those and other analogous cases may require.

Extract—Mr. Armstrong to Mr. Madison.

PARIS, February 17, 1808.

Enclosed is a copy of the answer from the Minister of Marine, to my letter of the 13th instant, in relation to the sale of a part of the cargo of the ship James Adams. It would now appear, that the promises of forbearance made by another Department are applicable only to vessels sequestered in the ports, and not to such as have been captured at sea.

Extract—Minister of Marine to General Armstrong.

FIFTH DIVISION OF PRIZES.

Paris, February 15, 1808.

I observe to you, moreover, the question now is, not as to a vessel sequestered in port, but as to a

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prize made at sea, and seized for a contravention of the decree of the 17th December last; that the provisional sale ordered on account of the "average" is for the interest as well of the captured as of the captors, and that it is directed according to the case provided for by the regulation of the 2d Prairial, 11th year.

Extract—Mr. Armstrong to Mr. Madison.

PARIS, February 22, 1808.

Mr. Patterson offers so good a conveyance that I cannot but employ it. Nothing has occurred here since the date of my public despatches, (the 17th instant,) to give to our business an aspect more favorable than it then had; but, on the other hand, I have come at the knowledge of two facts, which I think sufficiently show the decided character of the Emperor's policy with regard to us. these are—1. That, in a Council of Administration held a few days past, when it was proposed to modify the operation of the decrees of November, 1806, and December, 1807, (though the proposition was supported by the whole weight of the Council,) he became highly indignant, and declared that these decrees should suffer no change, and that the Americans should be compelled to take the positive character, either of allies or of enemies. 2. That, on the 27th of January last, twelve days after Mr. Champagny's written assurances that these decrees should work no change in the property sequestered until our discussions with England were brought to a close, and seven days before he repeated to me verbally these very assurances, the Emperor had, by a special decision, confiscated two of our ships and their cargoes, (the *Julius Henry* and *Juniatta*,*) for want merely of a document, not required by any law or usage of the commerce in which they had been engaged. This act was taken, as I am informed, on a general report of sequestered cases, amounting to one hundred and sixty, and which, at present prices, will yield upwards of one hundred millions of francs—a sum, the magnitude of which alone renders hopeless all attempts at saving it. Danes, Portuguese, and Americans, will be the principal sufferers.

If I am right in supposing that the Emperor has definitively taken his ground, I cannot be wrong in concluding that you will immediately take yours.

Extract—Mr. Armstrong to Mr. Madison.

PARIS, March 9, 1808.

The conversation alluded to in the copy of the letter of — did not take place till the 8th instant, when the Emperor declared, that if means could be found to make an exception to the operation of the November decree, such exception should have his consent.

Extract—Mr. Armstrong to Mr. Madison.

PARIS, March 15, 1808.

I stated in my last letter the substance of a declaration made by the Emperor, viz: that if

* These cases have been referred to the Grand Judge.

means could be found to except American property from the operation of the decree of November, 1806, without infringing the principles of the decrees, he would immediately make the exception. No time was lost in communicating this declaration to me; and I was invited to point out the means it required, and assured that they should be immediately submitted to His Majesty. Little as I liked the proposition, and much as I doubt the sincerity of the declaration out of which it grew, I could not refuse any agency of mine in rescuing so much of the American property sequestered in the ports of France as should come within this new rule. I accordingly wrote the note, (a copy of which is subjoined to this letter,) pointing out, in a few words, the property to which that rule would apply. This note was put into the Emperor's hand by the Prince of Benevento, who, though six days have now elapsed, has not yet received an answer.

[Note referred to in the extract from Mr. Armstrong's letter of the 15th March, 1808.]

The imperial decree of November, 1806, contains no authority to sequester the cargoes of neutral vessels touching at English ports, and subsequently coming into those of France, excepting in cases in which the captains or supercargoes may have made false declarations. The penalty provided by that decree for offences other than those of false declarations is immediate departure from the empire; and as in these cases no false declarations have been made, nor are alleged to have been made, so no penalty, other than that of departure from the empire, can be legally inflicted.

Extract—Mr. Armstrong to Mr. Madison.

PARIS, April 5, 1808,

I received the despatches you did me the honor to address to me by Mr. Lewis, on the 26th ultimo.

Though I had complained often and earnestly of both the principles and operation of the Emperor's decrees of November, 1806, and December, 1807, (having written at least twenty notes on the different cases which have arisen under them,) yet, as the President's orders were express, that, on receipt of your letter, I should superadd, to whatever representations might have been previously made, a formal remonstrance against those decrees, I did not lose a moment in writing and presenting the enclosed note; the terms of which will, I hope, appear to be such as were proper or necessary to the case, and calculated either to obtain a recall of the illegal measures, or to leave in full force the rights accruing to the United States from a failure on the part of France to recall them. To this note I have not yet received an answer, nor have I reason to expect one soon, as the Emperor has left Paris, (it is said for Spain,) and had, at no time before he set out, indicated any alteration in the views which originally produced the decrees in question.

Mr. Pinkney found means (in the return to the Continent of M. D'Alopeus) to communicate the President's views on the subject of the general embargo, and particularly the desire he had that

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it should not be considered as a measure of hostility against any foreign nation. Some explanations of this kind, were, perhaps, necessary in England, where, from the misrepresentations of our own people, the character of the policy was likely to be misunderstood; but as neither the same nor any other reason existed for making them here, none have been offered.

Mr. Armstrong to Mr. Champagny.

PARIS, April 2, 1808.

SIR: Having submitted to the Government of the United States copies of the imperial decrees of the 21st of November, 1806, and 17th December, 1807, and of the expositions which your Excellency has been pleased, at different times, to give of them, I have recently received the instructions of the President to remonstrate against both the provisions and operation of the said decrees, on the ground of their infracting, as well the positive stipulations of a particular treaty, as the incontestable principles of public law.

In discharging this duty, your Excellency will permit me to call to your remembrance the twelfth and fourteenth articles of the treaty made between the United States and France, on the 30th of September, 1800. These articles provide—

1st. That "it shall be lawful for the citizens of either country to sail with their ships and merchandise (contraband goods always excepted) from any port whatever, to any port of the enemy of the other, and to sail and trade with their ships and merchandise, with perfect security and liberty, from the countries, ports, and places of those who are enemies of both, or of either party, without any opposition or disturbance whatsoever; and to pass not only directly from the places and ports of the enemy aforesaid to neutral ports and places, but also from one place belonging to an enemy to another place belonging to an enemy, whether they be or be not under the jurisdiction of the same Power, unless such ports or places shall be actually blockaded, besieged, or invested."

2d. That "vessels sailing for a port or place belonging to an enemy, without knowing that the same is either besieged, blockaded, or invested, may be turned away from such port or place, but they shall not be detained, nor any part of their cargo (not contraband) confiscated, unless, after notice of such blockade or investment, they shall again attempt to enter; but they shall be permitted to go to any other port or place they shall think proper."

3d. That "free ships shall give a freedom to goods, and that everything shall be deemed to be free and exempt which shall be found on board the ships belonging to the citizens of either of the contracting parties, although the whole lading, or any part thereof, should appertain to the enemies of either; contraband goods being always excepted."

These stipulations are not more clear in themselves, nor of more indisputable application and authority in the present case, than the injunctions of public law by which they were enforced, viz:

That local regulations (excepting by virtue of convention) cannot apply to foreign nations on the high seas, without violating the rights of the one, and the freedom of the other; that blockades can only exist when places are so infested that no serious attempt can be made to approach them without exposing the parties making them to imminent danger; that merchant vessels may be visited without any degradation to the flag of the nation to which they belong, &c. But why multiply proofs of a position which is not denied? Does not the official report of your enlightened predecessor of the 21st of November, 1806, admit the illegitimacy of the original decree? Does it not expressly say, that the doctrines of blockade introduced by England are monstrous and indefensible? and that the practice, like the doctrine, is a mockery of right, and an insult upon reason? After strictures so severe, because so just, what can be said for the policy of France, which differs in nothing from that of England? Has your Excellency attempted to defend either the theory or the practice of this policy, on the ground of its conformity to the principles of public law? Or have you done more at any time, or on any occasion, than to seek a justification for it on the bare suggestion that the United States have acquiesced in the measures of England? And how has even this suggestion been maintained? By an exposition of the wrongs inflicted on American commerce! and which have been notoriously practised by all the belligerents in turn. Have not the ships of the United States been encountered by all? Have they not been turned from their original destination? Have they not been dragged into foreign ports for adjudication? Have they not, in several instances, been burnt on the high seas? Is not the argument, founded on this state of things, equally good for either, or for all the belligerents? And can France derive from it rights which do not equally accrue to her enemies? There is, however, another and a better answer to this suggestion, which your Excellency has already seen in the letter I had the honor of writing to you on the 16th of February last, viz: that the suggestion is neither well nor plausibly founded; and that the United States neither have submitted, nor will submit, to the usurpations of Great Britain nor to those of any other nation.

Accept, sir, &c.

Extract—Mr. Armstrong to Mr. Madison.

PARIS, April 12, 1808.

I have detained Mr. Lewis here till to-day, on the supposition that my letter of the 2d instant would be answered. This was, however, a mere accommodation to forms, as the absence of the Emperor and the Minister of Foreign Relations rendered this supposition highly improbable. There being then no public reason for Mr. Lewis' longer stay in Paris, and the permission to the Osage to prosecute her voyage to England not including one to return to France, I have thought it best that we should embark with such despatches as were ready, proceed to Falmouth in Eng-

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and, and thence, after receiving Mr. Pinkney's orders, return with all possible expedition to the United States. He has accordingly been instructed to this effect.

Extract—Mr. Madison to Mr. Armstrong.

DEPARTMENT OF STATE, *May 2, 1808.*

Since my last, of which Lieutenant Lewis was the bearer, I have received your several letters of the 27th of December, 22d January, 15th and 17th of February, with their respective enclosures.

That of the 15th of January, from Mr. Champagny to you, has, as you will see by the papers herewith sent, produced the sensations here which the spirit and style of it were calculated to excite in minds alive to the interests and honor of the nation. To present to the United States the alternative of bending to the views of France against her enemy, or of incurring a confiscation of all the property of their citizens carried into the French prize courts, implied that they were susceptible of impressions by which no independent and honorable nation can be guided; and to rejudge and pronounce for them the effect which the conduct of another nation ought to have on their councils and course of proceeding, had the air at least of an assumed authority, not less irritating to the public feelings. In these lights the President makes it your duty to present to the French Government the contents of Mr. Champagny's letter; taking care, as your discretion will doubtless suggest, that while you make that Government sensible of the offensive tone employed, you leave the way open for friendly and respectful explanations, if there be a disposition to offer them; and for a decision here on any reply, which may be of a different character.

Congress closed their session on the 25th ultimo. For a general view of their proceedings, I refer to the series of newspapers heretofore and now forwarded, and to other prints which are added among their acts of chief importance is that which vests in the President an authority to suspend, in whole or in part, the embargo laws.

The conditions on which the suspending authority is to be exercised will engage your particular attention. They appeal equally to the justice and the policy of the two great belligerent Powers now emulating each other in violations of both. The President counts on your best endeavors to give to this appeal all the effect possible with the French Government. Mr. Pinkney will be doing the same with that of Great Britain. The relation in which a recall of its retaliating decrees by either Power will place the United States to the other, is obvious, and ought to be a motive to the measure proportioned to the desire which has been manifested by each to produce collisions between the United States and its adversary, and which must be equally felt by each to avoid one with itself.

Should wiser councils or increasing distresses induce Great Britain to revoke her impolitic orders against neutral commerce, and thereby prepare the way for the removal of the embargo, as

it applies to her, France could not persist in the illegal part of her decrees, if she does not mean to force a contest with the United States. On the other hand, should she set the example of revocation, Great Britain would be obliged, either by following it to restore to France the full benefit of neutral trade, which she needs, or, by persevering in her obnoxious orders after the pretext for them had ceased, to render collisions with the United States inevitable.

In every point of view, therefore, it is so clearly the sound policy of France to rescind so much at least of her decrees as trespass on neutral rights, and particularly to be the first in taking the retrograde step, that it cannot be unreasonable to expect that it will be immediately taken.

The repeal of her decrees is more to be expected, above all, if Great Britain should repeal, or be likely to repeal, hers, as the plan of the original decree at Berlin did not extend to a violation of the freedom of the seas, and was restricted to a municipal operation for nearly an entire year, notwithstanding the illegal British orders of January, 1807, and as a return of France to that restricted scope of her plan would so immaterially diminish its operation against the British commerce; that operation being so completely in the power of France on land, and so little in her power on the high seas.

But although we cannot of right demand from France more than a repeal of so much of her decrees as violate the freedom of the seas, and a great point will be gained by a repeal of that part of them, yet, as it may not have the effect of inducing a repeal of the whole illegal system of the British Government, which may seek pretexts or plead a necessity for counteracting the unprecedented and formidable mode of warfare practised against her, it will be desirable that as little room as possible should be left for this remaining danger to the tranquil enjoyment of our commercial rights.

In whatever degree the French Government may be led to change its system, you will lose no time in transmitting the information to this Department and to Mr. Pinkney, and by hired conveyances, if necessary. A correspondent instruction is given to Mr. Pinkney.

It is of the greater importance that you should receive from each other the earliest notice of any relaxations, as each Government is under a pledge to follow such an example by the other. And it is not of less importance that the President or Congress should be acquainted with the facts, that the proceedings here may be accommodated to them.

That you may know the grounds on which the British orders of November have been arranged by this Government, I enclose a copy of the answer to Mr. Erskine's note communicating them, a copy of the note being also enclosed.

The other documents communicated will put you in full possession of the relations of the United States with Great Britain, as resulting from the issue of our general negotiations, and from that of the mission of Mr. Rose.

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This despatch is forwarded by Mr. Baker, who takes his passage from Baltimore in a vessel engaged, as was the *Osage* which sailed from New York, for the special purpose of public and mercantile correspondences with Europe. She will proceed in the first instance to L'Orient, where she will leave Mr. Baker, and thence proceed with despatches for Mr. Pinkney to Falmouth, where she will remain a few days to receive communications from him; she will then return to L'Orient, in order to bring back Mr. Baker, with your communications.

Extract—Mr. Armstrong to Mr. Madison.

PARIS, June 25, 1808.

SIR: The *St. Michael* arrived at L'Orient on the 1st instant, and, like the *Osage*, was immediately put under sequestration. It was not until the 8th that Mr. Baker arrived here.

The remonstrance ordered, with respect to the terms of Mr. Champagny's letter of the 15th of January, shall be executed the moment the Prince of Benevento returns from Valençay, and I hope in a way which, while it makes the French Government sensible of the offensiveness of those terms, will not obstruct the road to friendly and respectful explanations on its part.

To give this a chance of finding Mr. Livingston at Bordeaux, I must close it here.

With high respect, &c.

Mr. Armstrong to Mr. Madison.

PARIS, July 18, 1808.

SIR: I avail myself of the detention of the *Arcturus*, to transmit copies of two letters which I have written to M. de Champagny: the one in execution of the President's orders with regard to the offensive terms employed by that Minister in his note of the 15th of January last; the other demanding from him, on the part of his Government, an avowal or disavowal of the conduct of Rear Admiral Baudin in burning or otherwise destroying, on the high seas, four American ships and their cargoes.

I have the honor to be, &c.,

JOHN ARMSTRONG.

[Referred to in Mr. Armstrong's despatch of the 18th of July.]

Mr. Armstrong to Mr. Champagny.]

PARIS, July 10, 1808.

SIR: Your Excellency will see by the enclosed extracts from two letters which His Majesty's Minister of Marine has done me the honor to address to me on the 18th of April and 13th of June last, that the property taken from the four American ships destroyed by Rear Admiral Baudin has been placed under the jurisdiction of the Imperial Council of Prizes, to be judged by it, as a case of ordinary capture.

To your Excellency it will be unnecessary to remark that, whatever may be the decision of the Council in relation to the merchandise which has been saved, the case presents a question of

much higher import, and entirely beyond the jurisdiction of a maritime court, viz: the kind and degree of reparation which shall be due for the ships and merchandise which have been destroyed. And, by way of opening this subject, your Excellency will permit me to ask whether His Majesty's Government does or does not justify the conduct of Rear Admiral Baudin in burning or otherwise destroying, on the high seas, the ships and merchandise of a neutral and friendly Power? I pray your Excellency, &c.,

JOHN ARMSTRONG.

M. CHAMPAGNY.

[Referred to in Mr. Armstrong's letter of July 18.]

Extract—Mr. Armstrong to Mr. Champagny.

PARIS, July 4, 1808.

SIR: It has been made the duty of the undersigned to bring to the view of the French Government an official note addressed to him, on the 15th of January last, by His Majesty's Minister of Exterior Relations, and which, in the opinion of the President, is calculated to derogate from the rights of the United States as an independent nation. The note is in the following words, viz:

(See Mr. Champagny's letter of the 15th of January, 1808, ante page 1668.)

On this note the undersigned would remark—

1st. That the United States have a right to elect their own policy with regard to England, as they have with regard to France, and that it is only while they continue to exercise this right, without suffering any degree of restraint from either Power, that they can maintain the independent relation in which they stand to both; whence, it follows, that, to have pronounced, in the peremptory tone of the preceding note, the effects which the measures of the British Government ought to have produced on their counsels and conduct, was a language less adapted to accomplish its own object than to offend against the respect due from one independent nation to another; and,

2d. That the alternative to be found in the last paragraph, and which leaves the United States to choose between an acquiescence in the views of France against Great Britain, and a confiscation of all American property sequestered by order of His Imperial Majesty, is equally offensive to both Governments; to France, as it would impute to her a proposition founded in wrong to individuals; and to the United States, as it would imply on their part a subjection to pecuniary interests totally inconsistent with their principles, and highly dishonorable to their character.

His Excellency will be persuaded that the President, in directing the undersigned to make this representation, had no object in view beyond that of seeking an explanation, which cannot but tend to promote the harmony of the two Powers.

The Minister Plenipotentiary of the United States,

JOHN ARMSTRONG.

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Mr. Madison to Mr. Armstrong.

DEPARTMENT OF STATE, *July 21, 1808.*

SIR: Herewith you will receive a copy of the papers relating to one of the vessels which were destroyed at sea by the French frigates returning from the West Indies. I observe that, in your letter to Mr. Champagny of the 2d of April, you have incidentally noticed this occurrence. If ample reparation should not have been made to the sufferers, the President thinks it proper that, as their cases become authenticated, you should present them in terms which may awaken the French Government to the nature of the injury, and the demands of justice. The burning of neutral vessels detained on the high seas is the most distressing of all the modes by which belligerents exert force contrary to right, and, in proportion as it is destitute of apology, ought at least to be the promptitude and amplitude of the redress.

If it be contended that the destruction in these cases proceeded solely from the danger that otherwise intelligence might reach a pursuing or hovering force, it may be answered, that, if such a plea were of greater avail, it would only disprove an hostility of intention, without diminishing the obligation to indemnify, on the most liberal scale, the injured individuals. It may be added that, if the outrage on the individuals was not meant as an hostility towards their nation, the latter might justly expect a tender of such explanations as would leave no doubt on this subject. I have the honor to be, &c.

JAMES MADISON.

Mr. Madison to Mr. Armstrong.

DEPARTMENT OF STATE, *July 22, 1808.*

Your despatches by Lieutenant Lewis were delivered on the 8th instant.

It is regretted that the interval between his arrival and the date of your letter to Mr. Champagny, during which I presume some verbal intercommunication must have taken place, had produced no indication of a favorable change in the views of the French Government with respect to its decrees; and still more that, instead of an early and favorable answer to your letter, it should have been followed by such a decree as is reported to have been issued on the 22d of April, at Bayonne. The decree has not yet reached the United States, and therefore its precise import cannot be ascertained. But, if it should be, as it is represented, a sweeping stroke at all American vessels on the high seas, it will not only extend our demands of reparation, but is rendered the more ominous with respect to the temper and views of the Emperor towards the United States by the date of the measure.

The arrival of Mr. Baker with my letter of May 2, of which a copy is herewith sent, will have enabled you to resume the subject of the decrees, with the fairest opportunity that could be given to the French Government for a change of the unjust and unwise course which has been

pursued; and I assure myself that you will not have failed to turn the communications with which you are furnished to the best account. If France does not wish to throw the United States into the war against her, for which it is impossible to find a rational or plausible inducement, she ought not to hesitate a moment in revoking at least so much of her decrees as violate the rights of the sea, and furnish to her adversary the pretext for his retaliating measures. It would seem as if the Imperial Cabinet had never paid sufficient attention to the smallness of the sacrifice which a repeal of that portion of its system would involve, if an act of justice is to be called a sacrifice.

The information by the return of the Osage from England is not more satisfactory than that from France. Nothing was said on the subject of the Chesapeake, nor anything done or promised as to the Orders in Council. It is probable that further accounts from the United States were waited for, and that the arrival of the St. Michael will have led to a manifestation of the real views of that Government on those and other subjects. In the meantime, it cannot be doubted that hopes were cherished there of some events in this country favorable to the policy of the orders, and particularly that the offensive language and proceedings of France would bring on a hostile resistance from the United States; in which case the British Government would be able to mould everything to its satisfaction. There is much reason to believe that, if the British Government should not concur in a mutual abolition of the orders and of the embargo, it will result from an unwillingness to set an example which might be followed, and might, consequently, put an end to the irritating career of her enemy, on which the calculation is built. Might not use be made of this view of the matter in those frank and friendly conversations which sometimes best admit topics of a delicate nature, and in which pride and prejudice can be best managed without descending from the necessary level? In every view, it is evidently proper, as far as respect to the national honor will allow, to avoid a style of procedure which might co-operate with the policy of the British Government, by stimulating the passions of the French.

Extract of a letter from General Armstrong to the Secretary of State.

PARIS, *July 26, 1808.*

SIR: It would have given me the highest pleasure to have drawn from this Government such explanations on the general subject of our differences with them as would have met the friendly and equitable views of the United States; but I owe it, as well to you as to myself, to declare that every attempt for that purpose hitherto made has failed, and under circumstances which by no means indicate any change in their aspect for the better. With very high consideration, I am, &c.

JOHN ARMSTRONG.

JAMES MADISON, Esq.

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Extract—Mr. Armstrong to the Secretary of State.

PARIS, August 7, 1808.

I wrote a few lines to you yesterday. Two weeks have gone by without any new condemnation. My remonstrances continue to be unanswered.

P. S. I enclose a copy of my note of yesterday to M. de Champagny.

JOHN ARMSTRONG.

[Referred to and enclosed in Mr. Armstrong's despatch of August 7, 1808.]

Extract—Mr. Armstrong to Mr. Champagny.

PARIS, August 6, 1808.

Mr. Armstrong presents his compliments to M. de Champagny, and begs leave to inform him that, having for some months past made trial of the artificial waters of Rivoli without any useful effect, his physician has prescribed for him those of Bourbon l'Archambault. Should M. de Champagny have any communication to make to Mr. Armstrong, he will be pleased to address them as usual to the Hotel de Légation Américaine, Rue Vaugirard, No. 100, whence they will be regularly and promptly transmitted to Bourbon.

On leaving Paris, Mr. Armstrong thinks proper to express his regrets that the political relations of the two Powers should continue to wear an aspect less auspicious to their future good understanding than is wished for by those who are the friends of both.

That His Majesty has a right to make such municipal regulations as he may deem proper, with regard to foreign commerce, neither is, nor has been, denied: for example, he may forbid the entry into the ports of France of American ships which have touched in England, or been destined to England; and he may either sequester or confiscate such vessels of the United States as shall infract these laws, after due promulgation and notice thereof; but beyond this the United States hope and believe that His Majesty will not go.

M. de Champagny will not fail to seize the distinction which these remarks present, between the authority of municipal regulations and that of public law; and will decide whether it does or does not offer a ground on which the good understanding, so long and so usefully maintained between the United States and France, may be preserved, and a degree of intercourse between them renewed, which shall have the effect of re-animating their former industry.

Does His Majesty fear that the balance of trade, arising from this renewed industry, would go to the advantage of England? Means are certainly not wanting to prevent this consequence. Would it not be entirely avoided by making it a condition of the commerce in question, that all ships leaving France shall take (in some article or articles of their produce or manufacture) the full amount of the cargoes they bring hither?

Ships sailing under this regulation would or would not go voluntarily to England. If they went voluntarily, it would only be because that

country afforded the best markets for the productions of France; in which case the habitual results would be entirely changed, and England, ceasing to receive a balance for her manufactures, would begin to pay one to the United States on the productions of France. Could France wish a state of commerce more prosperous than this?

If, on the other hand, the American ships did not go voluntarily to England, but were captured and sent in for adjudication, it may be fairly presumed that the United States could no longer hesitate about becoming a party to the war against England.

Thus, in either case, the interests of His Majesty would be directly advanced by the measure: in the one, the wants of France and her colonies would be not only regularly supplied, but she would herself become an entrepôt for the supply of the Continent; in the other, the wishes of His Majesty, as expressed in February last, would be directly promoted.

Mr. Armstrong has the honor of renewing to M. de Champagny the assurances of his very high consideration.

JOHN ARMSTRONG.

Extract—Mr. Armstrong to Mr. Madison.

BOURBON L'ARCHAMBAULT,

August 28, 1808.

Since my arrival at this place, I have been honored by the receipt of your despatch of the 21st ultimo, and would immediately return to Paris to renew my discussions with M. de Champagny, either personally, as you suggest, or by writing, had I not the most solemn conviction that any new experiment, made at the present moment, in either form, and of official character, would certainly be useless, and probably injurious.

JOHN ARMSTRONG.

(Confidential.)

Extract—General Armstrong to Mr. Madison.

BOURBON L'ARCHAMBAULT,

August 30, 1808.

We have somewhat overrated our means of coercing the two great belligerents to a course of justice. The embargo is a measure calculated, above any other, to keep us whole and keep us in peace; but, beyond this, you must not count upon it. Here it is not felt, and in England (in the midst of the more recent and interesting events of the day) it is forgotten.

I hope that, unless France shall do us justice, we will raise the embargo, and make in its stead the experiment of an armed commerce. Should she adhere to her wicked and foolish measures, we ought not to content ourselves with doing this; there is much, very much besides that we can do, and we ought not to omit doing all we can, because it is believed here that we cannot do much, and even that we will not do what we have the power of doing.

JOHN ARMSTRONG.

*Great Britain, France, and Spain.***GREAT BRITAIN, FRANCE, AND SPAIN.**

[Communicated to Congress, December 28, 1806.]

To the Senate of the United States :

According to the request of the Senate, in their resolution of November 14, that copies should be aid before them of all the orders and decrees of the belligerent Powers of Europe, passed since 1791, affecting the commercial rights of the United States, I now transmit to them a report of the Secretary of State of such of them as have been attainable in the Department of State, and are supposed to have entered into the views of the Senate.

TH. JEFFERSON.

DECEMBER 23, 1808.

DEPARTMENT OF STATE, Dec. 21, 1808.

The Secretary of State, in pursuance of the resolution of the Senate of the 14th of November, respectfully reports to the President of the United States copies of such belligerent acts, decrees, orders, and proclamations, as affect neutral rights of commerce, and as have been attainable in the Department of State, with the exception, however, of sundry acts, particularly blockades, of doubtful import or inferior importance, which it was supposed would have inconveniently extended the delay and the size of the report.

JAMES MADISON.

1. The Acts, Orders in Council, &c. of Great Britain.

March 25, 1793. Extract from the Russian Treaty.

May 25, 1793. Extract from the Spanish.

July 14, 1793. Extract from the Prussian.

August 30, 1793. Extract from the Austrian.

June 8, 1793. Additional instructions with respect to corn, meal, &c.

November 6, 1793. Detention of neutral vessels, laden with French colonial productions, &c.

January 8, 1794. Revocation of the last order, and the enactment of other regulations.

January 25, 1798. Revocation of the last one, and the enactment of new regulations.

March 22, 1799. Blockade of all the ports of Holland.

November 27, 1799. Suspension of the blockade of Holland.

June 24, 1803. Direct trade between neutrals and the colonies of enemies not to be interrupted, unless, upon the outward voyage, contraband supplies shall have been furnished by the neutrals.

April 12, 1804. Instructions concerning blockades, communicated by Mr. Merry.

April 12, 1804. Conversion of the siege of Curaçoa into a blockade.

August 9, 1804. Blockade of Fécamp, &c.

August 17, 1805. Direct trade with enemy's colonies subjected to restrictions, &c.

April 8, 1806. Blockade of the Ems, Weser, &c.

May 16, 1806. Blockade from the Elbe to Brest.

September 25, 1806. Discontinuance of the last blockade in part.

January 7, 1807. Interdiction of the trade, from port to port, of France.

June 26, 1807. Blockade of the Ems, &c.

October 16, 1807. Proclamation recalling seamen.

November 11, 1807. Three Orders in Council.

November 25, 1807. Six Orders in Council.

January 2, 1808. Blockade of Carthage, &c.

March 28, 1808. Act of Parliament for carrying Orders of Council into effect.

April 11, 1808. Order in Council permitting neutral vessels, without papers, to carry supplies to the West Indies.

April 14, 1808. Act of Parliament prohibiting exportation of cotton, wool, &c.

April 14, 1808. Act of Parliament making valid certain Orders in Council.

May 4, 1808. Blockade of Copenhagen and of the island of Zealand.

June 23, 1808. Act of Parliament regulating trade between the United States and Great Britain.

October 14, 1808. Admiral Cochrane's blockade of French Leeward Islands.

Extract from a Convention between His Britannic Majesty and the Empress of Russia, signed at London, the 25th of March, 1793.

ART. 3. Their said Majesties reciprocally engage to shut all their ports against French ships; not to permit the exportation, in any case, from their said ports for France, of any military or naval stores, or corn, grain, salt meat, or other provisions; and to take all other measures in their power for injuring the commerce of France, and for bringing her, by such means, to just conditions of peace.

ART. 4. Their Majesties engage to unite all their efforts to prevent other Powers, not implicated in this war, from giving, on this occasion of common concern to every civilized State, any protection whatever, directly or indirectly, in consequence of their neutrality, to the commerce or property of the French, on the sea, or in the ports of France.

Extract from a treaty between His Britannic Majesty and the King of Spain, signed at Aranjuez, the 25th of May, 1793.

ART. 4. Their said Majesties engage reciprocally to shut their ports against French vessels; not to permit that there shall, in any case, be exported from their ports for France either warlike or naval stores, or wheat, or other grains, salted meat, or other provisions: and to take every other measure in their power to distress the trade of France, and reduce her by that means to just conditions of peace.

ART. 5. Their said Majesties also engage, the present war being generally interesting to every civilized State, to unite all their efforts in order to prevent those Powers which do not take part

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in the said war, from affording, in consequence of their neutrality, any protection, direct or indirect, on the seas or in the ports of France, to the commerce and property of the French.

Extract from a convention between His Britannic Majesty and the King of Prussia, signed at the camp before Mayence, the 14th July, 1793.

ART. 3. The high contracting parties have already taken the resolution to shut all their ports against French ships, and not to permit the exportation, in any cases, from their said ports for France, of any military or naval stores, or corn, grain, salt meat, or other provisions; they reciprocally engage to continue those measures, and promise to employ all other means which shall be in their power for injuring the commerce of France, and for bringing her, by such means, to just conditions of peace.

ART. 4. Their Majesties engage to unite all their efforts to prevent, on this occasion of common concern to every civilized State, other Powers, not implicated in the war, from giving, in consequence of their neutrality, any protection whatever, directly or indirectly, to the commerce or property of the French, on the sea, or in the ports of France.

Extract from a convention between the Emperor of Austria and His Britannic Majesty, signed at London, the 30th August, 1793.

ART. 2. Their said Majesties reciprocally engage to shut their ports against French vessels, not to permit, in any instance, warlike or naval stores, corn, grain, salted meat, or other provisions, to be exported from their said ports for France, and to take all other means in their power to annoy the commerce of France, and thereby to reduce her to just conditions of peace.

ART. 3. Their Majesties engage to unite all their efforts to prevent other Powers, who shall not take part in this war, from giving, on this occasion of common interest to every civilized State, any protection whatever, direct or indirect, in consequence of their neutrality, to the commerce or the property of the French, at sea or in the ports of France.

GEORGE R.

Additional instructions to the commanders of His Majesty's ships of war and privateers that have or may have letters of marque against France. Given at our Court at St. James's, the eighth day of June, 1793, and in the thirty-third year of our reign.

1st. That it shall be lawful to stop and detain all vessels laden wholly or in part with corn, flour, or meal, bound to any port in France, or any port occupied by the armies of France, and to send them to such ports as shall be most convenient, in order that such corn, meal, or flour, may be purchased on behalf of His Majesty's Government, and the ships released after such purchase, and after a due allowance for freight; or that the masters of such ships, on giving due security, to be approved by the Court of Admiralty, be permitted to proceed to dispose of their cargoes of corn, meal, or flour, in the ports of any country in amity with His Majesty.

2d. That it shall be lawful for the commanders of His Majesty's ships of war and privateers, that have or may have letters of marque against France, to seize all ships, whatever be their cargoes, that shall be found attempting to enter any blockaded port, and to send the same for condemnation, together with their cargoes, except the ships of Denmark and Sweden, which shall be prevented from entering on the first attempt, but on the second shall be sent in for condemnation likewise.

3d. That in case His Majesty shall declare any port to be blockaded, the commanders of His Majesty's ships of war and privateers that have or may have letters of marque against France, are hereby enjoined, if they meet with ships at sea, which appear from their papers to be destined to such blockaded port, but to have sailed from the ports of their respective countries before the declaration of the blockade shall have arrived there, to advertise them thereof, and to admonish them to go to other ports; but they are not to molest them afterward, unless it shall appear that they have continued their course with intent to enter the blockaded port, in which case they shall be subject to capture and condemnation: as shall likewise all ships wheresoever found, that shall appear to have sailed from their ports, bound to any port which His Majesty shall have declared to be blockaded, after such declaration shall have been known in the country from which they sailed; and all ships which, in the course of the voyage, shall have received notice of the blockade in any manner, and yet shall have pursued their course with intent to enter the same.

GEORGE R.—Additional instruction to the commanders of all our ships of war and privateers that have or may have letters of marque against France. Given at our Court at St. James's, the sixth day of November, 1793, and in the thirty-fourth year of our reign.

That they shall stop and detain all ships laden with goods the produce of any colony belonging to France, or carrying provisions or other supplies for the use of any such colony, and shall bring the same, with their cargoes, to legal adjudication in our Courts of Admiralty.

By His Majesty's command:

H. DUNDAS.

GEORGE R.—Instructions to the commanders of our ships of war and privateers that have or may have letters of marque against France. Given at our Court at St. James's, the eighth day of January, 1794.

Whereas, by our former instruction to the commanders of our ships of war and privateers, dated the 6th day of November, 1793, we signified that they should stop and detain all ships laden with goods the produce of any colony belonging to France, or carrying provisions or other supplies for the use of any such colony, and should bring the same, with their cargoes, to legal adjudication: We are pleased to revoke the said instruction, and, in lieu thereof, we have thought fit to issue these, our instructions, to be duly observed by the com-

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manders of all our ships of war and privateers that have or may have letters of marque against France :

1. That they shall bring in, for lawful adjudication, all vessels, with their cargoes, that are laden with goods the produce of the French West India Islands, and coming directly from any port of the said islands to any port in Europe.

2. That they shall bring in, for lawful adjudication, all ships, with their cargoes, that are laden with goods the produce of the said islands, the property of which goods shall belong to the subjects of France, to whatsoever ports the same may be bound.

3. That they shall seize all ships that shall be found attempting to enter any port of the said islands that is or shall be blockaded by the arms of His Majesty or his allies, and shall send them in, with their cargoes, for adjudication, according to the terms of the second article of the former instructions, bearing date the eighth day of June, 1793.

4. That they should seize all vessels laden wholly or in part with naval or military stores, bound to any port of the said islands, and shall send them into some convenient port belonging to His Majesty, in order that they, together with their cargoes, be proceeded against, according to the rules of nations.

James R.—Instructions to the commanders of our ships of war and privateers that have or may have letters of marque against France, Spain, or the United Provinces. Given at our Court at St. James's, the 25th day of January, 1798, in the thirty-eighth year of our reign.

Whereas, by our former instructions to the commanders of our ships of war and privateers, dated 8th January, 1794, we signified that they should bring in, for lawful adjudication, all vessels, with their cargoes, that were laden with goods the produce of the French West India Islands, and coming directly from any port of the said islands to any port in Europe; and likewise all ships, with their cargoes, that were laden with goods the produce of the said islands, the property of which goods should belong to the subjects of France, to whatsoever ports the same might be bound; and that they should seize all ships that should be found attempting to enter any port of the said islands that was or should be blockaded by the arms of His Majesty or his allies, and should send them in, with their cargoes, for adjudication; and, also, all vessels laden wholly or in part with naval or military stores, bound to any port of the said islands, and should send them into some convenient port belonging to His Majesty, in order that they, together with their cargoes, might be proceeded against, according to the law of nations: And whereas, in consideration of the present state of the commerce of this country, as well as that of neutral countries, it is expedient to revoke the said instructions, we are pleased hereby to revoke the same; and, in lieu thereof, we have thought fit to issue these our instructions, to be observed from henceforth by the commanders

of all our ships of war and privateers that have or may have letters of marque against France, Spain, and the United Provinces.

1. That they shall bring in, for lawful adjudication, all vessels, with their cargoes, that are laden with goods the produce of any island or settlement belonging to France, Spain, or the United Provinces, and coming directly from any port of the said islands or settlements to any port in Europe, not being a port of this kingdom, nor a port of that country to which such ships, being neutral ships, shall belong.

2. That they shall bring in, for lawful adjudication, all ships, with their cargoes, that are laden with goods the produce of the said islands or settlements, the property of which goods shall belong to subjects of France, Spain, or the United Provinces, to whatsoever ports the same may be bound.

3. That they shall seize all ships that shall be found attempting to enter any port of the said islands or settlements that is or shall be blockaded by the arms of His Majesty, and shall send them in, with their cargoes, for adjudication, according to the terms of the second article of the former instructions, bearing date the 8th day of June 1793.

4. That they shall seize all vessels laden wholly or in part with naval or military stores, bound to any port of the said islands or settlements, and shall send them into some convenient port belonging to His Majesty, in order that they, together with their cargoes, may be proceeded against, according to the rules of the law of nations. By His Majesty's command:

PORTLAND.

Lord Grenville to Mr. King.

DOWNING STREET, March 22, 1799.

The undersigned, Secretary of State of His Britannic Majesty, has received His Majesty's commands to acquaint Mr. King, Minister Plenipotentiary of the United States of America, that the King, judging it expedient to avail himself of the superiority of his naval forces for the defence of his dominions, has signified his commands to the Lords Commissioners of the Admiralty to cause the most rigorous blockade to be established at the entrance of all the ports of Holland, which will be maintained and enforced in the strictest manner, according to the usages of war acknowledged and observed in similar cases.

Mr. King is therefore requested to apprise the American Consuls and merchants residing in England that the above-mentioned ports of the United Provinces are, and must be considered as being in a state of blockade, and that from this time no neutral vessel can be suffered to enter them, upon any consideration, or under any pretence whatsoever; and that all the measures authorized by the law of nations and the respective treaties between His Majesty and the different neutral Powers will henceforth be adopted and executed with respect to vessels destined for the said ports, as shall attempt to enter them after this notice.

Great Britain, France, and Spain.

Lord Grenville to Mr. King.

The undersigned, Secretary of State, has received His Majesty's command to inform Mr. King that His Majesty has judged it expedient to suspend for the present the blockade of all the ports in the United Provinces, which was established by His Majesty's orders,* and which was announced to Mr. King by the undersigned, in his note dated March 22d last.

GRENVILLE.

Additional instructions by the Commissioners for executing the office of Lord High Admiral of the United Kingdom of Great Britain and Ireland, &c.

The right honorable Lord Pelham, one of His Majesty's principal Secretaries of State, having transmitted us, as additional instructions, under His Majesty's signet and sign manual, dated the 24th June, 1803, as follows:

To the Commanders of His Majesty's ships of war and privateers.

In consideration of the present state of commerce, we are pleased hereby to direct the commanders of our ships of war and privateers not to seize any neutral vessel which shall be carrying on trade directly between the colonies of enemies, and the neutral country, to which the vessel belongs, and laden with the property of inhabitants of such neutral country: provided, that such neutral vessels shall not be supplying, nor shall have, on the outward voyage, supplied the enemy with any articles contraband of war, and shall not be trading with any blockaded port.

By His Majesty's command:

PELHAM.

To the Judge of the Vice Admiralty Court of the Island of Ceylon.

We send you herewith a printed copy of the said additional instructions for your information and guidance, dated 13th July, 1803.

[Signed by the Lords of the Admiralty.]

Mr. Merry to Mr. Madison.

WASHINGTON, April 12, 1804.

Mr. Thornton not having failed to transmit to His Majesty's Government an account of the representation which you were pleased to address to him under date of the 27th October, last year, respecting the blockade of the islands of Martinique and Guadeloupe, it is with great satisfaction, sir, that I have just received His Majesty's commands, signified to me by his principal Secretary of State for Foreign Affairs, under date of the 6th January last, to communicate to you the instructions which have, in consequence of your representation, been sent to Commodore Hood, and to the Judges of the Vice Admiralty Courts in the West Indies.

I have, accordingly, the honor to transmit to you, sir, enclosed, the copy of a letter from Sir Evan Nepean, Secretary to the Board of Admi-

ralty, to Mr. Hammond, His Majesty's Under Secretary of State for Foreign Affairs, specifying the nature of the instructions which have been given.

His Majesty's Government doubt not that the promptitude which has been manifested in redressing the grievance complained of by the Government of the United States, will be considered by the latter as an additional evidence of His Majesty's constant and sincere desire to remove any ground of misunderstanding that could have a tendency to interrupt the harmony which so happily subsists between this Government and that of the United States.

I have the honor to be, &c.

ANTHONY MERRY.

ADMIRALTY OFFICE, January 5, 1804.

SIR: Having communicated to the Lords of the Admiralty, Lord Hawkesbury's letter of the 22d ultimo, enclosing the copy of a despatch which his Lordship has received from Mr. Thornton, His Majesty's Chargé d'Affaires in America, on the subject of the blockade of the islands of Martinique and Guadeloupe, together with the report of the Advocate General:

Thereupon, I have their Lordships' commands to acquaint you, for his Lordship's information, that they have sent orders to Commodore Hood not to consider any blockade of those islands as existing, unless in respect of particular ports which may be actually invested, and then not to capture vessels bound to such ports, unless they shall previously have been warned not to enter them, and that they have also sent the necessary directions on the subject to the Judges of the Vice Admiralty Courts in the West Indies and America.

I am, &c.

EVAN NEPEAN.

GEORGE HAMMOND, Esq.

Mr. Merry to Mr. Madison.

WASHINGTON, April 12, 1804.

SIR: I have the honor to acquaint you that I have just received a letter from Rear Admiral Sir John Duckworth, Commander-in-Chief of His Majesty's squadron at Jamaica, dated 2d of last month, in which he desires me to communicate to the Government of the United States that he has found it expedient for His Majesty's service to convert the siege, which he lately attempted, of Curaçoa, into a blockade of that island.

I cannot doubt, sir, that this blockade will be conducted conformably to the instructions which, as I have had the honor to acquaint you is another letter of this date, have been recently sent on this subject to the Commander-in-Chief of His Majesty's forces, and to the Judges of the Vice Admiralty Courts, in the West Indies, should the smallness of the Island of Curaçoa still render necessary any distinction of the investment being confined to particular parts.

I have the honor to be, &c.

ANT. MERRY.

JAMES MADISON, Esq.

*Supposed to be those of November 27, 1799.

Great Britain, France, and Spain.

Circular from Lord Harrowby to the Ministers of the neutral nations residing in London, communicated to Colonel Monroe.

DOWNING STREET, August 9, 1804.

The undersigned, His Majesty's principal Secretary of State for Foreign Affairs, has received His Majesty's commands to acquaint Mr. Monroe, that the King has judged it expedient (for the protection of his subjects and the annoyance of his enemies) to establish the most rigorous blockade at the entrances of the ports of Fécamp, St. Valéry-aux-Caux, Dieppe, Treport, the Somme, Etaples, Boulogne, Calais, Gravelines, Dunkirk, Nieuport, and Ostend, and to maintain and enforce the same in the strictest manner, according to the usages of war acknowledged in similar cases. Mr. Monroe is therefore requested to apprise the American Consuls and merchants residing in England, that the entrances of the above-mentioned ports are, and must be considered as being in a state of blockade; and that from this time all the measures authorized by the law of nations and the respective treaties between His Majesty and the different neutral Powers, will be adopted and executed with respect to vessels attempting to violate the said blockade after this notice.

The undersigned requests Mr. Monroe, &c.
HARROWBY.

GEORGE R.

To our Courts of Admiralty, and to the Commanders of our ships of war and privateers. Given at our Court at St. James's, the 17th day of August, 1806, in the 45th year of our reign.

We are pleased hereby to direct the commanders of our ships of war and privateers not to seize any neutral vessel, which shall be carrying on trade directly from the colonies of the enemy to the ports of this Kingdom, and laden solely with the property of inhabitants of the neutral country to which the ship belongs; provided such neutral ship has already cleared out, or shall clear out, from such colony, prior to the 1st day of November next, and shall not have supplied the enemy with any articles contraband of war in the outward voyage, and shall not have entered or be coming from any blockaded port. And in case any neutral vessel, trading as aforesaid, hath been, or shall be detained or brought before any of our Courts of Admiralty, it is our will and pleasure that such ships, together with their cargoes, be forthwith liberated.

By His Majesty's command:
HAWKESBURY.

Mr. Fox to Mr. Monroe.

DOWNING STREET, April 8, 1806.

The undersigned, His Majesty's principal Secretary of State for Foreign Affairs, has received His Majesty's commands to acquaint Mr. Monroe, that, in consequence of His Majesty the King of Prussia having taken possession of various parts of the Electorate of Hanover, and other dominions

belonging to His Majesty, in a forcible and hostile manner; and having also notified, that all British ships be excluded from the ports of the Prussian dominions, and from certain other ports in the north of Europe, and not suffered to enter or trade therewith, in violation of the just rights and interests of His Majesty and his dominions, and contrary to the established law and practice of nations in amity with each other: His Majesty has judged it expedient to establish the most rigorous blockade at the entrance of the Ems, the Weser, the Elbe, and the Trave, and to maintain and enforce the same in the strictest manner, according to the usages of war, acknowledged and allowed in similar cases.

Mr. Monroe is therefore requested to apprise the American Consuls and merchants residing in England, that the entrances of the above-mentioned rivers are and must be considered as being in a state of blockade; and that from this time all the measures authorized by the law of nations, and the respective treaties between His Majesty and the different neutral Powers, will be adopted and executed with respect to vessels attempting to violate the said blockades after this notice.

The undersigned requests Mr. Monroe to accept the assurance of his high consideration.

C. J. FOX.

Mr. Fox to Mr. Monroe.

DOWNING STREET, May 16, 1806.

The undersigned His Majesty's principal Secretary of State for Foreign Affairs, has received His Majesty's commands to acquaint Mr. Monroe, that the King, taking into consideration the new and extraordinary means resorted to by the enemy for the purpose of distressing the commerce of his subjects, has thought fit to direct that the necessary measures should be taken for the blockade of the coast, rivers, and ports, from the river Elbe to the port of Brest, both inclusive; and the said coast, rivers, and ports are and must be considered as blockaded; but that His Majesty is pleased to declare that such blockade shall not extend to prevent neutral ships and vessels, laden with goods not being the property of His Majesty's enemies, and not being contraband of war, from approaching the said rivers and ports (save and except the coast, rivers, and ports from Ostend to the river Seine, already in a state of strict and rigorous blockade, and which are to be considered as so continued,) provided the said ships and vessels so approaching and entering (except as aforesaid) shall not have been laden at any port belonging to or in the possession of any of His Majesty's enemies; and that the said ships and vessels so sailing from the said rivers and ports (except as aforesaid) shall not be destined to any port belonging to or in the possession of any of His Majesty's enemies, nor have previously broken the blockade.

Mr. Monroe is therefore requested to apprise the American Consuls and merchants residing in England, that the coast, rivers, and ports above mentioned, must be considered as being in a state of blockade, and that from this time all the measures

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authorized by the law of nations, and the respective treaties between His Majesty and the different neutral Powers, will be adopted and executed with respect to vessels attempting to violate the said blockade after this notice.

The undersigned requests Mr. Monroe. &c.
C. J. FOX.

Lord Howick to Mr. Monroe.

DOWNING STREET, Sept. 25, 1806.

The undersigned, His Majesty's principal Secretary of State for Foreign Affairs, has received His Majesty's commands to acquaint Mr. Monroe, that the King having been pleased, on the 16th of May last, to cause it to be signified that he had directed the necessary measures to be taken for the blockade of the coast, rivers, and ports, from the river Elbe to the port of Brest, both inclusive, His Majesty is now pleased to declare, that so much of such blockade as extended from the river Elbe to the river Ems, both inclusive, is for the present discontinued; and that, from the date hereof, the navigation of the coast, rivers, and ports, from the river Elbe to the river Ems, both inclusive, is as free as if such blockade had not taken place.

The undersigned requests Mr. Monroe to accept the assurances, &c.
HOWICK.

At a Court at the Queen's Palace, the 7th of January, 1807: Present the King's Most Excellent Majesty in Council.

Whereas the French Government has issued certain orders, which, in violation of the usages of war, purport to prohibit the commerce of all neutral nations with His Majesty's dominions, and also to prevent such nations from trading with any other country in any articles the growth, produce, or manufacture of His Majesty's dominions; and whereas the said Government has also taken upon itself to declare all His Majesty's dominions to be in a state of blockade, at the time when the fleets of France and her allies are themselves confined within their own ports by the superior valor and discipline of the British navy; and whereas such attempts, on the part of the enemy, would give to His Majesty an unquestionable right of retaliation, and would warrant His Majesty in enforcing the same prohibition of all commerce with France, which that Power vainly hopes to effect against the commerce of His Majesty's subjects, a prohibition which the superiority of His Majesty's naval forces might enable him to support by actually investing the ports and coasts of the enemy with numerous squadrons and cruisers, so as to make the entrance or approach thereto manifestly dangerous; and whereas His Majesty, though unwilling to follow the example of his enemies by proceeding to an extremity so distressing to all nations not engaged in the war, and carrying on their accustomed trade, yet feels himself bound, by due regard to the just defence of the rights and interests of his people not to suffer such measures to be taken by the enemy, without taking some steps on his part to restrain this violence, and to

retort upon them the evils of their own injustice; His Majesty is thereupon pleased, by and with the advice of his Privy Council, to order, and it is hereby ordered, that no vessels shall be permitted to trade from one port to another, both which ports shall belong to or be in the possession of France or her allies, or shall be so far under their control as that British vessels may not trade freely thereat; and the commanders of His Majesty's ships of war and privateers shall be, and are hereby, instructed to warn every neutral vessel coming from any such port, and destined to another such port, to discontinue her voyage, and not to proceed to any such port; and any vessel, after being so warned, or any vessel coming from any such port, after a reasonable time shall have been afforded for receiving information of this His Majesty's order, which shall be found proceeding to another such port, shall be captured and brought in, and together with her cargo shall be condemned as lawful prize; and His Majesty's principal Secretaries of State, the Lords Commissioners of the Admiralty, and the Judges of the High Court of Admiralty, and the Courts of Vice Admiralty, are to take the necessary measures herein as to them shall respectively appertain.

W. FAWKENER.

Extract of a letter from the honorable David M. Erskine, Envoy Extraordinary and Minister Plenipotentiary of His Britannic Majesty, to the Secretary of State of the United States.

PHILADELPHIA, June 26, 1807.

I have the honor to inform you that His Majesty has judged it expedient to re-establish the most rigorous blockade at the entrances of the rivers Ems, Weser, and Elbe, inclusive, in consequence of the present position of the enemy upon the Continent, which enables him to command the navigation of those rivers.

By the King.—A Proclamation for recalling and prohibiting British seamen from serving foreign Princes and States.

GEORGE R.

Whereas, it hath been represented to us, that great numbers of mariners and seafaring men, our natural born subjects, have been enticed to enter into the service of foreign States, and are now actually serving as well on board the ships of war belonging to the said foreign States, as on board the merchant vessels belonging to their subjects, notwithstanding our former proclamation recalling them, contrary to the duty and allegiance which our said subjects owe unto us, and to the great disservice of their native country; we have, therefore, thought it necessary, at the present moment, when our Kingdom is menaced and endangered, and when the maritime rights on which its power and greatness do mainly depend, are disputed and called in question, to publish, by and with the advice of our Privy Council, this our royal proclamation: We do hereby strictly charge and command all masters of ships, pilots, mariners, shipwrights, and other seafaring men, being

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our natural born subjects, who may have been enticed into the pay or service of any foreign State, or do serve in any foreign ship or vessel, that forthwith they, and every one of them, do, (according to their bounden duty and allegiance, and in consideration that their native country hath need of all their services,) withdraw themselves, and depart from, and quit such foreign service, and do return home to their native country; or do enter on board such of our ships of war as they may chance to fall in with, either on the high seas, or in any rivers, waters, havens, roads, ports or places whatsoever or wheresoever.

And for the better execution of the purposes of this our royal proclamation, we do authorize and command all captains, masters, and others, commanding our ships and vessels of war, to stop and make stay of all and every such person or persons (being our natural born subjects) as shall endeavor to transport or enter themselves into the service of any foreign State, contrary to the intent and command of this our royal proclamation, and to seize upon, take, and bring away all such persons as aforesaid, who shall be found to be employed or serving in any foreign merchant ship or vessel as aforesaid; but we do strictly enjoin all such captains, masters, and others, that they do permit no man to go on board such ships and vessels belonging to States at amity with us, for the purpose of so seizing upon, taking, and bringing away such persons aforesaid, for whose discreet and orderly demeanor the said captains cannot answer; and that they do take especial care that no unnecessary violence be ever done or offered to the vessel, or to the remainder of the crew, from out of which such persons shall be taken.

And in case of their receiving information of any such person or persons being employed, or serving on board of any ship of war belonging to such foreign State at amity with us, we do authorize and command our captains, masters, and others commanding our ships of war, to require of the captain or commander of such foreign ship of war, that he do forthwith release and discharge such person or persons, being our natural born subjects; and if such release and discharge shall be refused, then to transmit information of such refusal to the commander-in-chief of the squadron, under whose orders such captain or commander shall be then serving; which information the said commander-in-chief is hereby strictly directed and enjoined to transmit, with the least possible delay, to our Minister residing at the seat of Government of that State to which the said foreign ship of war shall belong, or to our Lord High Admiral, or Lords Commissioners of the Admiralty, for the time being, in order that he, being apprized of such proceeding, may forthwith direct the necessary steps to be taken for obtaining redress from the Government to which such foreign ship of war shall belong, for the injury done to us by the unwarranted detention of our natural born subjects in the service of a foreign State.

And whereas, it hath been further represented unto us, that divers mariners and seafaring men,

our natural born subjects, have been induced to accept letters of naturalization, or certificates of citizenship, from foreign States, and have been taught to believe that, by such letters or certificates they are discharged from that duty of allegiance which, as our natural born subjects, they owe to us: Now we do hereby warn all such mariners, seafaring men, and others, our natural born subjects, that no such letters of naturalization, or certificate of citizenship, do or can in any manner divest our natural born subjects of the allegiance, or in any degree alter the duty which they owe to us, their lawful Sovereign. But in consideration of the error into which such mariners and seafaring men as aforesaid may have been led, we do hereby publish and declare our free pardon to all such, our subjects, who, repenting of the delusion under which they have acted, shall immediately, upon knowledge of this our royal proclamation, withdraw themselves from foreign service, and return to their allegiance to us; and we do declare that all such, our subjects, who shall continue in the service of foreign States, in disregard and contempt of this our royal proclamation, will not only incur our just displeasure, but are liable to be proceeded against for such contempt, and shall be proceeded against accordingly; and we do hereby declare, that if any such masters of ships, pilots, mariners, seamen, shipwrights, and other seafaring men, (being our natural born subjects,) shall be taken in any foreign service by the Algerines, or other Barbary Powers, and carried into slavery, they shall not be reclaimed by us as subjects of Great Britain.

And we do hereby notify that all such, our subjects, as aforesaid, who have voluntarily entered, or shall enter, or voluntarily continue to serve, on board of any ships of war belonging to any foreign State at enmity with us, are and will be guilty of high treason; and we do, by this our royal proclamation, declare that they shall be punished with the utmost severity of the law.

Given at our Court at the Queen's Palace, the sixteenth day of October, one thousand eight hundred and seven, and in the forty-seventh year of our reign. God save the King.

At the Court at the Queen's Palace, the 11th of November, 1807: Present, the King's Most Excellent Majesty in Council.

Whereas certain orders, establishing an unprecedented system of warfare against this Kingdom, and aimed especially at the destruction of its commerce and resources, were, sometime since, issued by the Government of France, by which "the British islands were declared to be in a state of blockade," thereby subjecting to capture and condemnation all vessels, with their cargoes, which should continue to trade with His Majesty's dominions:

And whereas, by the same order, "all trading in English merchandise is prohibited, and every article of merchandise belonging to England, or coming from her colonies, or of her manufacture, is declared lawful prize:"

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And whereas the nations in alliance with France, and under her control, were required to give, and have given, and do give, effect to such orders:

And whereas His Majesty's order of the 7th of January last has not answered the desired purpose, either of compelling the enemy to recall those orders, or of inducing neutral nations to interpose, with effect, to obtain their revocation, but, on the contrary, the same have been recently enforced with increased rigor:

And whereas His Majesty, under these circumstances, finds himself compelled to take further measures for asserting and vindicating his just rights, and for supporting that maritime power which the exertions and valor of his people have, under the blessing of Providence, enabled him to establish and maintain; and the maintenance of which is not more essential to the safety and prosperity of His Majesty's dominions, than it is to the protection of such States as still retain their independence, and to the general intercourse and happiness of mankind:

His Majesty is therefore pleased, by and with the advice of his Privy Council, to order, and it is hereby ordered, that all the ports and places of France and her allies, or of any other country at war with His Majesty, and all other ports or places in Europe, from which, although not at war with His Majesty, the British flag is excluded, and all ports or places in the colonies belonging to His Majesty's enemies, shall, from henceforth, be subject to the same restrictions in point of trade and navigation, with the exceptions hereinafter mentioned, as if the same were actually blockaded by His Majesty's naval forces, in the most strict and rigorous manner: And it is hereby further ordered and declared, that all trade in articles which are of the produce or manufacture of the said countries or colonies, shall be deemed and considered to be unlawful; and that every vessel trading from or to the said countries or colonies, together with all goods and merchandise on board, and all articles of the produce or manufacture of the said countries or colonies, shall be captured and condemned as prize to the captors.

But, although His Majesty would be fully justified, by the circumstances and considerations above recited, in establishing such system of restrictions with respect to all the countries and colonies of his enemies, without exception or qualification, yet His Majesty being, nevertheless, desirous not to subject neutrals to any greater inconvenience than is absolutely inseparable from the carrying into effect His Majesty's just determination to counteract the designs of his enemies, and to retort upon his enemies themselves the consequences of their own violence and injustice; and being yet willing to hope that it may be possible (consistently with that object) still to allow to neutrals the opportunity of furnishing themselves with colonial produce for their own consumption and supply, and even to leave open, for the present, such trade with His Majesty's enemies as shall be carried on directly

with the ports of His Majesty's dominions, or of his allies, in the manner hereinafter mentioned:

His Majesty is, therefore, pleased further to order, and it is hereby ordered, that nothing herein contained shall extend to subject to capture or condemnation any vessel, or the cargo of any vessel, belonging to any country not declared by this order to be subjected to the restrictions incident to a state of blockade, which shall have cleared out with such cargo from some port or place of the country to which she belongs, either in Europe or America, or from some free port in His Majesty's colonies, under circumstances in which such trade, from such free ports, is permitted, direct to some port or place in the colonies of His Majesty's enemies, or from those colonies direct to the country to which such vessel belongs, or to some free port in His Majesty's colonies, in such cases, and with such articles, as it may be lawful to import into such free port; nor to any vessel, or the cargo of any vessel, belonging to any country not at war with His Majesty, which shall have cleared out under such regulations as His Majesty may think fit to prescribe, and shall be proceeding direct from some port or place in this Kingdom, or from Gibraltar, or Malta, or from any port belonging to His Majesty's allies, to the port specified in her clearance; nor to any vessel, or the cargo of any vessel, belonging to any country not at war with His Majesty, which shall be coming from any port or place in Europe which is declared by this order to be subject to the restrictions incident to a state of blockade, destined to some port or place in Europe belonging to His Majesty, and which shall be on her voyage direct thereto; but these exceptions are not to be understood as exempting from capture or confiscation any vessel or goods which shall be liable thereto in respect of having entered or departed from any port or place actually blockaded by His Majesty's squadrons or ships of war, or for being enemy's property, or for any other cause than the contravention of this present order.

And the commanders of His Majesty's ships of war and privateers, and other vessels acting under His Majesty's commission, shall be, and are hereby, instructed to warn every vessel which shall have commenced her voyage prior to any notice of this order, and shall be destined to any port of France, or of her allies, or of any other country at war with His Majesty, or to any port or place from which the British flag, as aforesaid, is excluded, or to any colony belonging to His Majesty's enemies, and which shall not have cleared out as is hereinbefore allowed, to discontinue her voyage, and to proceed to some port or place in this Kingdom, or to Gibraltar or Malta; and any vessel which, after having been so warned, or after a reasonable time shall have been afforded for the arrival of information of this His Majesty's order at any port or place from which she sailed, or which, after having notice of this order, shall be found in the prosecution of any voyage contrary to the restrictions contained in this order, shall be captured, and, together with

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her cargo, condemned as lawful prize to the captors.

And whereas countries not engaged in the war have acquiesced in these orders of France, prohibiting all trade in any articles the produce or manufacture of His Majesty's dominions; and the merchants of those countries have given countenance and effect to those prohibitions by accepting from persons, styling themselves commercial agents of the enemy, resident at neutral ports, certain documents, termed "certificates of origin," being certificates obtained at the ports of shipment, declaring that the articles of the cargo are not of the produce or manufacture of His Majesty's dominions, or to that effect:

And whereas this expedient has been directed by France, and submitted to by such merchants, as part of the new system of warfare directed against the trade of this Kingdom, and as the most effectual instrument of accomplishing the same, and it is therefore essentially necessary to resist it:

His Majesty is therefore pleased, by and with the advice of his Privy Council, to order, and it is hereby ordered, that if any vessel, after reasonable time shall have been afforded for receiving notice of this His Majesty's order, at the port or place from which such vessel shall have cleared out, shall be found carrying any such certificate or document as aforesaid, or any document referring to or authenticating the same, such vessel shall be adjudged lawful prize to the captor, together with the goods laden therein, belonging to the person or persons by whom, or on whose behalf, any such document was put on board.

And the right honorable the Lords Commissioners of His Majesty's Treasury, His Majesty's principal Secretaries of State, the Lords Commissioners of the Admiralty, and the Judges of the High Court of Admiralty and Courts of Vice Admiralty, are to take the necessary measures therein as to them shall respectively appertain.

W. FAWKENER.

At the Court at the Queen's Palace, the 11th of November, 1807: Present, the King's Most Excellent Majesty in Council.

Whereas articles of the growth and manufacture of foreign countries cannot by law be imported into this country, except in British ships, or in ships belonging to the countries of which such articles are the growth and manufacture, without an order in Council specially authorizing the same:

His Majesty, taking into consideration the order of this day's date, respecting the trade to be carried on to and from the ports of the enemy, and deeming it expedient that any vessel belonging to any country in alliance, or at amity with His Majesty, may be permitted to import into this country articles of the produce or manufacture of countries at war with His Majesty:

His Majesty, by and with the advice of his Privy Council, is therefore pleased to order, and it is hereby ordered, that all goods, wares, or mer-

chandise, specified and included in the schedule of an act, passed in the forty-third year of his present Majesty's reign, entitled "An act to repeal the duties of customs payable in Great Britain, and to grant other duties in lieu thereof," may be imported from any port or place belonging to any State not at amity with His Majesty, in ships belonging to any State at amity with His Majesty, subject to the payment of such duties, and liable to such drawbacks, as are now established by law upon the importation of the said goods, wares, or merchandise, in ships navigated according to law; and with respect to such of the said goods, wares, and merchandise as are authorized to be warehoused under the provisions of an act passed in the forty-third year of his present Majesty's reign, entitled "An act for permitting certain goods imported into Great Britain to be secured in warehouses without payment of duty," subject to all the regulations of the said last mentioned act; and with respect to all articles which are prohibited by law from being imported into this country, it is ordered that the same shall be reported for exportation to any country in amity or alliance with His Majesty.

And His Majesty is further pleased, by and with the advice of his Privy Council, to order, and it is hereby ordered, that all vessels which shall arrive at any port of the United Kingdom, or at the port of Gibraltar or Malta, in consequence of having been warned pursuant to the aforesaid order, or in consequence of receiving information, in any other manner, of the said order, subsequent to their having taken on board any part of their cargoes, whether previous or subsequent to their sailing, shall be permitted to report their cargoes for exportation, and shall be allowed to proceed upon their voyages to their original ports of destination, (if not unlawful before the issuing of the said order,) or to any port at amity with His Majesty, upon receiving a certificate from the collector or comptroller of the customs at the port at which they shall so enter, (which certificate the said collectors and comptrollers of the customs are hereby authorized and required to give,) setting forth that such vessels came into such port in consequence of being so warned, or of receiving such information as aforesaid, and that they were permitted to sail from such port under the regulations which His Majesty has been pleased to establish in respect to such vessels; but in case any vessel so arriving shall prefer to import her cargo, then such vessel shall be allowed to enter and import the same, upon such terms and conditions as the said cargo might have been imported upon, according to law, in case the said vessel had sailed after having received notice of the said order, and in conformity thereto.

And it is further ordered, that all vessels which shall arrive at any port of the United Kingdom, or at Gibraltar, or Malta, in conformity and obedience to the said order, shall be allowed, in respect to all articles which may be on board the same, except sugar, coffee, wine, brandy, snuff, and tobacco, to clear out to any port whatever, to

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be specified in such clearance; and, with respect to the last mentioned articles, to export the same to such ports, and under such conditions and regulations only, as His Majesty, by any license to be granted for that purpose, may direct.

And the right honorable the Lords Commissioners of His Majesty's Treasury, His Majesty's principal Secretaries of State, the Lords Commissioners of the Admiralty, and the Judges of the High Courts of Admiralty and Courts of Vice Admiralty, are to take the necessary measures herein as to them shall respectively appertain.

W. FAWKENER.

At the Court at the Queen's Palace, the 11th of November, 1807: Present, the King's Most Excellent Majesty in Council.

Whereas the sale of ships by a belligerent to a neutral is considered by France to be illegal:

And whereas a great part of the shipping of France and her allies has been protected from capture during the present hostilities by transfers, or pretended transfers, to neutrals:

And whereas it is fully justifiable to adopt the same rule, in this respect, towards the enemy, which is applied by the enemy to this country:

His Majesty is pleased, by and with the advice of his Privy Council, to order, and it is hereby ordered, that, in future, the sale to a neutral of any vessel belonging to His Majesty's enemies shall not be deemed to be legal, nor in any manner to transfer the property, nor to alter the character of such vessel; and all vessels now belonging, or which shall hereafter belong, to any enemy of His Majesty, notwithstanding any sale, or pretended sale, to a neutral, after a reasonable time shall have elapsed for receiving information of this His Majesty's order at the place where such sale, or pretended sale, was effected, shall be captured and brought in, and shall be adjudged as lawful prize to the captors.

And the right honorable the Lords Commissioners of His Majesty's Treasury, His Majesty's principal Secretaries of State, the Lords Commissioners of the Admiralty, and the Judges of the High Court of Admiralty and Courts of Vice Admiralty, are to take the necessary measures herein as to them shall respectively appertain.

W. FAWKENER.

At the Court at the Queen's Palace, the 25th of November, 1807: Present, the King's Most Excellent Majesty in Council.

Whereas it has been represented that it would be expedient to fix certain periods, at which it shall be deemed that a reasonable time shall have elapsed for receiving information, at different places, of His Majesty's order in Council of the 11th of November instant, respecting the trade with His Majesty's enemies, and in their produce and manufactures: His Majesty taking the same into consideration, and being desirous to obviate any difficulties that may arise in respect thereto, and also to allow ample time for the said order being known to all persons who may be affected

thereby, is pleased, by and with the advice of his Privy Council, to order and declare, and it is hereby ordered and declared, that information of the said order of the 11th of November instant shall be taken, and held to have been received in the places hereinafter mentioned, at the periods respectively assigned to them, namely:

Ports and places within the Baltic; December 21, 1807.

Other ports and places to the northward of Amsterdam; December 11, 1807.

From Amsterdam to Ushant; December 4, 1807.

From Ushant to Cape Finisterre; December, 8, 1807.

From Cape Finisterre to Gibraltar, inclusive; December 13, 1807.

Madeira; December 13, 1807.

Ports and places within the Straits of Gibraltar, to Sicily, and Malta, and the west coast of Italy inclusive; January 1, 1808.

All other ports and places in the Mediterranean beyond Sicily and Malta; January 20, 1808.

Ports and places beyond the Dardanelles; February 1, 1808.

Any part of the north and western coast of Africa, or the islands adjacent, except Madeira; January 11, 1808.

The United States, and British possessions in North America and the West Indies; January 20, 1808.

Cape of Good Hope, and east coast of South America; March 1, 1808.

India; May 1; 1808.

China, and the coast of South America; June 1, 1808.

And every vessel sailing on or after those days, from those places, respectively, shall be deemed and taken to have received notice of the aforesaid order; and it is further ordered, that, if any vessel shall sail within twenty days after the periods above assigned, respectively, from any of the said places, in contravention of the said order of the 11th of November instant, and shall be detained as prize on account thereof, or shall arrive at any port in this Kingdom, destined to some port or place within the restriction of the said order, and proof shall be made to the satisfaction of the Court of Admiralty, in which such vessel shall be proceeded against, in case the same shall be brought in as prize, that the loading of the said vessel had commenced before the said periods, and before information of the said order had actually been received at the port of shipment, the said vessel, together with the goods so laden, shall be restored to the owner or owners thereof, and shall be permitted to proceed on her voyage in such manner as if such vessel had sailed before the day so specified as aforesaid; and it is further ordered, that no proof shall be admitted, or be gone into, for the purpose of showing that information of the said order of the 11th of November instant had not been received at the said places, respectively, at the several periods before assigned; and the right honorable the Lords Commissioners of His Majesty's Treasury, His Majesty's principal Secretaries of State, the

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Lords Commissioners of the Admiralty, and the Judges of the High Court of Admiralty, and Courts of Vice Admiralty, are to take the necessary measures herein as to them shall respectively appertain.

W. FAWKENER.

At the Court at the Queen's Palace, the 25th of November, 1807: Present, the King's Most Excellent Majesty in Council.

Whereas His Majesty, by his Order in Council, dated 11th November instant, respecting the trade to be carried on with His Majesty's enemies, was pleased to exempt from the restrictions of the said order, all vessels which shall have cleared out from any port or place in this Kingdom, under such regulations as His Majesty may think fit to prescribe, and shall be proceeding direct to the ports specified in the respective clearances; His Majesty, taking into consideration the expediency of making such regulations, is pleased, by and with the advice of his Privy Council, to order, and it is hereby ordered, that all vessels, belonging to countries not at war with His Majesty, shall be permitted to lade in any port of the United Kingdom any goods being the produce or manufacture of His Majesty's dominions, or East India goods, or prize goods, (all such goods being lawfully imported,) and to clear out with, and freely to convey the same, to any port or place in any colony in the West Indies or America, belonging to His Majesty's enemies, such port or place not being in a state of actual blockade, subject to the payment of such duties as may at the time when any such vessels may be cleared out be due by law on the exportation of any such goods, or in respect of the same being destined to the ports of the colonies belonging to His Majesty's enemies, and likewise to lade, clear out with, and convey, as aforesaid, any articles of foreign produce or manufacture, which shall have been lawfully imported into this Kingdom, provided His Majesty's license shall have been previously obtained for so conveying such foreign produce or manufactures: and it is further ordered, that any vessel, belonging as aforesaid, shall be permitted to lade in any port of the United Kingdom any goods, not being naval or military stores, which shall be of the growth, produce, or manufacture of this Kingdom, or which shall have been lawfully imported, (save and except foreign sugar, coffee, wine, brandy, snuff, and cotton,) and to clear out with, and freely to convey the same to any port, to be specified in the clearance, not being in a state of actual blockade, although the same shall be under the restrictions of the said order; and likewise to lade, clear out, and convey foreign sugar, coffee, wine, brandy, snuff, and cotton, which shall have been lawfully imported, provided His Majesty's license shall have been previously obtained for the exportation and conveyance thereof: and it is hereby further ordered, that no vessel shall be permitted to clear out from any port or place in this Kingdom to any port or place of any country subjected to the restrictions of the said order, with any goods

which shall have been laden (after notice of the said order) on board the vessel which shall have imported the same into this Kingdom, without having first duly entered and landed the same in some port or place in this Kingdom; and that no vessel shall be permitted to clear out from any port or place in this Kingdom, to any port or place whatever, with any goods the produce or manufacture of any country subject to the restrictions of the said order, which shall have been laden after notice, as aforesaid, on board the vessel importing the same, without having so duly entered and landed the same; or any goods whatever which shall have been laden after such notice in the vessel importing the same, in any port or place of any country subjected to the restrictions of the said order, without having so duly entered and landed the same in some port or place in this Kingdom, except the cargo shall consist wholly of flour, meal, grain, or any article or articles the produce of the soil of some country which is not subjected to the restrictions of the said order, except cotton, and which shall have been imported in an unmanufactured state direct from such country into this Kingdom, in a vessel belonging to the country from which such goods have been brought, and in which the same were grown and produced.

And it is further ordered, that any vessel belonging to any country not at war with His Majesty may clear out from Guernsey, Jersey, or Man, to any port or place under the restrictions of the said order, which shall be specified in the clearance, not being in a state of actual blockade, with such articles only, not being naval or military stores, as shall have been legally imported into such islands respectively from any port or place in this Kingdom direct; and with respect to all such articles as may have been imported into the said islands, respectively, from any port or place under the restrictions of the said order, it shall not be permitted to any vessel to clear out with the same from any of the said islands, except to some port or place in this Kingdom; and the right honorable the Lords Commissioners of His Majesty's Treasury, His Majesty's principal Secretaries of State, the Lords Commissioners of the Admiralty, and the Judges of the High Court of Admiralty and Courts of Vice Admiralty, are to take the necessary measures herein as to them shall respectively appertain.

W. FAWKENER.

At the Court at the Queen's Palace the 25th of November, 1807: Present, the King's Most Excellent Majesty in Council.

Whereas His Majesty, by his Order in Council, dated the 11th of November instant, respecting the trade to be carried on with His Majesty's enemies, was pleased to exempt from the restrictions of the said order all vessels belonging to any country not at war with His Majesty, together with their cargo, which shall be coming from any port or place in Europe which is declared in the said order to be subject to the re-

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strictions incident to a state of blockade, direct to some port or place in Europe belonging to His Majesty; and, also, all vessels which shall be cleared out from Gibraltar or Malta, under such regulations as His Majesty may think fit to prescribe, and which shall be proceeding direct to the ports specified in their respective clearances:

And whereas it is expedient to encourage the trade from Gibraltar and Malta to countries under the restrictions of the said order, subject to regulations to be made in respect thereto; His Majesty is therefore pleased to prescribe the following regulations in regard to such trade accordingly, and by and with the advice of his Privy Council, to order, and it is hereby ordered, that all sorts of flour and meal, and all sorts of grain, tobacco, and any other article in an unmanufactured state, being the growth and produce of any country not being subjected by the said order to the restrictions incident to a state of blockade, except cotton, and naval and military stores, which shall have been imported into Gibraltar or Malta direct from the country where the same were grown and produced, shall, without any license, be permitted to be cleared out to any port or place not being in a state of actual blockade, without the same being compelled to be landed; but neither the said article of cotton, however imported, nor any article which is not the growth, produce, or manufacture of this Kingdom, or which has not been imported in a British ship, or from this Kingdom direct, (except fish,) and which shall have been laden at the port of original shipment after the period directed by an order of this date to be taken as the time at which notice of the said order of the 11th of November shall be considered as having been received at such port of shipment, shall be permitted to be exported from Gibraltar or Malta, except to some port or place in this Kingdom; and all other articles of the growth, produce, and manufacture of this Kingdom, or which shall have been imported into Gibraltar or Malta in a British ship, or from some port or place in this Kingdom, together with the article of fish, however imported, may be exported to any ports or places in the Mediterranean, or Portugal, under such license only as is hereinafter directed to be granted by the Governor of Gibraltar and Malta respectively.

And it is hereby further ordered, that licenses be granted by the Governors, Lieutenant Governors, or other persons having the chief civil command at Gibraltar or at Malta, respectively, but in His Majesty's name, to such person or persons as the said Governors, Lieutenant Governors, or persons having the chief civil command, shall think fit, allowing such person or persons to export from Gibraltar direct to any port in the Mediterranean, or to any port of Portugal, or to any port of Spain without the Mediterranean, not further north than Cape Finisterre, and from Malta direct to any port being within the Mediterranean, with any article of the produce or manufacture of His Majesty's dominions, and any article which shall have been imported into Gibraltar or Malta from this Kingdom, to whomsoever such articles

shall appear to belong, (not being naval or military stores,) in any vessel belonging to any country not at war with His Majesty, or in any vessel not exceeding one hundred tons burden, and being unarmed, belonging to the country to which such vessel shall be cleared out and going; and also to import in any such vessel or vessels, as aforesaid, from any port within the Mediterranean, to Gibraltar or Malta, or from any port in Portugal or Spain, as aforesaid, to Gibraltar; such port and such destination respectively to be specified in such license, any articles of merchandise whatsoever, and to whomsoever the same may appear to belong; such articles to be specified in the bill of lading of such vessel, subject, however, to such further regulations and restrictions, with respect to all or any of the said articles so to be imported or exported, as may be inserted in the said licenses by the Governors, Lieutenant Governors, or other persons having the chief civil command at Gibraltar or Malta, for the time being, respectively, as to them shall from time to time seem fit and expedient.

And it is further ordered, that in every such license shall be inserted the names and residence of the person or persons to whom it shall be granted, the articles, and their quantities permitted to be exported, the name and description of the vessel, and of the master thereof, the port to which the vessel shall be allowed to go, which shall be some port not under actual blockade; and that no license so to be granted shall continue in force for longer than two months from its date, nor for more than one voyage; nor any such license be granted, or acknowledged to be valid if granted, to permit the clearance of any vessel to any port which shall be actually blockaded by any naval force of His Majesty or of his allies.

And it is further ordered, that the commanders of His Majesty's ships of war and privateers, and all others whom it may concern, shall suffer every such vessel sailing conformably to the permission given by this order, or having any license as aforesaid, to pass and re-pass direct between Gibraltar or Malta, and such port as shall be specified in the license, in such manner, and under such terms, regulations, and restrictions, as shall be expressed therein.

And it is further ordered, that, in case any vessel so sailing as aforesaid, for which any such licenses as aforesaid shall have been granted, and which shall be proceeding direct upon her said voyage, shall be detained and brought in for legal adjudication, such vessel, with her cargo, shall be forthwith released by the Court of Admiralty or Vice Admiralty in which proceeding shall be commenced, upon proof being made that the parties had duly conformed to the terms, regulations, and restrictions of the said license; the proof of such conformity to lie upon the person or persons claiming the benefit of this order, or obtaining or using such license, or claiming the benefit thereof.

And it is hereby further ordered, that no vessel belonging to any State on the coast of Barbary shall be prevented from sailing with any articles of the growth or produce of such State, from any

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port or place in such State, to any port or place in the Mediterranean or Portugal, such port or place not being actually blockaded by some naval force belonging to His Majesty or his allies, without being obliged to touch at Gibraltar or Malta.

And the right honorable the Lords Commissioners of His Majesty's Treasury, His Majesty's principal Secretaries of State, the Lords Commissioners of the Admiralty, and the Judges of the High Court of Admiralty and Courts of Vice Admiralty, are to take the necessary measures herein as to them shall respectively appertain.

W. FAWKENER.

At the Court at the Queen's Palace, the 25th of November, 1807: Present, the King's Most Excellent Majesty in Council.

Whereas His Majesty, by his Order in Council of the 11th of November instant, was pleased to order and declare that all trade in articles which are of the produce or manufacture of the countries and colonies mentioned in the said order, shall be deemed and considered to be unlawful, (except as is therein excepted;) His Majesty, by and with the advice of his Privy Council, is pleased to order and declare, and it is hereby ordered and declared, that nothing in the said order contained shall extend to subject to capture and confiscation any articles of the produce and manufacture of the said countries and colonies laden on board British ships, which would not have been subject to capture and confiscation if such order had not been made.

And the right honorable the Lords Commissioners of His Majesty's Treasury, His Majesty's principal Secretaries of State, the Lords Commissioners of the Admiralty, and the Judges of the High Court of Admiralty and Courts of Vice Admiralty, are to take the necessary measures herein as to them shall respectively appertain.

W. FAWKENER.

At the Court at the Queen's Palace, the 25th of November, 1807: Present, the King's Most Excellent Majesty in Council.

His Majesty, taking into consideration the circumstances under which Prussia and Lubeck have been compelled to shut their ports against British ships and goods, is pleased, by and with the advice of his Privy Council, to order, and it is hereby ordered, that all ships and goods belonging to Prussia which may have been seized subsequently to His Majesty's order of the nineteenth of November, one thousand eight hundred and six, and are now detained in the ports of this Kingdom or elsewhere, and all ships and goods belonging to inhabitants of Lubeck, which are so detained, shall be restored upon being pronounced by the High Court of Admiralty, or any Court of Vice Admiralty in which they have been, or may be, proceeded against, to belong to subjects and inhabitants of Prussia or Lubeck, and not otherwise liable to confiscation; and that such

ships and goods shall be permitted to proceed to any neutral port, or to the port to which they respectively belong: and it is further ordered, that the ships and goods belonging to Prussia or Lubeck shall not, until further orders, be liable to detention, provided such ships and goods shall be trading to and from any port of this Kingdom, or between neutral port and neutral port, or from any port of His Majesty's allies, and proceeding direct to the port specified in their respective clearances.

And the right honorable the Lords Commissioners of His Majesty's Treasury, His Majesty's principal Secretaries of State, the Lords Commissioners of the Admiralty, and the Judges of the High Court of Admiralty and Courts of Vice Admiralty, are to take the necessary measures herein as to them shall respectively appertain.

W. FAWKENER.

At the Court at the Queen's Palace, the 25th of November, 1807: Present, the King's Most Excellent Majesty in Council.

His Majesty, taking into consideration the circumstances under which Portugal has been compelled to shut her ports against the ships and goods of His Majesty's subjects, is pleased, by and with the advice of his Privy Council, to order, and it is hereby ordered, that all ships and goods belonging to Portugal, which have been and are now detained in the ports of this Kingdom or elsewhere, shall be restored, upon being pronounced by the High Court of Admiralty, or by the Court of Vice Admiralty, in which proceedings may have been or shall be commenced, to belong to subjects and inhabitants of Portugal, and not otherwise liable to confiscation; and that the said ships and goods shall be permitted to proceed to any neutral port, or to Portugal: and it is further ordered, that the ships and goods belonging to Portugal shall not, until further orders, be liable to detention; provided such ships and goods shall be trading to or from any port of this Kingdom, or to and from Gibraltar or Malta, and proceeding direct to the port specified in their clearance, or between neutral port and neutral port, or between Portugal and the ports of her own colonies, or from any port of His Majesty's allies, and proceeding direct to the ports specified in their respective clearances; provided such ports shall not be at the time in a state of actual blockade: and it is further ordered, that the ships of Portugal shall not be considered as entitled, under any treaty between His Majesty and Portugal, to protect any goods laden therein which may be otherwise subject to confiscation.

And the right honorable the Lords Commissioners of His Majesty's Treasury, His Majesty's principal Secretaries of State, the Lords Commissioners of the Admiralty, and the Judges of the High Court of Admiralty and Courts of Vice Admiralty, are to take the necessary measures herein as to them shall respectively appertain.

W. FAWKENER.

*Great Britain, France, and Spain.**Circular.*

FOREIGN OFFICE, January 8, 1808.

The undersigned, His Majesty's principal Secretary of State for Foreign Affairs, has received His Majesty's commands to acquaint Mr. Pinkney that His Majesty has judged it expedient to establish the most rigorous blockade at the entrances of the ports of Carthagena, Cadiz, and St. Lucar, and of all the intermediate ports, situated and lying between the ports of Carthagena and St. Lucar. Mr. Pinkney is, therefore, requested to apprise the American Consuls and merchants residing in England, that the entrances of all the ports above-mentioned are, and must be considered as being in a state of blockade; and that, from this time, all the measures authorized by the law of nations, and the respective treaties between His Majesty and the different Powers, will be adopted and executed with respect to vessels attempting to violate the said blockade after this notice.

GEORGE CANNING.

WILLIAM PINKNEY, Esq., &c.

*Anno Quadragesimo Octavo Georgii III, Regis.
Cap. XXVI.*

An Act for granting to His Majesty, until the end of the next session of Parliament, duties of customs on the goods, wares, and merchandise therein enumerated, in furtherance of the provisions of certain Orders in Council.—March 28, 1808.

MOST GRACIOUS SOVEREIGN:

Whereas measures which have been taken by Powers at war with your Majesty, prohibiting, in violation of the law of nations, all intercourse with this Kingdom, and all trade in any articles of its growth or manufacture, have rendered it necessary for your Majesty to issue Orders in Council to counteract the disadvantages which were thereby imposed upon the trade of your Majesty's subjects, and to retaliate upon the enemy the evils which he intended to inflict upon this Kingdom; and whereas it is expedient and necessary, in order effectually to accomplish the object of such orders, that duties of customs should be granted upon certain goods exported from Great Britain: we, your Majesty's most dutiful and loyal subjects, the Commons of the United Kingdom, in Parliament assembled, do most humbly beseech your Majesty that it may be enacted:

And be it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, That, from and after the passing of this act, there shall be raised, levied, collected, and paid, unto His Majesty, his heirs, and successors, upon all goods, wares, and merchandise, enumerated, or described in the tables A, B, and C, annexed to this act, exported from Great Britain, the several duties of customs, as the same are respectively described and set forth in figures in the said tables.

And be it further enacted, That the duties

granted and imposed by this act, and made payable according to the weight, tale, gauge, measure, or value of any goods, wares, or merchandise, charged with such duties, shall be charged and payable upon any greater or less weight, number, quantity, or value thereof than the weight, number, quantity, or value, particularly inserted, described, and set forth in the tables hereunto annexed, marked A, B, and C, in proportion to the actual weight, number, quantity, or value of such goods, wares, or merchandise.

And be it further enacted, That where any goods, wares, and merchandise, which are allowed to be, or shall have been, warehoused or otherwise secured at the time of the importation thereof, without payment of the duties due thereon, shall be taken out, or entered inwards for home consumption, and the duties of customs and excise then due thereon shall have been paid, and the same shall afterwards be entered for exportation; then, and in every such case, the duties of customs by this act imposed shall be paid on the exportation of the said goods, wares, and merchandise, notwithstanding the payment of any drawbacks to which the exporter thereof may, in such case, under any law or laws then in force, be entitled.

And whereas, by an Order in Council, dated the twenty-fifth of November, one thousand eight hundred and seven, it was ordered and declared that information of a certain other Order in Council, of the eleventh of November, one thousand eight hundred and seven, should be taken and held to have been received in the places hereinafter mentioned, at the periods respectively assigned to them, namely: ports and places within the Baltic, on the twenty-first of December, one thousand eight hundred and seven; other ports and places to the northward of Amsterdam, on the eleventh of December, one thousand eight hundred and seven; from Amsterdam to Ushant, on the fourth of December, one thousand eight hundred and seven; from Ushant to Cape Finisterre, on the eighth of December, one thousand eight hundred and seven; from Cape Finisterre to Gibraltar, inclusive, on the thirtieth of December, one thousand eight hundred and seven; Madeira, the thirteenth of December, one thousand eight hundred and seven; ports and places within the Straits of Gibraltar to Sicily and Malta, and the west coasts of Italy, inclusive, on the 1st of January, one thousand eight hundred and eight; all other ports and places in the Mediterranean beyond Sicily and Malta, on the twentieth of January, one thousand eight hundred and eight; ports and places beyond the Dardanelles, on the first of February, one thousand eight hundred and eight; any part of the north and western coast of Africa, or the islands adjacent, except Madeira, on the eleventh of January, one thousand eight hundred and eight; the United States and British possessions in North America and the West Indies, on the twentieth of January, one thousand eight hundred and eight; Cape of Good Hope and the east coast of South America, on the first of March, one thousand eight hun-

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dred and eight; India, on the first of May, one thousand eight hundred and eight; China and the coast of South America, on the first of June, one thousand eight hundred and eight: *Be it therefore enacted*, That nothing in this act contained shall extend to prevent any vessel which shall have sailed from any such port or place before the period above specified as aforesaid, and which shall have been brought into or shall have come into any port in Great Britain under any warning given in pursuance of any of the said Orders in Council, from proceeding on her voyage to any port or place whatever, without entering or landing any part of her cargo in Great Britain, (except cotton wool, or yarn, or Jesuit's bark,) and without the payment of any duty granted by this act upon any part of the cargo (except cotton wool, or yarn, or Jesuit's bark;) *Provided, always*, That, if the port or place to which such vessel shall proceed shall belong to a country in amity with His Majesty, and from which the British flag is not excluded, such vessel shall, in that case, be permitted to proceed, without being compelled to land any part of her cargo, or to pay any duty imposed by this act, in respect of the same.

Provided always, and be it further enacted, That nothing in this act contained shall extend to charge with any of the duties granted by this act any goods, wares, or merchandise (except cotton wool, or yarn, and Jesuit's bark) imported into Great Britain in any vessel, under any license bearing date, before the 11th day of November last, or in any vessel which shall have been cleared out from the port or place from which such goods, wares, or merchandise, were imported before the period in this act specified, as to such port or place, as the period at which the said Orders in Council shall be taken and held to have been received, in any cases in which the said goods, wares, or merchandise, shall, upon their importation, have been or shall be warehoused for exportation only.

Provided always, and be it further enacted, That nothing in this act contained shall extend to charge with any of the duties granted by this act any goods, wares, or merchandise, on the exportation from Great Britain, (except cotton wool, or yarn, or Jesuit's bark,) which shall have been, or shall be, imported into Great Britain prior to the first day of June, one thousand eight hundred and eight, from any free port in any of His Majesty's plantations in the West Indies, or any other port or place, under any license from the Governor of any of His Majesty's plantations duly authorized for that purpose, bearing date prior to the twenty-first day of January last, in case such goods, wares, or merchandise, shall, on their importation into Great Britain, have been or shall be warehoused for exportation only.

Provided, also, and be it further enacted, That no goods, wares, or merchandise, described in the said tables A and B, of the growth and produce of St. Domingo, which shall have been or shall be imported into Great Britain by license, in return for goods exported to the said island, bear-

ing date prior to the fifth of February, one thousand eight hundred and eight, and which shall have been or shall be warehoused for exportation, shall be liable, on the exportation thereof, to any of the duties of customs granted by this act; and all such goods, wares, and merchandise, the growth and produce of St. Domingo, which shall have been or shall be imported into Great Britain under any license bearing date subsequently to the said fifth day of February, shall, upon the exportation thereof, from Great Britain, be chargeable with and subject and liable to one-half part only of the duties of customs granted by this act upon goods, wares, and merchandise of the like description, upon their exportation from Great Britain.

And be it further enacted, That all goods, wares, and merchandise, which have been or may be condemned as prize, shall, on the exportation thereof from Great Britain, be charged with and subject and liable to the duties by this act imposed on the exportation of the like goods, wares, or merchandise respectively, any law, custom, or usage to the contrary, notwithstanding: *Provided, always*, That nothing in this act contained shall extend to charge with any of the duties granted by this act, any goods, wares, or merchandise (except cotton wool, or yarn, or Jesuit's bark) which shall have been or shall be brought into any port in Great Britain for adjudication before the passing of this act, whether the same shall have been or shall be subsequently restored or condemned as prize.

And be it further enacted, That the duties of customs described and set forth in figures in the said tables hereunto annexed, marked A, B, and C, on the several goods, wares, and merchandise, specified therein, shall be paid to the proper officer authorized to receive the duties of customs on goods, wares, and merchandise imported into Great Britain, and may and shall respectively be managed, ascertained, raised, levied, collected, answered, paid, and recovered, except where any alteration is expressly made by this act, in such and the like manner, and by the same means, ways, or methods, as former duties of customs upon goods, wares, or merchandise, in general, and also by any such special means, ways, or methods, respectively, as former duties of customs upon goods, wares, or merchandise, of the same sorts or kinds, were or might be managed, ascertained, raised, levied, collected, answered, paid, and recovered; and the goods, wares, or merchandise, whereon duties of customs are by this act charged, as the same are respectively inserted, described, and set forth in the said tables, upon exportation thereof from Great Britain, shall be and the same are hereby made subject and liable to all and every the conditions, regulations, securities, rules, restrictions, seizures, and forfeitures, to which goods, wares, or merchandise, in general, and also all and every the special conditions, rules, regulations, restrictions, seizures, sales, and forfeitures, respectively, to which the like goods, wares, or merchandise were subject and liable by any act or acts of Parliament in force on and immediately before the passing of this act, respecting the revenue of customs, except where any alteration is expressly made by

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this act; and all pains, penalties, fines, and forfeitures, of whatever nature or kind the same may be, as well pains of death as others, for any offence whatever committed against or in breach of any act or acts of Parliament in force on or immediately before the passing of this act, made for securing the revenue of customs, or for the regulation or improvement thereof, and the several clauses, powers, provisoes, and directions contained in any such act or acts, shall (unless where expressly altered by this act) extend to, and be respectively applied, practised, and put in execution, in respect of the several duties of customs hereby charged, in as full and ample a manner, to all intents and purposes whatever, as if all and every the said acts, clauses, provisoes, powers, directions, fines, pains, penalties, or forfeitures, were particularly repeated and re-enacted in the body of this act, and made part thereof.

And be it further enacted, That in all cases where, by the said tables, the duties of custom by this act imposed upon the exportation of goods, wares, and merchandise, from Great Britain, are charged, not according to the weight, tale, gauge, or measure, but according to the value thereof, such value shall be considered as the same shall be at the port of exportation, without any deduction or abatement whatever; and such value shall be ascertained by the declaration of the exporter or proprietor of such goods, wares, or merchandise, or his known agent, in the manner and form, and under all the rules, regulations, and restrictions, and subject to the same forfeitures and penalties, as are prescribed and directed for ascertaining and collecting the duties to be paid upon goods, wares, and merchandise, according to the value thereof, by an act passed in the twenty-seventh year of the reign of his present Majesty, entitled, "An act for repealing the several duties of customs and excise, and granting other duties in lieu thereof, and for applying the said duties, together with the other duties composing the public revenue, for permitting the importation of certain goods, wares, and merchandise, the produce or manufacture of the European dominions of the French King, into this Kingdom, and for applying certain unclaimed moneys remaining in the exchequer for the payment of annuities on lives to the reduction of the national debt;" and in case any goods, wares, or merchandise, chargeable with any such duty by this act, according to value, shall not be valued according to the true price or value thereof, and according to the true intent and meaning of this act, then it shall be lawful for the proper officer or officers of the customs to cause the same to be detained; and the said goods, wares, and merchandise, shall be dealt with, and the proper officers of the customs shall proceed, with relation to the said goods, wares, and merchandise, so detained, in every respect in the manner prescribed in such case by the said recited act.

And be it further enacted, That in case any goods, wares, or merchandise, upon which duties of custom are hereby imposed, shall be detained by any officer of the customs, on account of the

same not being valued according to the true and real value thereof, and according to the true intent and meaning of this act, it shall be lawful for the Commissioners of His Majesty's customs in England and Scotland, respectively, for the time being, or any three or more of them, respectively, upon proof being made to their satisfaction that no fraud was intended, to direct the entry to be amended, upon such terms and conditions as, under the circumstances of the case, shall appear to the said commissioners of the customs in England and Scotland, respectively, to be reasonable, and as they shall think fit to direct: *Provided always,* That, if the importer, exporter, or proprietor of such goods, wares, or merchandise, shall accept the terms or conditions prescribed by the said commissioners of customs, respectively, such importer, exporter, or proprietor shall not have or be entitled to any recompense or damage on account of the detention of such goods, wares, or merchandise, or have or maintain any action whatever for the same; any law, custom, or usage to the contrary, notwithstanding.

And be it further enacted, That such of the duties of customs, by this act imposed, as shall arise in that part of Great Britain called England, shall be under the management of the commissioners of the customs in England for the time being; and such thereof as shall arise in that part of Great Britain called Scotland, shall be under the management of the commissioners of the customs in Scotland for the time being.

And be it further enacted, That in case the whole or any part of the cargo of any vessel, which shall arrive in any port of Great Britain, shall consist of any goods, wares, or merchandise whatever, of the growth, produce, or manufacture of any country or place within the limits of the charter granted to the United Company of Merchants of England trading to the East Indies, such vessel shall forthwith proceed to the port of London, where all such goods, wares, and merchandise shall be landed, lodged, and secured, under His Majesty's lock, in some of the warehouses belonging to the said United Company, at the expense of the proprietors of such goods, wares, and merchandise, and be there examined, and an account taken thereof by the proper officers of the customs and of the excise, in cases where that revenue is concerned, and such goods, wares, and merchandise shall remain so secured until the exportation thereof; and, before any such goods, wares, and merchandise shall be taken out of such warehouse for the purpose of exportation, the several duties of customs, as the same are described and set forth in figures in the table herunto annexed, marked C, shall be first paid to the proper officer of the customs; and in those cases in the said table, marked C, where the duties to be paid on the exportation of any such goods, wares, and merchandise, shall not be charged according to the weight, tale, gauge, or measure, but according to the value thereof, such value shall be ascertained by the declaration of the proprietor, or his known agent, in the manner and form, and under the rules, regulations, and restrictions,

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and subject to the same forfeitures and penalties as are prescribed and imposed for ascertaining and collecting duties to be paid according to the value thereof, by the said recited act passed in the twenty-seventh year of his present Majesty; and, in case any such goods, wares, or merchandise shall not be valued according to the true and real value thereof, then it shall be lawful for the proper officer or officers of the customs to cause the same to be detained, and the said goods, wares, and merchandise, shall be dealt with, and the proper officers of the customs shall proceed, in the manner prescribed in such case by the said recited act: *Provided, always,* That such goods, wares, or merchandise, so detained (cotton wool excepted) shall be sold only for the purpose of being exported from Great Britain, any law, custom, or usage, to the contrary, notwithstanding: *Provided, also,* That, in case any part of the cargo of any such ship or vessel, so consisting in part of East Indian goods, wares, or merchandise, as aforesaid, shall consist of goods, wares, or merchandise, not being of the growth, produce, or manufacture of any country or place within the limits of the charter granted to the United Company of Merchants of England trading to the East Indies, such last-mentioned goods, wares, and merchandise, shall be fully entered, either to be secured or lodged in warehouses, according to the rules, regulations, and restrictions, of an act passed in the forty-third year of his present Majesty, entitled "An act for permitting certain goods imported into Great Britain to be secured in warehouse without payment of duty;" and of a certain other act, passed in the forty-fifth year of his present Majesty, entitled "An act to authorize the Lords Commissioners of the Treasury to permit certain articles to be warehoused in different ports in Great Britain, upon giving security for the payment of duties upon the articles therein mentioned;" and of a certain other act, passed in the forty-sixth year of his said Majesty, entitled "An act to extend the provisions of an act made in the forty-third year of his present Majesty, for permitting certain articles to be warehoused in Great Britain, to other articles not therein mentioned, and to alter the condition of the bond directed to be given by an act of the twenty-fourth year of his present Majesty, by the masters and owners of vessels and boats licensed by the Lords of the Admiralty, provided such goods, wares, and merchandise, by law, may be lodged or secured; otherwise, the full duties of customs and of excise, (in cases where any such duties are payable on such goods, wares, and merchandise,) due thereon, shall be paid to the proper officers of the customs and excise; and all such goods, wares, and merchandise, so brought into the port of London, shall, on the exportation thereof, be charged with the duties due and payable by his act on any such goods, wares, and merchandise, respectively, as the same are described and set forth in the tables hereunto annexed, marked A and B, as the case may be."

Provided, always, and be it further enacted, That, if it shall appear to the satisfaction of the collector and comptroller of the customs of any

port in Great Britain, by the report of any vessel which shall arrive at such port with any cargo, part whereof shall consist of goods, wares, or merchandise, of the growth, produce, or manufacture of any country or place within the limits of the charter granted to the United Company of Merchants of England trading to the East Indies, that such goods, wares, and merchandise, do not exceed in value one-fourth part of the whole value of the cargo of such vessel, then, and in such case, it shall be lawful for the owner, consignee, or captain of such vessel, after giving such security as shall be directed by the commissioners of the customs in England and Scotland, respectively, or any three of them, for the due conveyance of such goods, wares, and merchandise, as aforesaid to the port of London, there to be warehoused as aforesaid, and not before, to land the cargo of such vessel at the port of her arrival, except such goods, wares, and merchandise, as aforesaid, and either to cause such goods, wares, and merchandise, to be conveyed in the same ship to the port of London, or to cause the same to be transhipped, in order to be conveyed to the said port, upon the said security, and under such regulations and restrictions for securing the conveying the same to the said port, as shall be directed by the commissioners of the customs in England and Scotland respectively.

Provided always, and be it further enacted, That the proprietor or proprietors of any goods, wares, or merchandise, brought into Great Britain, may, if he or they shall be so disposed, instead of paying the full duties of customs and excise due and payable thereon, secure or lodge in warehouses, approved by the commissioners of the customs of England or Scotland, respectively, without payment of duty in the first instance, any goods, wares, and merchandise, which, by virtue of any law in force at the time of passing this act, are allowed to be so secured and warehoused, under the conditions and regulations of the said recited acts passed in the forty-third, forty-fifth, and forty-sixth years of his present Majesty, respectively; and all such goods, wares, and merchandise, so warehoused, on which the full duties of customs and excise shall have been paid, shall, on the exportation thereof, be subject and liable to, and be charged with the duties of customs imposed by this act, as inserted and set forth in the tables hereunto annexed, as the case may be.

Provided always, and be it further enacted, That it shall be lawful for the commissioners of customs, or any three or more of them, upon the request of the owner, proprietor, or consignee of any goods, wares, or merchandise warehoused, to destroy the same, in such a manner as they shall respectively direct, without payment of duty, and upon payment only of any charges and expenses thereon.

And be it further enacted, That the importers, proprietors, or consignees of any goods, wares, or merchandises, which shall have been lodged in warehouses, or otherwise secured, according to the directions of the said recited act passed in the forty-third year of his present Majesty, or any other act of Parliament, by virtue and under the

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authority of which any such goods, wares, or merchandise, shall have been solodged or secured, shall, within fifteen calendar months, to be computed from the day on which such importers, proprietors, or consignees of such goods, wares, or merchandise, shall have made their first entry thereof, clear and take from and out of such warehouses or places, respectively, all such goods, wares, and merchandise, either for the purpose of being exported according to the directions of this act, on payment of the duties hereby imposed, or to be used or consumed in Great Britain: *Provided always*, That such goods, wares, and merchandise, may legally be taken out for that purpose, on payment of the full duties of customs and excise that are or may be due or payable thereon at the time the same are so taken out; and in case any such importers, proprietors, or consignees, shall fail or neglect so to do, it shall be lawful for the commissioners of the customs in England or Scotland, respectively, to cause all such goods, wares, or merchandise, to be publicly sold or exposed to sale; and, after such sale, the produce thereof shall first be applied to or towards the payment of the freight, primage, and charges of warehouse room, and other charges that shall arise thereon, next to the duties of customs and excise, and the overplus (if any) shall be paid the proprietor or other persons authorized to receive the same: *Provided always*, That in case any goods, wares, or merchandise, so remaining and directed to be sold, shall be of the growth produce, or manufacture of any country or place within the limits of the charter granted to the United Company of Merchants of England trading to the East Indies, or any goods, wares, and merchandise, which shall be prohibited to be used or consumed in Great Britain, then, and in such case, all such goods, wares, or merchandise, shall be sold only for the purpose of being exported, and not on any pretence whatever to be used or consumed in Great Britain: *Provided*, That no such goods, wares, or merchandise, shall be sold, unless a price can be obtained for the same equal, at least, to the full amount of all duties of customs and excise, charged and chargeable thereon, together with the expenses; but if such price cannot be obtained, then, and in such case, all such goods, wares, or merchandise, shall be effectually destroyed by and in the presence of the proper officers of the customs, and also the officers of the excise, in case any duties of excise are payable thereon, who are hereby respectively authorized and required to destroy the same accordingly; and the proprietor or owner of such goods, wares, and merchandise, shall have no claim, either in law or equity, to the value of such goods, wares, or merchandise, or any part thereof, so destroyed as aforesaid, any law, custom, or usage, to the contrary, notwithstanding: *Provided always*, That all such goods, wares, and merchandise, may be re-exported to the country from which they were brought, or to the country from which the vessel in which such goods, wares, or merchandise, were imported shall belong, or shall have belonged, without payment only of such warehouse or port duties as shall

have become due thereon: *Provided*, That the British flag shall not, at the time of such re-exportation, be excluded from such country respectively.

Provided always, and be it further enacted, That nothing in this act contained shall extend, or be construed to extend, to charge the duties imposed by this act on any goods, wares, or merchandise whatever, that shall be exported from Great Britain to that part of the United Kingdom called Ireland, or any goods, wares, or merchandise, the growth, produce, or manufacture of Ireland, having been imported from thence directly to Great Britain, on the exportation thereof to any country whatever.

Provided always, and be it further enacted, That nothing in this act contained shall extend, or be construed to extend, to charge the duties by this act imposed on the exportation of any flour, or meal, or articles not being either in the whole or in any part manufactured, being of the growth or produce of any State in Europe or America in amity with His Majesty, and imported in any ship belonging to such State, or in any British ship navigated according to law directly from any such State, except coffee, sugar, pimento, cocoa-nuts, hides, tallow, oil, and cotton wool, or yarn, or Jesuit's bark.

Provided also, and be it further enacted, That nothing in this act contained shall extend, or be construed to extend, to charge with the duties imposed by this act any goods, wares, or merchandise, of the growth, produce, or manufacture of any British colony, plantation, or settlement in Africa or America, which shall have been imported directly from such colony, plantation, or settlement, respectively, and exported to any port or place whatever.

Provided also, and be it further enacted, That nothing in this act contained shall extend, or be construed to extend, to charge with the duties imposed by this act any goods, wares, or merchandise, that shall have been imported by the United Company of Merchants of England trading to the East Indies, or by any subjects of His Majesty trading within the limits of the charter of the said company, with their license, upon the exportation of such goods, wares, or merchandise, from Great Britain to any port or places whatever.

Provided also, and be it further enacted, That nothing in this act contained shall extend, or be construed to extend, to charge the duty by this act imposed on any wine, spirits, or tobacco, which shall be shipped for the use of His Majesty's army or navy; but such wine, spirits, or tobacco, shall be subject and liable to all and every the rules, regulations, and conditions, limitations, securities, penalties, and forfeitures, to which such articles so shipped would have been subject and liable if this act had not been made.

Provided also, and be it further enacted, That nothing in this act contained shall extend, or be construed to extend, to charge with the duties by this act imposed any goods, wares, or merchandise, exported from Great Britain to the Isle of

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Man, by virtue and under the authority of any license which the Commissioners of His Majesty's Customs in England or Scotland, or any three or more of them, respectively, are, or may be, by law, authorized and empowered to grant.

Provided always, and be it further enacted, That the duties by this act imposed on goods, wares, and merchandise, exported from Great Britain, shall not be charged, or payable on any goods, wares, or merchandise, not manufactured, either in the whole or in part, nor upon any wine, or any article of provision, (spirits excepted,) exported to any British colony, plantation, or settlement, in Africa or America, or to any British settlement within the limits of the charter granted to the United Company of Merchants of England trading to the East Indies, anything in this act to the contrary notwithstanding.

And be it further enacted, That no ship or vessel of the United States of America which shall enter any port in Great Britain or Ireland, in consequence of her having been warned not to proceed to a blockaded port under His Majesty's Order in Council of the eleventh of November, one thousand eight hundred and seven, shall be liable to be charged with the duty of two shillings a ton of the burden of any ship or vessel belonging to the inhabitants of the said United States, imposed by an act of the thirty-seventh year of His Majesty's reign which has been continued and revived by several subsequent acts.

Provided always, and be it further enacted, That nothing herein contained shall extend to affect or take away any of the rights or privileges of the West India Dock Company, of the London Dock Company, or of the East India Dock Company.

And be it further enacted, That the duties granted and imposed by this act shall continue in force until the end of the next session of Parliament, unless His Majesty, by his Order in Council, shall think fit to suspend or reduce the same, or any part thereof.

Provided always, and be it further enacted, That it shall be lawful for His Majesty, at any time, by Order in Council, to suspend the operation of this act as to any duties, or proportion, or part of any duties, granted by this act, in respect of any country for the time being in amity with His Majesty, and to allow the exportation to any such country, so in amity with His Majesty as aforesaid, of any goods, wares, and merchandise, made subject by this act to any duties on exportation, without the payment of such duties, upon such terms and conditions, and subject to such restrictions, as to His Majesty may seem fit.

Provided always, and be it further enacted, That nothing in this act contained shall extend, or be construed to extend, to prevent His Majesty from prohibiting the exportation of any articles, matters, or things, to any country or place from which the British flag is excluded, in any case in which it would have been lawful for His Majesty to prohibit such exportation if this act had not assented.

Provided always, and be it further enacted,

That the duties imposed by an act, passed in the forty-third year of his present Majesty's reign, entitled An act for granting to His Majesty, during the present war, and until the ratification of a definitive treaty of peace, additional duties on the importation and exportation of certain goods, wares and merchandise, and on the tonnage of ships and vessels in Great Britain; on certain goods, wares, and merchandise therein enumerated and described, and which, by another act passed in the forty-third year of his present Majesty's reign, entitled An act for permitting certain goods imported into Great Britain to be secured in warehouse without payment of duty, were directed to be paid on all such goods, wares, and merchandise, sugar excepted, which should be exported from the warehouses or places in which such goods, wares, and merchandise had been lodged or secured, under the directions of the said last recited act, shall not be due or payable on any such goods, wares, and merchandise so exported, on which other duties are charged, according to the table marked A, hereunto annexed; but that the duties on any such goods, wares, and merchandise, as set forth in the said table, shall, during the continuance of such duties, be instead and in lieu of the duties charged and imposed thereon by the said two last recited acts passed in the forty-third year of his present Majesty's reign.

And be it further enacted, That all the moneys arising from the duties of custom by this act imposed, the necessary charge of raising and accounting for the same excepted, shall, from time to time, be paid into the receipt of His Majesty's Exchequer at Westminster, distinctly and apart from all other branches of the public revenue; and that there shall be provided and kept in the office of the auditor of the said receipt of exchequer a book, or books, in which all the moneys arising from the said duties, and paid into the said receipt, as aforesaid, shall be entered separate and apart from all other moneys paid and payable to His Majesty, his heirs and successors, upon any account whatever; and the said moneys paid in as aforesaid, into the receipt of His Majesty's exchequer, shall from time to time, as the same shall be paid into the said receipt, be issued and applied to such services as shall then have been voted by the Commons of the United Kingdom of Great Britain and Ireland in this present session of Parliament, for the service of the year one thousand eight hundred and eight, or shall be voted by the said Commons for the service of any subsequent year.

And be it further enacted, That if any action or suit shall be brought or commenced against any person or persons for anything done in pursuance of this act, or of any order in council referred to in this act, such action or suit shall be commenced within three calendar months next after the fact committed, and not afterwards, and shall be laid in the county or place where the cause of complaint did arise, and not elsewhere; and the defendant or defendants in every such action or suit may plead the general issue, and

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give this act and the special matter in evidence at any trial to be had thereupon; and if the jury shall find for the defendant or defendants in any such action or suit, or if the plaintiffs shall be nonsuited, or discontinue his or their action or suit after the defendant or defendants shall have appeared, or if, upon demurrer, judgment shall be given against the plaintiff or plaintiffs, the defendant or defendants shall have treble costs, and have the like remedy for the same, as any defendant has in other cases to recover costs by law.

And be it further enacted, That this act may be varied, altered, or repealed, by any act or acts to be made in this present session of Parliament.

Tables to which this act refers.

A.

A table of duties of customs, payable on the exportation of certain foreign goods, wares, and merchandise, therein enumerated or described, not being imported by the United Company of Merchants of England trading to the East Indies, (which, on importation, are allowed to be secured under the regulations of 43 Geo. III, cap. 132; 45 Geo. III, cap. 87: and 46 Geo. III, cap. 137, without payment of the duties due thereon,) and which shall be exported from Great Britain, except as is provided in the act to which this table is annexed.

Articles.	Duty.
£ s. d.	
Arabic, gum.—See Gum.	
Barilla, the cwt.	0 10 0
Bark, viz: Jesuit's bark, or Cortex Peruvianus, the pound	0 6 0
Bowspirts.—See Masts, in Wood.	
Brandy.—See Spirits.	
Buffalo hides.—See Hides.	
Bull hides.—See Hides.	
Cochineal, the pound	0 7 0
Cocoa nuts, the cwt.	1 0 0
Coffee, the cwt.	1 8 0
Cortex Peruvianus.—See Bark.	
Cotton wool.—See Wool.	
Cotton yarn.—See Yarn.	
Cow hides.—See Hides.	
Currants, the cwt.	0 9 0
Denia raisins.—See Raisins.	
Fare raisins.—See Raisins.	
Figs, the cwt.	0 7 0
Fir timber.—See Timber, in Wood.	
Geneva.—See Spirits.	
Ginger, the cwt.	0 7 0
Gum, viz:	
Arabic, the cwt.	0 10 0
Senega, the cwt.	0 10 0
Hemp, rough, or undressed, the cwt.	0 15 0
Hides, viz: Buffalo, bull, cow, or ox hides, not tanned, tawed, or in any way dressed, the hide	0 3 0
Jalap, the pound	0 6 0
Jesuit's bark.—See Bark.	
Indigo, the pound	0 2 0
Iron, in bars, the ton, containing 20 cwt.	3 0 0
Kelp, the ton, containing 20 cwt.	4 0 0
Lexia raisins.—See Raisins.	
Lipari raisins.—See Raisins.	
Mahogany.—See Wood.	
Manna, the pound	0 0 6

Articles.	Duty.
Masts.—See Wood.	
Molasses, the cwt.	0 5 0
Oak timber.—See Timber, in Wood.	
Oars.—See Wood.	
Oil, viz:	
Ordinary oil of olives, the ton, containing 252 gallons	10 10 0
Salad oil, the gallon	0 1 0
Ox hides.—See Hides.	
Pimento, the pound	0 0 2
Pitch, the last, containing 12 barrels, each barrel not exceeding 31½ gallons	0 4 4
Prize goods, viz: Goods, wares, and merchandise, taken and condemned as prize, not being of the growth, produce, or manufacture of any country or place within the limits of the charter granted to the United Company of Merchants of England trading to the East Indies, and not being particularly enumerated or charged with duty in this table, for every £100 of the value thereof	20 0 0
Prohibited goods, viz: Goods, wares, or merchandise, not being of the growth, produce, or manufacture, of any country or place within the limits of the charter granted to the United Company of Merchants of England trading to the East Indies, for every £100 of the value thereof	20 0 0
Quicksilver, the pound	0 1 0
Raisins, viz:	
Belvidere raisins, the cwt.	0 4 6
Denia raisins, the cwt.	0 4 0
Faro raisins, the cwt.	0 4 6
Lexia raisins, the cwt.	0 4 6
Lipari raisins, the cwt.	0 4 6
Smyrna raisins, the cwt.	0 5 0
Of the sun, the cwt.	0 9 4
Not otherwise enumerated or described, the cwt.	0 4 0
Raw silk.—See Silk.	
Rhubarb, the pound	0 2 0
Rice, the cwt.	0 2 0
Rosin, the cwt.	0 0 2
Rum.—See Spirits.	
Saffron, the pound	0 3 0
Salad oil.—See Oil.	
Senna, the pound	0 0 6
Silk, viz:	
Raw silk, the pound	0 2 6
Thrown silk, the pound	0 4 0
Waste silk, the pound	0 0 6
Smalts, the pound	0 0 6
Smyrna raisins.—See Raisins.	
Spirits, viz:	
Brandy, single, the gallon	0 0 8
Above proof, the gallon	0 1 4
Geneva, single, the gallon	0 0 8
Above proof, the gallon	0 1 4
Ram, single, the gallon	0 0 8
Above proof, the gallon	0 1 4
Of any other kind, single, the gallon	0 0 8
Above proof, the gallon	0 1 4
Sugar, viz:	
Brown or Muscovado, the cwt.	0 10 0
White or clayed, the cwt.	0 14 0
Tallow, the cwt.	0 7 0
Tar, the last, containing 12 barrels; each barrel not exceeding 31½ gallons	0 4 4

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Articles.	Duty.
Timber.—See Wood.	
Tobacco, the pound - - - -	0 0 1½
Turpentine, common, the cwt. - - - -	0 3 6
Waste silk.—See Silk.	
Vine, of all sorts, the ton, containing 252 gallons - - - -	6 0 0
Wood, viz:	
Mahogany, the ton, containing 20 cwt. -	1 0 0
Masts, yards, and bowsprits, viz: Six inches in diameter, and under eight inches the piece - - - -	0 5 0
Eight inches in diameter, and under twelve inches the piece - - - -	0 10 0
Twelve inches in diameter, or upwards, the load, containing fifty cubic feet -	1 7 0
Oars, the 120 - - - -	2 0 0
Timber of all sorts, the load, containing fifty cubic feet - - - -	1 7 0
Wool, viz: Cotton wool of all sorts, the pound - - - -	0 0 9
Wools.—See Masts, in Wood.	
Wool, viz: Cotton yarn, the pound - - -	0 2 0
All other goods, wares, and merchandise, having been, or which are allowed to be, secured under the regulations of the 43 Geo. III, cap. 132; 45 Geo. III, cap. 87; and 46 Geo. III, cap. 137, for every £100 of the produce or amount of the duties of customs, chargeable on the importation thereof, by 43 Geo. III, cap. 68 - - - -	40 0 0
For the several exemptions from the duties charged this table, whether relating to goods exported, or to countries or places to which goods shall be exported, see the act to which this table is annexed.	

B.

table of duties of customs payable on the exportation of certain foreign goods, wares, and merchandise, therein enumerated or described, (not being allowed to be secured under the regulations of the 43 Geo. III, cap. 132; 45 Geo. III, cap. 87; and 46 Geo. III, cap. 137, without payment of the duties due thereon), not having been imported by the United Company of Merchants of England trading to the East Indies, and which shall be exported from Great Britain, except as is provided in the act to which this table is annexed.

Articles.	Duty.
	£ s. d.
Anchors, for every £100 of the value - - - -	40 0 0
Annatto, the cwt. - - - -	2 8 4
Argol, the cwt. - - - -	0 5 0
Ashes, viz: pot and pearl ashes the cwt. - - -	0 10 0
Bark, viz: oak bark, the cwt. - - - -	0 2 6
Brandy.—See Corn.	
Beans.—See Corn.	
Beef, salted, the cwt. - - - -	0 15 0
Beer or bigg.—See Corn.	
Bread or biskuit, the cwt. - - - -	0 4 0
Butter, the cwt. - - - -	1 0 0
Cabbages, the cwt. - - - -	0 18 0
Cassia lignea, the pound - - - -	0 6 0
Cheese, the cwt. - - - -	0 15 0
Chinical dust, the pound - - - -	0 3 6
Copper, viz: copper in bricks, rose copper cast copper, and copper in plates, the cwt. - - - -	2 0 0

Articles.	Duty.
Cordage, the cwt. - - - -	0 18 0
Corn, viz:	
wheat, the quarter - - - -	0 10 0
rye, the quarter - - - -	0 5 0
pease, the quarter - - - -	0 5 0
beans, the quarter - - - -	0 5 0
barley, the quarter - - - -	0 5 0
beer or bigg, the quarter - - - -	0 5 0
oats, the quarter - - - -	0 5 0
wheatmeal and flour, the cwt. - - - -	0 5 0
Indian corn, or maize, the quarter - - - -	0 5 0
oatmeal, the boll containing 140 pounds avoirdupois or 128 pounds Scotch troy - - -	0 5 0
Fish, viz:	
stock fish, the 120 - - - -	0 2 6
not otherwise enumerated or described the cwt. - - - -	0 4 0
Flax, rough or undressed, the cwt. - - - -	0 15 0
Flaxseed or linseed.—See Seed.	
Galls, the cwt. - - - -	1 0 0
Granilla, the pound - - - -	0 5 0
Indian corn, or maize.—See Corn.	
Iron, viz: pig iron, the ton, containing 20 cwt. - - - -	1 10 0
Isinglass, the cwt. - - - -	5 0 0
Lemons, the 1000 - - - -	1 0 0
Linseed.—See Seed.	
Madder, viz:	
mull, the cwt. - - - -	0 1 3
root, the cwt. - - - -	0 12 0
of any other sort, the cwt. - - - -	0 10 0
Oak bark.—See Bark.	
Oakum, the cwt. - - - -	0 4 0
Oatmeal.—See Corn.	
Oats.—See Corn.	
Oils, viz: seed oil of all sorts, the ton, containing 252 gallons - - - -	10 10 0
Oranges, the 1000 - - - -	1 0 0
Peas.—See Corn.	
Pig iron.—See Iron.	
Pork, the cwt. - - - -	0 17 6
Prize goods, viz: goods, wares, and merchandise, taken and condemned as prize, not being of the growth, produce, or manufacture of any country or place within the limits of the charter granted to the United Company of Merchants of England trading to the East Indies, and not being particularly enumerated or charged with duty in this table—for every £100 of the value thereof - - - -	20 0 0
Rye.—See Corn.	
Safflower, the cwt. - - - -	1 0 0
Salt, the bushel, containing 56 pounds - - -	0 2 0
Saltpetre, the cwt. - - - -	1 8 0
Seed, viz: linseed or flaxseed, the bushel - - -	0 1 6
Seed oil.—See Oil.	
Spanish wool.—See Wool.	
Tow, the cwt. - - - -	0 5 0
Valonia, the cwt. - - - -	0 5 0
Verdigris, viz:	
common, the pound - - - -	0 0 6
crystallized, the pound - - - -	0 1 0
Wheat.—See Corn.	
Wheatmeal and flour.—See Corn.	
Wool, viz: Spanish wool, the cwt. - - - -	5 0 0
Yarn, viz: raw linen yarn made of flax, the cwt. - - - -	0 10 0

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For the several exemptions from the duties charged in this table, whether relating to goods exported, or to countries or places to which goods shall be exported, see the act to which this table is annexed.

C.

A table of duties of customs payable on the exportation of goods, wares, and merchandise, being of the growth, produce, or manufacture of any country or place within the limits of the charter granted to the United Company of Merchants of England trading to the East Indies, not having been imported by the said Company, and which shall be exported from Great Britain, except as is provided in the act to which this table is annexed.

Articles.	Duty.	
	£	s. d.
Annatto, the cwt. - - - - -	4	0 0
Arabic gum.—See Gum.		
Arrack.—See Spirits.		
Bandanna handkerchiefs.—See Handkerchiefs.		
Barilla, the cwt. - - - - -	0	8 0
Bark, viz: Jesuit's bark, or Cortex Peruvianus, the pound - - - - -	0	6 0
Brandy.—See Spirits.		
Buffalo, hides.—See Hides.		
Bull hides.—See Hides.		
Calicoes, viz:		
white, whether plain, flowered, or stitched, for every £100 of the value - - - - -	25	0 0
printed, painted, stained, or dyed, for every £100 of the value - - - - -	25	0 0
Cassia lignea, the pound - - - - -	0	6 0
China ware, or earthen ware, for every £100 of the value - - - - -	25	0 0
Cinnamon, the pound - - - - -	0	6 0
Cloves, the pound - - - - -	0	3 0
Cochineal, the pound - - - - -	0	7 0
Cochineal dust, the pound - - - - -	0	3 6
Cocoanuts, the cwt. - - - - -	1	0 0
Coffee, the cwt. - - - - -	1	8 0
Copper, viz: copper in bricks, rose copper, cast copper, and copper in plates, the cwt. - - - - -	2	0 0
Cortex Peruvianus.—See Jesuit's bark.		
Cotton manufactures, not otherwise enumerated or described, for every £100 of the value - - - - -	25	0 0
Cotton wool.—See Wool.		
Cotton Yarn.—See Yarn.		
Cow hides.—See Hides.		
Dimity, viz: plain white Dimity, for every £100 of the value - - - - -	25	0 0
Earthenware.—See China ware.		
Flax, rough or undressed, the cwt. - - - - -	0	10 0
Galls, the cwt. - - - - -	1	5 0
Ginger, the cwt. - - - - -	0	7 0
Granilla, the pound - - - - -	0	5 0
Gum, viz:		
Arabic, the cwt. - - - - -	0	10 0
Senega, the cwt. - - - - -	0	10 0
Handkerchiefs of silk, printed, painted, stained, or dyed, each - - - - -	0	1 6
Hemp, rough or undressed, or any other vegetable substance of the nature and quality of undressed hemp, and applicable to the same purpose, the cwt. - - - - -	0	15 0
Hides, viz: buffalo, bull, cow, or ox hides, not tanned, tawed, or in any way dressed, the hide - - - - -	0	8 0

Articles.	Duty.
Jesuit's bark.—See Bark.	
Indigo, the pound - - - - -	0 2 0
Mace, the pound - - - - -	0 8 0
Madder root, the cwt. - - - - -	0 15 0
Manna, the pound - - - - -	0 0 6
Molasses, the cwt. - - - - -	0 6 0
Muslins, plain, for every £100 of the value - - - - -	25 0 0
Nankeen cloths, for every £100 of the value - - - - -	25 0 0
Nutmegs, the pound - - - - -	0 5 0
Oil, viz:	
of cinnamon, the ounce - - - - -	0 2 0
of cloves, the ounce - - - - -	0 2 0
of mace, the ounce - - - - -	0 5 0
of nutmegs, the ounce - - - - -	0 4 0
Ox hides.—See Hides.	
Pepper, the pound - - - - -	0 0 3
Prize goods, viz: goods, wares, or merchandise, taken and condemned as prize, being of the growth, produce, or manufacture of any country or place within the limits of the charter granted to the United Company of Merchants of England trading to the East Indies, and not particularly enumerated or charged with duty in this table, for every £100 of the value thereof - - - - -	20 0 0
Quicksilver, the pound - - - - -	0 1 0
Raw silk.—See Silk.	
Rhubarb, the pound - - - - -	0 2 0
Rice, the cwt. - - - - -	0 2 0
Rum.—See Spirits.	
Safflower, the cwt. - - - - -	1 7 0
Saffron, the pound - - - - -	0 3 0
Saltpetre, the cwt. - - - - -	1 8 0
Senna, the pound - - - - -	0 0 6
Senega gum.—See Gum.	
Silk, viz:	
handkerchiefs.—See Handkerchiefs.	
raw silk, the pound - - - - -	0 2 6
waste silk, the pound - - - - -	0 0 6
Spirits, viz:	
arrack, single, the gallon - - - - -	0 1 0
arrack, double, the gallon - - - - -	0 2 0
brandy, single, the gallon - - - - -	0 0 8
brandy, double, the gallon - - - - -	0 1 4
rum, single, the gallon - - - - -	0 0 8
rum, double, the gallon - - - - -	0 1 4
of any other kind, single, the gallon - - - - -	0 1 4
Sugar, viz: brown or Muscovado, the cwt. - - - - -	0 10 0
White or clayed the cwt. - - - - -	0 14 0
Tea, viz: black, the pound - - - - -	0 1 0
Green, the pound - - - - -	0 2 0
Tobacco, the pound - - - - -	0 0 1½
Waste silk.—See Silk.	
Wool, viz: cotton wool, the pound - - - - -	0 0 0
Yarn, viz: cotton yarn, the pound - - - - -	0 2 0
Goods, wares, or merchandise, not particularly enumerated or described in this table being prohibited to be worn, used, or consumed in Great Britain, for every £100 of the value - - - - -	25 0 0
All goods, wares and merchandise, of the growth, produce, or manufacture of any country or place within the limits of the charter granted to the United Company of Merchants of England trading to the East Indies, not particularly enumerated	

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Articles.

or described in this table, and not having been imported by the said Company, for every £100 of the produce and amount of those duties of customs imposed by the 43d Geo. III, cap. 68, on such goods, wares or merchandise, respectively, when imported by the said company, which are due and payable when the same are taken out of the warehouse for the purpose of being used or consumed in Great Britain

Duty.

40 0 0

For the several exemptions from the duties charged in this table, whether relating to goods exported, or to countries or places to which goods shall be exported, see the act to which this table is annexed.

Annex R—Instructions to the commanders of our ships of war and privateers. Given at Windsor, the 11th day of April, 1808, in the forty-eighth year of our reign.

Our will and pleasure is, that you do not interrupt any neutral vessel laden with lumber and provisions, and going to any of our colonies, islands, or settlements, in the West Indies or South America, to whomsoever the property may appear to belong, and notwithstanding such vessel may not have regular clearances and documents on board; and in case any vessel shall be met with, and being on her due course to the alleged port of destination, an endorsement shall be made on one or more of the principal papers of such vessels, specifying the destination alleged, and the place where the vessel was so visited. And in case any vessel so laden shall arrive and deliver her cargo at any of our colonies, islands, or settlements aforesaid, such vessel shall be permitted to receive her freight, and to depart, either with ballast, or with any goods that may be legally imported in such vessel, and to proceed to any blockaded port, notwithstanding the present hostilities, or any future hostilities which may take place; and a passport for such vessel shall be granted to the vessel by the governor, or other person having the chief civil command of such colony, island, or settlement.

G. R.

anno Quadragesimo Octavo Georgii III. Regis, Cap. XXXIV.

An act to prohibit, until the end of the next session of Parliament, the exportation of cotton wool from Great Britain.—14th April, 1808.

Whereas it is expedient to prohibit, for a limited time, the exportation of cotton wool from Great Britain, except in the manner hereinafter mentioned: *Be it therefore enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords spiritual, and temporal, in Commons, in this present Parliament assembled, and by the authority of the same, That, from and after the passing of this act, no person or persons whatever shall, directly or indirectly, export, carry, or convey, or cause or procure to be exported, carried, or conveyed out of or from any port or place in Great Britain, or shall load or*

lay on board, or cause or procure to be laden or laid on board, in any ship, or other vessel or boat, any cotton wool, in order to be carried, exported, or conveyed out of any such port or place, except to Ireland, and also except as hereinafter is provided.

2. *Provided always, and be it further enacted, That it shall be lawful for His Majesty, by any license under his royal sign-manual, to authorize any person to export from Great Britain, for his or their own account, or for account of any subject or subjects of any State, in amity with His Majesty, any cotton wool, under such regulations, restrictions, and securities, as may be specified in the said license.*

3. *And be it further enacted, That all cotton wool, which shall be so exported, carried, or conveyed in or laid on board any ship, or other vessel or boat, in order to be exported, carried, or conveyed out of Great Britain, contrary to this act, shall be forfeited; and that every offender therein shall forfeit also the sum of forty shillings for every pound weight of such cotton wool which shall be so exported, carried, or conveyed on board any ship, or vessel or boat, in order to be exported, carried, or conveyed out of Great Britain; and also the ship, vessel, or boat, wherein the same shall be exported, or in or upon which the same shall be laden or laid, in order to be exported, together with her guns, furniture, ammunition, tackle, and apparel, shall be forfeited; and the same respectively may be seized by any officer or officers of the customs.*

4. *Provided always, and be it further enacted, That nothing in this act contained shall extend to prevent any cotton wool being carried coastwise upon any certificate which shall be directed to be given by the commissioner of the customs in that behalf.*

5. *And be it further enacted, That all penalties and forfeitures created and incurred by this act shall and may be sued for, prosecuted, recovered, and disposed of, in such manner, and by such ways, means, and methods, as any penalties incurred on any goods, ships, or vessels, forfeited for any offence against the customs, may now be legally sued for, prosecuted, recovered, and disposed of; and the officer or officers concerned in seizures or prosecutions under this act, shall be entitled to and receive such share of the produce arising from the seizures as they are now by law entitled to, upon prosecution of seizures for unlawful importation, and to such share of the produce arising from any pecuniary fine or penalty, or composition paid for any offence against this act, as they are now by any law or regulation entitled to upon prosecution for pecuniary penalties.*

6. *And be it further enacted, That all personal actions and suits, indictments, informations, and all prosecutions and proceedings whatsoever, which have been, or shall hereafter be prosecuted or commenced against any person or persons, for having refused to receive any entry or entries for the exportation of any cotton wool, or to clear out any ship or vessel laden with cotton wool intended to be exported before the passing of this act, are and shall be discharged and made void*

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by virtue of this act; and that if any action or suit shall be prosecuted or commenced against any person or persons, for or by reason of any such act, matter, or thing, he, she, or they may plead the general issue, and give this act and the special matter in evidence; and if the plaintiff or plaintiffs, in any action or suit so to be prosecuted or commenced, shall become nonsuit, or forbear further prosecution, or suffer discontinuance, or if a verdict pass against such plaintiff or plaintiffs, the defendant or defendants shall recover his, her, or their double costs, for which he, she, or they shall have the like remedy as in cases where the costs by law are given to the defendant.

7. *And be it further enacted*, That this act may be altered, amended, or repealed by any act or acts to be made in this present session of Parliament.

8. *And be it further enacted*. That this act shall continue and be in force until the end of the next session of Parliament.

Anno Quadragesimo Octavo Georgii III. Regis, Cap. XXXVII.

An act for making valid certain Orders in Council, and warrants of the Commissioners of the Treasury, for the entry and warehousing of certain goods imported in neutral vessels, and for indemnifying all persons concerned therein; for the remitting of forfeitures in certain cases; and for enabling His Majesty to allow, during the continuance of hostilities, and until two months after the commencement of the next session of Parliament, the importation of goods from countries from which the British flag is excluded, in any vessels whatever. [April 14, 1808.]

Whereas several neutral vessels, bound to ports on the continent of Europe from which the British flag has been excluded, have arrived in the ports of the United Kingdom, having been warned or brought into such ports in consequence of His Majesty's Orders in Council for that purpose, and parts of the cargoes of such vessels have been admitted to entry for home consumption, or warehoused for exportation; and other parts of such cargoes, consisting of goods the growth, produce, or manufacture of countries within the limits of the charter granted to the United Company of Merchants of England trading to the East Indies, not imported by the said company, have been warehoused for exportation only: And whereas, in consequence of the late events in Portugal, wine and other commodities have been brought from the dominions of the Crown of Portugal in vessels not owned and navigated according to law, and have been admitted to entry or warehoused in the same manner, and subject to the same duties only, as if the same had been imported in British built vessels, owned and navigated according to law: And whereas such goods have been so entered and warehoused, in obedience to Orders of Council and warrants of the commissioners of His Majesty's treasury, which it has been deemed expedient under the circumstances to issue for such purposes; which orders and warrants, and the proceedings thereupon, were

not authorized by law; but it is expedient, under the circumstances, that the same should be authorized by act of Parliament; and it is also expedient that the importation of goods from countries from which the British flag is excluded shall be allowed for a limited time in any vessels:

1. *Be it therefore enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same*, That all such importations, admissions to entry, warehousing for home consumption or for exportation, and securing in warehouses goods of the produce or manufacture of places within the limits of the charter granted to the East India Company for exportation only; and also all importations and admissions to entry, and warehousing of goods and commodities from the dominions of the Crown of Portugal, which have been made as aforesaid, before the passing of this act, whether under Orders in Council or by warrants of the commissioners of the treasury, shall be deemed and taken to be good in law; and all persons concerned in advising, issuing, or carrying the same into execution shall be, and are, hereby indemnified accordingly; anything in any act of Parliament to the contrary notwithstanding; and no vessels, goods, or commodities, which have been admitted to entry, or imported, or warehoused, or secured, under any such order or warrant, shall be subject to any forfeiture, or the owner thereof be subject to any penalty by reason thereof.

2. *And be it further enacted*, That it shall be lawful for the importers, proprietors, or consignees of any goods or commodities that may have been, or which shall be, brought into any port of the United Kingdom, in any ship or vessel which shall have come in, in consequence of any warning under the said Orders in Council, or in any ship or vessel which shall have sailed from any port or place within the respective limits enumerated in His Majesty's Order in Council of the twenty-fifth day of November, one thousand eight hundred and seven, before the respective days specified in the said order, on or after which days the vessels sailing from such ports or places are to be deemed to have received notice of the aforesaid order of the eleventh day of November, one thousand eight hundred and seven, duly to enter and land any such goods or commodities, either for the purpose of securing the same in warehouses for exportation, or on payment of the full duties of customs and excise due thereon, as the case may warrant; and that no ship or vessel so arriving as aforesaid shall be liable to forfeiture, or the owners or proprietors thereof to any penalty, by reason of such ship or vessel not being built, owned, or navigated according to law, or not being in any other respect legally authorized to import into this Kingdom the goods or commodities of which the cargo shall consist; nor shall any goods or commodities, being part of the cargo of any such ship or vessel so brought in as aforesaid, be liable to forfeiture, or the owners thereof to any penalty, by reason of any such

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goods or commodities being in packages not allowed by law, or for being in any other manner prohibited to be imported into this kingdom, any law, custom, or usage, to the contrary notwithstanding.

3. *And be it further enacted*, That it shall be lawful for His Majesty, by Order in Council, or license, and in Ireland for the Lord Lieutenant, or other Chief Governor, or Governors, and the Privy Council of Ireland, by Order in Council, or license, when and as often as the same shall be judged expedient, to permit, during the continuance of hostilities, and until two months after the commencement of the next session of Parliament, any such goods, wares, or merchandise, as shall be specified in such Order in Council, or license, to be imported into any port of Great Britain or Ireland, respectively, from any port or place from which the British flag is excluded, in any ship or vessel belonging to any country, whether in amity with His Majesty or not; any law in force in the United Kingdom, or in Great Britain, or Ireland, respectively, to the contrary in anywise notwithstanding.

4. *Provided always*, That nothing herein contained shall extend, or be construed to extend, to exempt from seizure any goods or commodities which shall be unshipped, or attempted to be unshipped, for the purpose of being illegally conveyed on shore, or before due entry shall have been made thereof.

5. *And be it further enacted*, That this act may be altered, amended, or repealed, by any act or acts to be passed in this session of Parliament.

Mr. Canning to Mr. Pinkney.

FOREIGN OFFICE, May 4, 1808.

The undersigned, His Majesty's principal Secretary of State for Foreign Affairs, has received His Majesty's command to acquaint Mr. Pinkney that His Majesty has judged it expedient to establish the most rigorous blockade of the port of Copenhagen, and of all the other ports in the island of Zealand. Mr. Pinkney is therefore requested to apprise the American consuls and merchants residing in England, that the entrances of all the ports above mentioned are, and must be considered as being, in a state of blockade; and that, from this time, all the measures authorized by the law of nations, and the respective treaties between His Majesty and the different neutral Powers, will be adopted and executed with respect to all vessels attempting to violate the said blockade after this notice.

The undersigned requests Mr. Pinkney to accept the assurances of his high consideration.

Anno Quadragesimo Octavo Georgii III. Regis, Cap. LXXXV.

An Act to regulate the trade between Great Britain and the United States of America until the end of the next session of Parliament. [June 23, 1808.]

Whereas it is expedient to permit goods, wares, and merchandise, being of the growth, produce, and manufacture of the United States of Amer-

ica, to be imported directly from thence into Great Britain, in British or American ships or vessels, subject to such duties only as are payable on the like commodities when imported from other foreign countries; may it therefore please your Majesty, that it may be enacted:

And be it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, That, from and after the end of the present session of Parliament, it shall and may be lawful for any person or persons to import into Great Britain directly from any of the territories of the United States of America, in British built ships or vessels, owned, navigated, and registered according to law, or in ships or vessels built in countries belonging to the United States of America, or any of them, or in ships or vessels taken by any of the ships or vessels of war belonging to the Government or any of the inhabitants of the said United States, having commissions or letters of marque and reprisal from the Government of the said United States, and condemned as lawful prize in any Court of Admiralty of the said United States, of which condemnation proof shall be given to the Commissioners of His Majesty's customs, or any four or more of them, in England or Scotland, respectively, and owned by the subjects of the said United States, or any of them, and whereof the master and three-fourths of the mariners at least are subjects of the said United States, any goods, wares, or merchandise, the growth, production, and manufacture of the said United States, which are not prohibited by law to be imported from foreign countries, and to enter and land such goods, wares, and merchandise, upon payment of the duties, and subject to the conditions and regulations hereinafter mentioned; any law, custom, or usage, to the contrary in anywise notwithstanding.

2. *And be it further enacted*, That all such goods, wares, and merchandise, imported into Great Britain, either in such ships or vessels, or in British built ships or vessels, owned, navigated, and registered according to law, shall and may be entered and landed, upon payment of such duties of customs and excise, and no higher, except as hereinafter is provided, as are payable on goods, wares, and merchandise of the like denomination or description, upon their importation into Great Britain from any foreign country; and in cases where different duties are imposed upon goods, wares, and merchandise of the like denomination or description, imported from different foreign countries, then upon payment of the lowest duties which by law are now required to be paid on the importation of any such goods, wares, or merchandise from any other foreign country: *Provided always*, That where any goods, wares, or merchandise, are imported from the said United States, in any ship or vessel not being British built, owned, navigated, and registered according to law, such goods, wares, and merchandise shall be subject and liable to the

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duties due and payable on similar articles when so imported from any other foreign country.

3. *And be it further enacted*, That any tobacco, being the growth or production of any of the territories of the United States of America, may be imported into Great Britain in British or American ships or vessels, owned and navigated as hereinbefore required, upon payment of the same duties of customs and excise as are now paid on tobacco imported by British subjects from any British colony or plantation in America; and that any snuff, being the production and manufacture of any of the said territories, may be imported into Great Britain in manner before mentioned, upon payment of such duties of customs and excise, as snuff, being the production or manufacture of Europe, imported from Europe, is subject to, and may be warehoused and again exported, such tobacco and snuff to be subject respectively, nevertheless, to all and singular the regulations, restrictions, penalties, and forfeitures, relating to the importation and exportation thereof, or in any other respect relating thereto, of an act made and passed in the twenty-ninth year of the reign of his present Majesty, entitled "An act for repealing the duties on tobacco and snuff, and for granting new duties in lieu thereof;" and of another act, passed in the thirtieth year of his present Majesty's reign, entitled "An act to explain and amend an act made in the last session of Parliament, entitled 'An act for repealing the duties on tobacco and snuff, and for granting new duties in lieu thereof, or of any other act since made relating thereto:'" *Provided always*, That such tobacco shall be accompanied by a manifest, as by law required.

4. *And be it further enacted*, That all goods, wares, and merchandise, so imported from the United States of America, shall, upon the exportation thereof from Great Britain, be entitled to the same drawbacks as are by law allowed upon the exportation of goods, wares, and merchandise of the like denomination and description when exported from Great Britain; and that there shall be allowed and paid the same drawbacks and bounties on goods, wares, and merchandise exported from Great Britain to the territories of the said United States, or any of them, as are allowed by law upon the exportation of goods, wares, or merchandise of the like denomination or description, to any of the islands, plantations, or colonies, belonging to the Crown of Great Britain, in America: *Provided always*, That nothing in this act contained shall extend, or be construed to extend, to repeal, or in anywise to alter, the duties of package, scavage, balliage, or portage, or any other duties payable to the mayor, commonalty, and citizens of the city of London, or to the Lord Mayor of the said city for the time being, or to any other city or town corporate within the Kingdom of Great Britain, or to repeal or in anywise to alter any special privilege or exemption to which any person or persons, bodies politic or corporate, is or are now entitled by law; but the same shall be continued as heretofore.

5. *And be it further enacted*, That the duties of customs and excise upon, for, and in respect of any goods, wares, and merchandise, imported into Great Britain from the said United States, by virtue and under the authority of this act, shall and may be respectively managed, ascertained, raised, levied, collected, answered, paid, recovered, allowed, appropriated, and applied, in such and the like manner, and in or by any or either of the means, ways, or methods, by which the duties of customs and excise, and drawbacks of duties of customs and excise upon goods, wares, or merchandise of the same sorts or kinds respectively imported from or exported to any other foreign country were or might be managed, ascertained, raised, levied, collected, answered, paid, recovered, allowed, appropriated, and applied, and the goods, wares, or merchandise, so by this act respectively made liable to the payment of or chargeable with duties of customs and excise, or so entitled to drawback of duties of customs and excise, upon the importation thereof into, or exportation thereof from Great Britain, or on any other account whatever, shall be, and the same are hereby, made subject and liable to all and every the conditions, regulations, rules, restrictions, and forfeitures, to which goods, wares, or merchandise in general, and also all and every the special conditions, rules, restrictions, regulations, and forfeitures, respectively, to which the like goods, wares, or merchandise respectively were subject and liable by any act or acts of Parliament in force on and immediately before the passing of this act, respecting the revenues of customs and excise; and all and every pain, penalty, fine, or forfeiture, of any nature or kind whatever, for any offence whatever committed against or in breach of any act or acts of Parliament in force on and immediately before the passing of this act, made for securing the revenue of customs and excise, or for the regulation or improvement thereof, and the several clauses, powers, and directions therein contained, shall, and are hereby, directed and declared to extend to, and shall be respectively applied, practised, and put in execution for, and in respect of, the several duties of customs and excise and drawbacks of duties of customs and excise, hereby charged and allowed, in as full and ample manner, to all intents and purposes whatever, as if all and every the said acts, clauses, provisions, powers, directions, fines, pains, penalties, or forfeitures, were particularly repeated and re-enacted in the body of this act.

6. *Provided always, and be it enacted*, That it shall and may be lawful for His Majesty, by and with the advice of his Privy Council, by any Order in Council, or by any proclamation made for that purpose, to cause the provisions of the act to be suspended for such time as His Majesty his heirs, and successors, may deem expedient and necessary; anything in this act to the contrary notwithstanding.

7. *And be it further enacted*, That this act shall continue in force to the end of the next session of Parliament.

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y the Honorable Sir Alexander Cochrane, K. B., Rear Admiral of the Red, and Commander-in-chief of His Majesty's ships and vessels employed and to be employed at Barbadoes, the Leeward Islands, &c.

Whereas an intimation has been received from the right honorable Lord Viscount Castlereagh, one of His Majesty's principal Secretaries of State, that the strictest naval blockade is to be established over the leeward French Caribbean lands; the several captains, commanders, and commanding officers under my orders, are hereby authorized and directed to stop all neutral vessels destined for any of the ports of the said islands; and if they shall appear to be ignorant of the existence of the blockade, and have no enemy's property on board, the masters of such neutral vessels shall be apprized thereof, and warned not to proceed to such ports, and a notice written to that effect upon one or more of the principal ship's papers.

But if a neutral vessel shall appear to be so warned, or to be otherwise informed of the existence of the blockade, or to have sailed from her last clearing port after it may be reasonably supposed that this notification might have been made public there, and yet be found attempting or intending to enter either of the ports of the said islands, such vessel shall be seized and sent into port for legal adjudication. And with respect to neutral vessels coming out of said ports, having any colonial produce, goods, or merchandise on board, appearing to have been laden after knowledge of the blockade, such vessels shall, in like manner, be seized and sent in for legal adjudication.

Given on board the *Belleisle*, Carlisle bay, Barbadoes, October 14, 1808.

ALEXANDER COCHRANE.

By command of the Rear-Admiral:

JOHN S. TRACEY.

II.—*The Decrees of France.*

1793, May 9. Authorizes French vessels to arrest and bring into the ports of the Republic vessels laden with provisions destined for an enemy port.

1793, May 23. Exempts American vessels from the operation of the decree of the 9th.

1793, May 28. Suspends the decree of the 23d of May.

1793, July 1. The decree of the 23d again enforced.

1793, July 27. The decree of the 23d of May repealed, and that of the 9th of May enforced.

1794, November 18, (25th Brumaire 3d year.) General regulations; the most important is, that merchandise belonging to the enemy is made liable to seizure in neutral vessels, until the enemy shall exempt from seizure French merchandise similarly situated.

1795, January 3, (14th Nivose, 3d year.) Repeals the fifth article of the above, and exempts enemy goods from capture in neutral vessels.

1796, July 2, (14th Messidor, 4th year.) The French will treat neutral nations as they suffer themselves to be treated by the English.

1797, March 2, (17th Ventose, 5th year.) Enemy's property in neutral vessels liable to confiscation; makes necessary rôles d'équipages.

1798, January 18, (29th Nivose, 6th year.) The character of vessels to be determined by that of their cargoes.

1799, March 18, (28th Ventose, 7th year.) Explains the fourth article of the decree of the 2d of March, 1797.

1799, October 29, (8th Brumaire, 7th year.) Neutrals found on board enemy vessels liable to be treated as pirates.

1799, November 14, (24th Brumaire, 7th year.) Suspends the operation of the above decree of the 29th of October.

1800, December 13, (23d Frimaire, 8th year.) Repeals the first article of the law of the (29th Nivose, 6th year,) 18th January, 1798.

1800, December 19, (29th Frimaire, 8th year.) Enforces the regulations of the 26th of July, 1778.

1806, November 21. Berlin decree.

1807, December 17. Milan decree.

1808, April 17. Bayonne decree.

Copy of the decree of the National Convention of the 9th of May, 1793, 2d year of the Republic of France.

The National Convention, after having heard the report of their Marine Committee; considering that the flag of the neutral Powers is not respected by the enemies of France; that two cargoes of flour arrived at Falmouth in Anglo-American vessels, and purchased before the war for the service of the marine of France, have been detained in England by the Government, who would not pay for them, except at a price below that at which flour had been sold:

That a vessel from Papenburg, called the *Therisia*, commanded by Captain Hendrick Kob, laden with divers effects belonging to Frenchmen, has been conducted to Dover, the 2d of March last, by an English cutter:

That a privateer of the same nation has carried into the same port of Dover, the 18th of the same month, the Danish ship *Mercury*, Christianlund, Captain Freuchen, expedited from Dunkirk on the 17th with a cargo of wheat for Bordeaux:

That the ship *John*, Captain Shkley, laden with near six thousand quintals of American wheat, bound from Falmouth to St. Malo, has been taken by an English frigate, and conducted to Guernsey, where the agents of the Government have simply promised to pay the value of the cargo because it was not on account of the French:

That one hundred and one French passengers of different professions, embarked at Cadiz, by order of the Spanish Minister, in a Genoese ship, called the *Providence*, Captain Ambrose Briasco, bound to Bayonne, have been shamefully pillaged by the crew of an English privateer:

That the divers reports which are successively made by the maritime cities of the Republic an-

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nounce that these same acts of inhumanity and injustice are daily multiplied and repeated with impunity throughout the seas:

That, under such circumstances, all the rights of nations being violated, the French people are no longer permitted to fulfil towards the neutral Powers in general, the vows which they have so often manifested, and which they will constantly make for the full and entire liberty of commerce and navigation, decrees as follows:

ART. 1. The French ships of war and privateers may arrest and bring into the ports of the Republic, the neutral vessels which shall be laden wholly, or in part, either with articles of provision belonging to neutral nations, and destined for an enemy's port, or with merchandises belonging to an enemy.

ART. 2. The merchandise belonging to an enemy shall be declared good prize, and confiscated to the profit of the captors; the articles of provisions belonging to neutral nations, and laden for an enemy's port, shall be paid for according to their value in the place to which they were destined.

ART. 3. In all cases the neutral vessels shall be released as soon as the unloading of the articles of provision arrested, or of the merchandises seized, shall have been effected. The freight thereof shall be paid at the rate which shall have been stipulated by the persons who shipped them. A just indemnification shall be allowed, in proportion to their detention, by the tribunals who are to have cognizance of the validity of the prizes.

ART. 4. These tribunals shall be bound to transmit, three days after their decision, a copy of the inventory of the said articles of provision or merchandise, to the Minister of Marine, and another to the Minister for Foreign Affairs.

ART. 5. The present law, applicable to all the prizes which have been made since the declaration of war, shall cease to have effect as soon as the enemy Powers shall have declared free and not seizable, although destined for the ports of the Republic, the articles of provision belonging to neutral nations, and the merchandises laden in neutral vessels, and belonging to the Government or citizens of France.

Decree of the National Convention of the 23d May, which declares that the vessels of the United States are not comprehended in the dispositions of the decree of the 9th of May.

The National Convention, after having heard the report of their Committee of Public Safety, wishing to maintain the union established between the French Republic and the United States of America, decree that the vessels of the United States are not comprehended in the dispositions of the decree of the 9th of May, conformably to the sixteenth article of the treaty concluded on the 16th February, 1778.

True copy:

LE BRUN.

[NOTE. It appears that, on the 28th of May, the Convention passed a decree, which so far

repealed that of the 23d May, as to place in a state of provisional sequestration the property seized under the decree of the 9th May. No copy of this decree of the 28th May is to be found in the Department of State.]

Copy of the decree of the National Convention of the 1st July, 1793, second year of the French Republic, which exempts from the dispositions of the decree of the 9th May, 1793, the vessels of the United States.

The Convention, after having heard the report of the Committee of Public Safety, wishing to maintain the union established between the French Republic and the United States of America, decrees that the vessels of the United States are not comprised in the dispositions of the decree of the 9th of May, conformably to the sixteenth article of the treaty concluded the 6th of February, 1778.

Certified conformably to the original:

DEFORGUE.

[NOTE. It appears that, on the 27th of July, the Convention again put in force the decree of the 9th May; but no copy of the act by which this was done is to be found in the Department of State.]

Extract from the Register of Arrêts of the Committee of Public Safety, Finance, and Supplies.

25TH BRUMAIRE, 3d year of the Republic, (November 18, 1794.)

The Committee of Public Safety, Commerce, and Supplies, order as follows:

ART. 1. The vessels of the United States of America, and those of other neutral Powers, shall be permitted to enter the ports of the Republic and retire from them when they please; nor shall it be permitted to any constituted authority to retard their departure, or to oblige the captains to sell their cargoes against their will.

ART. 2. When the captains or owners of neutral vessels are disposed to sell their cargoes to the public, they shall be paid for them according to the bargain which they make.

ART. 3. It is enjoined to all the commandants of naval armaments, fleets, divisions, and squadrons of the Republic, to respect and cause to be respected, upon their responsibility, in favor of the neutral and allied Powers, the rights of nations and the stipulations of treaties, conforming themselves strictly to the terms of the decree of the Convention of the 27th July, 1793.

ART. 4. In consequence, they are expressly prohibited from turning these vessels from their course; taking from on board of them their captains, sailors, or passengers, other than soldiers or sailors actually in the service of an enemy Power, or of seizing the effects or merchandise which shall be found in them.

ART. 5. Are excepted from the prohibition contained in the preceding article—

1. Merchandises belonging to the enemies of the Republic, until such enemy Powers shall have declared that the merchandises of the French shall be free on board neutral vessels.

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2. Such merchandises of the neutral Powers, also, as are deemed contraband of war, and under which are comprised all arms, instruments, and munitions of war, and every-kind of merchandise and other effects destined for an enemy's port actually seized or blockaded.

[Articles 6, 7, 8, and 9, regulate the manner of proceeding where neutral vessels are brought in, upon a presumption of having enemy's goods on board.]

ART. 10. The Commission of Marine shall present, without delay, a statement of the individuals, born subjects of the Powers with whom the Republic is at war, who were taken before the present day upon neutral vessels, that particular arrêts may be taken in each case.

ART. 11. The indemnities which are due to the captains of neutral Powers who were detained by an embargo at Bordeaux, shall be liquidated without delay by the Commission of Marine and Colonies, conformable to an arrêt of the Committee of Public Safety of the 17th Germinal; and this commission shall render an account, in the course of ten days, of the actual state of these demands.

ART. 12. The Commission of Marine is specially charged to receive and adjust the accounts which shall be presented to it by an agent of the United States, for such supplies as the Americans have furnished to the administration of St. Domingo; and it shall take the necessary measures to procure to the parties interested the most prompt justice, and shall also present to the Committee of Public Safety, of Finance, Commerce, and Supplies, the result of its operations in these respects.

ART. 13. The Commission of Foreign Relations is instructed to deliver a copy of this arrêt to the Minister Plenipotentiary of the United States of America, in answer to his memorial of the 9th Fructidor (September 3) last.

THURIOT,
MERLIN,
CAMBACÈRES, &c.

Extract from the Register of Arrêts of the Committee of Public Safety, of the 14th Nivose, 3d year of the Republic (3d January, 1795.)

The Committee of Public Safety, considering that, by the twenty-third article of the Treaty of Commerce between France and the United States of America, bearing date on the 6th of February, 1778, it is agreed:

1. That the people of France and America may navigate reciprocally, in complete safety, with their vessels, and without exception as to the owners of the merchandise charged upon such vessels, or as to the ports from whence they come, and although the Power for which they may be destined be actually at war, or become afterwards the enemy of the one or the other contracting party; that they may equally navigate in full safety with their vessels and merchandise, and frequent the places, ports, and harbors of the enemies of both nations, or of either, and carry

on trade, not only from the port of an enemy to that of a neutral Power, but also from different ports of the same enemy.

2. That free vessels shall make free goods, and that anything shall be considered as free which shall be found on board the vessels of either contracting nation, although it belong, in whole or in part, to the enemies of either the one or the other; contraband always excepted.

3. That the same liberty shall be extended to those who are found on board free vessels, although they be the enemies of either the one or the other contracting nation; and in consequence, that such persons shall not be taken from such vessels, unless they be soldiers in the actual service of the enemy.

Considering that the crimes of England, having given to the war of despotism against liberty a character of injustice and atrocity without example in the annals of mankind, the National Convention found itself obliged, in using the right of reprisal, to decree, on the 9th of May, 1793, that the vessels of war and cruisers of the Republic might take and conduct into the ports of France such vessels of the neutral Powers as they should find charged, in whole or in part, with provisions belonging either to such Powers or the enemies of France. Soon afterwards, however, and on the 1st July, 1793, the Convention restored in full vigor the dispositions of the treaty above-mentioned of the 6th of February, 1778, but which were again revoked by a decree of the 27th of the same month, in respect to provisions and merchandises belonging to an enemy; upon which latter ground it has stood since, leaving the provisions and merchandises of neutral Powers, in such vessels, free. In regard to which the French Government has not to reproach itself with having waited, to show itself just and loyal, that the Cabinet of London might revoke, as it did a long time afterwards, the order given by it the preceding year to seize all neutral vessels carrying provisions or merchandises into France.

Considering that since, and notwithstanding the notoriety with which this Cabinet continues to insult and violate the rights of neutral nations, by causing their vessels, charged with merchandise, destined for the ports of France, to be seized, yet the National Convention has enjoined it, by the seventh article of the law of the 13th of this month, upon all officers, civil and military, strictly to observe, in all their dispositions, the treaties which unite France with the neutral Powers of the ancient continent, as likewise with the United States of America, declaring all articles of a contrary import in any other law to be absolutely null and void.

Fully, therefore, to carry into effect the said law, according to its true intent and meaning, it is hereby ordered:

ART. 1. The Commission of Marine and of the Colonies shall notify, without delay, to all the commanders of armed vessels, divisions, and squadrons, the article above-mentioned of the law of the 13th of this month; and, in consequence, that they are to consider the fifth article of the

Great Britain, France, and Spain.

arrêt of the 25th Brumaire last, which authorized the seizure of merchandises belonging to an enemy that shall have declared French property on board such vessels free, as now null and void.

ART. 2. The merchandises called contraband, though belonging to a neutral Power, shall continue subject to seizure.

ART. 3. All arms, instruments, and munitions of war, of every kind, horses, and their equipage, and all kind of merchandises, and other effects, destined for an enemy's port actually blockaded or besieged, shall be deemed contraband of war.

CAMBACERES,
CARNOT,
PRIEUR,
A. DUMONT,
CHAZAL,
MARET,
PELET.

Decree of the Executive Directory on the conduct of the flag of the French Republic towards neutral vessels, 14th Messidor, 4th year (2d July, 1796.)

The Executive Directory, considering that, if it belongs to French loyalty to respect the treaties or conventions which assure to neutral or friendly Powers the commercial advantages, of which the result ought to be common to the contracting Powers, these same advantages, if they are turned to the benefit of our enemies, either through the feebleness of our allies or of neutrals, through fear, from views of interest, or from any other motive, would provoke, indeed, the inexecution of the articles by which they should be stipulated, decree what follows:

It shall be notified, without delay, to all the neutral or allied Powers, that the flag of the French Republic shall be used against neutral vessels, be it for the purpose of confiscation, search, or detention, (*visite ou prehension*) in the same manner that they suffer the English to use theirs in regard thereto.

The Minister of Foreign Relations is charged with the execution of the present decree, which shall not be printed.

Decree of the Executive Directory concerning the navigation of neutral vessels, loaded with merchandise belonging to the enemies of the Republic, and the judgments on the trials relative to the validity of maritime prizes. 12th Ventose, 5th year, (2d March, 1797.)

The Executive Directory, having examined the law of the 9th May, 1793, which, forasmuch as the flag of neutral Powers not being respected by the enemies of the French Republic, and all the laws of nations being violated to her prejudice, it is no longer permitted to the French people to fulfil towards these Powers, in general, the wish which it has so often manifested, and which it will constantly form, for the full and entire liberty of commerce and of navigation, orders, among other things:

1. That the French vessels of war and privateers may stop and carry into the ports of the Re-

public neutral vessels, which may be found loaded entirely or in part with merchandise belonging to the enemy.

2. That the merchandise belonging to the enemy shall be declared good prize, and confiscated for the benefit of the captors.

3. That, in all cases, the neutral vessels shall be released the moment the unloading of the merchandise seized shall have been effected; that the freight shall be paid at the rates which shall have been stipulated by the freighters, and a just indemnity shall be allowed for their detention by the tribunals whose duty it may be to take cognizance of the validity of the prizes.

4. That these tribunals shall moreover be bound to transmit, three days after their judgment, a copy of the inventory of the merchandise to the Minister of Marine, and another copy to the Minister of Foreign Affairs.

5. That the present law, applicable to all prizes which have been made since the declaration of war, shall cease to have its effect when the enemy Powers shall have declared free and not seizable, though destined for the ports of the Republic, the merchandise loaded on board neutral vessels, which shall belong to the French Government or its citizens.

Having likewise examined the law of the 27th July, 1793, which, in maintaining that of the 9th May preceding, here above recited, orders that it should have its full and entire execution, and that, in consequence, all other regulations which may be contrary to it are and remain repealed—a repeal which evidently comprehends the law, of the 1st of the same month of July, by which the vessels of the United States of America had been excepted from the law of the 9th May, in conformity to the fifteenth article of the treaty of the 6th February, 1778.

Having also examined the seventh article of the law of the 13th Nivose, 3d year, (3d January, 1795,) which enjoins on all the agents of the Republic; on all the commandants of the armed force; on the officers, civil and military; to cause to be respected and observed, in all their arrangements, the treaties which unite France to the neutral Powers of the ancient Continent, and to the United States of America; and adds that no blow shall be aimed at those treaties, and that all regulations which may be contrary to them are annulled; considering that this last law does not derogate from that of the 9th May, 1793, save only in favor of those neutral Powers whose treaties actually subsisting with the French Republic are contrary to its regulations; that, consequently, it is important for the information, as well of the commandants of the armed force of the Republic, and of the vessels commissioned by it, as of the tribunals charged with deciding on the validity of the prizes, to take measures for preventing either that it should be supposed that treaties existed which never were made, or that treaties concluded for a limited time which is expired should be considered as still being in force, or that those which have been modified since their formation should be considered as yet requiring a literal execution;

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that, to this last description belongs particularly the Treaty of Amity and Commerce concluded the 6th February, 1778, between France and the United States of America; that, in effect, by the second article of this treaty, France and the United States of America mutually engage not to grant any particular favor to other nations, in relation to commerce and navigation, which does not become forthwith common to the other party; and that it is added by the same article, that this other party shall enjoy the favor gratuitously, if the grant is gratuitous, or on making the same compensation if the grant is conditional; that thus the provisions stipulated in favor of England by the Treaty of Amity, Commerce, and Navigation, concluded at London, 19th November, 1794, between that Power and the United States of America, are considered to have been in behalf of the French Republic itself; and in consequence modifying, in the points where they differed, the treaty concluded the 6th February, 1778; that it is agreeably to these provisions that the French Government has declared, by its decrees of the 14th and 28th Messidor, 4th year, (2d and 16th July, 1796,) as it is likewise forced to do at present, that it will use the just measures of reciprocation which it had a right to exercise in that respect, in everything which has a relation to the circumstances of the war, as also to the political, commercial, and maritime interests of the French Republic; that, consequently, it is necessary to settle, by reconciling the treaties of the 6th February, 1778, and 19th November, 1794, every doubt as to the case where this right of reciprocation ought to be exercised:

Considering that there have been quite lately raised, as to the manner of stating the proofs of property in the ships and merchandise pretended to belong to neutrals, doubts and controversies which never would have taken place if the provisions of the ancient regulations relative to this business had been better known; that it consequently is of importance to recite these provisions, and to cause to be executed the fifth article of the law of the 14th February, 1793, which has maintained them:

After having heard the Ministers of Justice, of the Marine, and of the Colonies, decrees what follows:

ART. 1. The Commissioners of the Executive Directory, near the civil tribunals of the Departments, shall take care that, on the trials as to the validity of maritime prizes, no judgment shall be founded on the seventh article of the law of the 13th Nivose, 3d year, (2d January, 1795,) unless the Minister of Justice be previously consulted, in conformity to the third article of the law of the 3th Floréal, 4th year, (27th April, 1796,) relative to the treaties in virtue of which some neutrals might pretend to withdraw themselves, by means of the first of these laws, from the execution of that of the 9th May, 1793.

ART. 2. The Minister of Justice will consequently examine if the treaties appealed to still remain in force, or whether they have been modified since their adoption. He shall be furnished,

for this purpose, by the Minister of Exterior Relations, with all the information (*renseignements*) of which he shall be in want, and he shall refer the same to the Executive Directory, as is prescribed by the law of the 8th Floreal, 4th year, (27th April, 1796.)

ART. 3. The Executive Directory reminds all French citizens that the treaty entered into on the 6th February, 1778, between France and the United States of America, has been, from the terms of its second article, in strict right (*de plein droit*) modified by that which was entered into in London, on the 19th November, 1794, between the United States of America and England. In consequence, agreeably to the seventeenth article of the treaty of London of the 19th November, 1794, all merchandise belonging to an enemy, or not sufficiently proven to be neutral, loaded under the American flag, shall be confiscated; but the vessel on board of which it shall have been found shall be released and returned to the proprietor. It is enjoined on the Commissioners of the Executive Directory to cause to be accelerated, by all means in their power, the judgment on the trials which shall take place, either in relation to the validity of the capture of the cargo, or in relation to freight and demurrage, (*surestaries*.)

ART. 4. Agreeably to the eighteenth article of the Treaty of London of the 19th November, 1794, there shall be added the following articles to those declared contraband by the twenty-fourth article of the treaty of the 6th February, 1778, viz: wood for ship building, pitch, tar, and rosin, copper in sheets, canvass, hemp, and cordage, and everything that serves, directly or indirectly, for the armament and equipment of vessels, except unwrought iron and fir-plank. These several articles shall be confiscated whenever they shall be destined, or when it is attempted to carry them, to the enemy.

ART. 5. Agreeably to the twenty-first article of the Treaty of London of the 19th November, 1794, every individual known to be American, who holds a commission given by the enemies of France, as also every mariner of that nation making a part of the crew of private or public ships (*navires ou vaisseaux*) of the enemy, shall be, from that act alone, declared a pirate, and treated as such, without allowing him, in any case, to show that he had been forced by violence, menaces, or otherwise.

ART. 6. In conformity to the law of the 14th February, 1793, the regulations of the 21st October, 1744, and of the 26th July, 1778, as to the manner of proving the right of property in neutral ships and merchandise, shall be executed, according to their form and tenor.

In consequence, every American vessel shall be a good prize which has not on board a list of the crew, (*rôle d'équipage*), in proper form, such as is prescribed by the model annexed to the treaty of the 6th February, 1778; a compliance with which is ordered by the twenty-fifth and twenty-seventh articles of the same treaty.

ART. 7. It is enjoined on the Commissioners of the Executive Directory to call the severity of the tribunals to the fraudulent manœuvres of

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every ship-owner calling himself a neutral American, or other, on board a vessel in which shall be found, as has frequently been done during the present war, either maritime papers (*papiers de mer*) in blank, though signed and sealed, or papers, in form of letters, containing the signatures of individuals, in blank; or of double passports or sea-letters, which indicate different destinations to the vessel; or double invoices, bills of lading, or any other ship papers, which assign to the whole or to a part of the same merchandise different proprietors or different destinations.

ART. 8. From the regulations of the present decree, that of the 9th Frimaire last, (29th November, 1795,) concerning the freights and demurrage, is referred to what relates to the demurrage only.

The present decree shall be inserted in the bulletin of the laws. The Ministers of the Marine and of the Colonies, of Justice, and of Foreign Relations, are charged with its execution—each one in what concerns him.

Law which determines the character of vessels from their cargo, especially those laden with English merchandise.

20TH NIVOSE, 6TH YEAR.
(18th January, 1798.)

After having heard the report of a special commission on the message of the Executive Directory of the 15th Nivose, relative to English merchandise; considering that the interest of the Republic requires the most prompt measures against all vessels which shall be loaded with it:

ART. 1. The character of vessels, in what concerns their quality as neutral or enemy, shall be decided by their cargo. In consequence, every vessel found at sea laden in whole or in part with merchandise coming (*provenant*) from England or her possessions, shall be declared good prize, whoever may be the proprietors of these productions or merchandise.

ART. 2. Every foreign vessel which shall, during her voyage, have entered a port of England, shall not be admitted into a port of the French Republic, save only when there is a necessity for her entering (*de relâche*), in which case she shall be bound to leave the said port so soon as the cause of her entering it (*de sa relâche*) shall have ceased.

Decree of the Executive Directory, in explanation of that of the 12th Ventose, 5th year, (2d March, 1797,) concerning the navigation of neutral vessels, of the 28th Ventose, 7th year, (18th March, 1799.)

The Executive Directory having examined its decree of the 12th Ventose, 5th year, (2d March, 1797,) concerning the navigation of neutral vessels, loaded with merchandise belonging to the enemies of the Republic, and the judgment on the trials as to the validity of maritime prizes; considering that the fourth article of that decree, in what relates to the *rôles d'équipages* with which neutral vessels ought to be furnished, has had improper interpretations, so far as concerns the *rôles*

d'équipages of American vessels, and that it is time to do away the obstacles resulting therefrom to the navigation of the vessels of that nation.

After having heard the Minister of Exterior Relations and the Minister of Justice declare that, by the fourth article of the said decree, it was not understood that the navigation of American vessels, relatively to the form of their *rôles d'équipages*, was subjected to other conditions than those imposed on all neutrals by the twelfth article of the ordinance of 1744, and by the ninth article of the 26th July, 1778.

The Ministers of the Marine and of Justice, each in what concerns him, are charged with the execution of the present decree, which shall be inserted in the bulletin of laws.

Decree of the Executive Directory as to those who compose the crews of the vessels of the enemies of France, 8th Brumaire, seventh year, (October 29, 1799.)

The Executive Directory, on the report of the Minister of Exterior Relations, considering that the squadrons, privateers, and vessels of England and Russia are in part manned by foreigners; considering that this violation is a manifest abuse of the law of nations, and that the Powers of Europe have not taken any measures to stop it, decree:

ART. 1. Every person, native (*ou originaire*) of friendly countries allied to the French Republic, or neutral, holding a commission given by the enemies of France, or making part of the crews of the vessels of war or other enemy vessels, shall, for that act alone, be declared a pirate, and treated as such, without being allowed in any case to allege that he was forced by violence, menaces, or otherwise.

ART. 2. The Executive Directory of the Batavian, Ligurian, Cisalpine, and Roman Republics, shall be informed of this measure.

ART. 3. The provisions contained in the first article shall be notified to the Powers neutral or allied to the French Republic.

Decree of the French Republic on the mode of executing its decrees of the 8th Brumaire, 7th year, (29th October, 1799,) concerning those who compose the crews of enemy vessels, 24th Brumaire, 7th year, (14th November, 1799.)

ART. 1. In execution of the third article of the decree of the Executive Directory of the 8th of this month, the allied or neutral Powers shall be invited to take the necessary measures for recalling, within a time which shall be fixed, those mariners of their respective nations, actually embarked on board the vessels of war or other vessels belonging to England.

ART. 2. The Ambassadors, Ministers, and Envoys of the Republic near the respective Powers shall receive particular instructions on this subject.

ART. 3. The period of the execution of the decree of the 8th Brumaire shall be determined by a subsequent decree.

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ART. 4. The Minister of Exterior Relations is charged to make arrangements with the Minister of Marine and the Colonies for the execution of the present decree.

Law which repeals the first article of that of 29th Nivose, 6th year, (18th January, 1798,) relative to maritime cruising.

ARTICLE 1. The first article of the law of the 29th Nivose, 6th year, (18th January, 1798,) relative to maritime cruising, is repealed.

The Consuls of the Republic order that the above law shall be published and executed, and that the seal of the Republic shall be affixed to it.

Done at the National Palace of the Consuls of the Republic, the 23d Frimaire, 8th year, (13th December, 1800) of the Republic.

ROGER DUCOS,
SIEYES,
BONAPARTE.

Decree of the Consuls of the Republic which puts in force the ordinance of the 26th July, 1778, concerning the navigation of neutral vessels, 29th Frimaire, 8th year, (19th December, 1800.)

The Consuls having examined the law of the 23d Frimaire, 8th year, (13th December, 1800,) which repeals the first article of the law of the 25th Nivose, 6th year, (14th January, 1798,) relative to maritime cruising; considering that the repeal of that law necessarily renews that state of the law antecedently existing:

That this, as fixed by the ordinance of the 26th July, 1778, is considered the most proper to conciliate the interests of the Republic with the rights of neutral Powers; wishing to prevent, on the part of the French or neutral owners, (*armateurs*;) errors or interpretations which shall counteract the views under which the law of the 29th Nivose, 6th year, (18th January, 1798,) has been repealed, decree what follows:

ART. 1. The regulations prescribed by the ordinance of the 26th July, 1778, concerning the navigation of neutral vessels, shall be strictly observed by all those to whom they shall be applicable; but, in case of a contravention on their part, they are to suffer the confiscations and condemnation in damages fixed on by the said ordinance and the laws.

ART. 2. The Ministers of Justice, of the Marine, of Exterior Relations, and of the Finances, are charged, each one in what concerns him, with the execution of the present decree, which shall be inserted in the bulletin of the laws.

The Consuls of the Republic:

BONAPARTE,
SIEYES,
ROGER DUCOS.

IMPERIAL CAMP, BERLIN,
November 21, 1806.

Napoleon, Emperor of the French and King of Italy, considering:

1. That England does not admit the right of nations as universally acknowledged by all civilized people;

2. That she declares as an enemy every individual belonging to an enemy State, and, in consequence, makes prisoners of war, not only the crews of armed vessels, but also of merchant vessels, and even the supercargoes of the same;

3. That she extends or applies to merchant vessels, to articles of commerce, and to the property of individuals, the right of conquest, which can only be applied or extended to what belongs to an enemy State;

4. That she extends to ports not fortified, to harbors and mouths of rivers, the right of blockade, which, according to reason and the usage of civilized nations, is applicable only to strong or fortified ports;

5. That she declares blockaded places before which she has not a single vessel of war, although a place ought not to be considered blockaded but when it is so invested as that no approach to it can be made without imminent hazard; that she declares even places blockaded which her united forces would be incapable of doing, such as entire coasts, and a whole empire;

6. That this unequalled abuse of the right of blockade has no other object than to interrupt the communications of different nations, and to extend the commerce and industry of England upon the ruin of those of the Continent;

7. That this being the evident design of England, whoever deals on the Continent in English merchandise favors that design and becomes an accomplice;

8. That this conduct in England (worthy only of the first ages of barbarism,) has benefited her, to the detriment of other nations;

9. That it being right to oppose to an enemy the same arms she makes use of, to combat as she does, when all ideas of justice and every liberal sentiment (the result of civilization among men) are disregarded;

We have resolved to enforce against England the usages which she has consecrated in her maritime code.

The present decree shall be considered as the fundamental law of the Empire, until England has acknowledged that the rights of war are the same on the land as at sea; that it cannot be extended to any private property whatever, nor to persons who are not military, and until the right of blockade be restrained to fortified places, actually invested by competent forces.

Imperial Decree of the 21st November, 1806.

ART. 1. The British islands are declared in a state of blockade.

ART. 2. All commerce and correspondence with the British islands are prohibited. In consequence, letters or packets addressed either to England, to an Englishman, or in the English language, shall not pass through the post office, and shall be seized.

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ART. 3. Every subject of England, of what rank and condition soever, who shall be found in the countries occupied by our troops, or by those of our allies, shall be made a prisoner of war.

ART. 4. All magazines, merchandise, or property whatsoever belonging to a subject of England, shall be declared lawful prize.

ART. 5. The trade in English merchandise is forbidden. All merchandise belonging to England, or coming from its manufactories and colonies, is declared lawful prize.

ART. 6. One-half of the proceeds of the confiscation of the merchandise, and property declared good prize by the preceding articles, shall be applied to indemnify the merchants for the losses which they have suffered by the capture of merchant vessels by English cruisers.

ART. 7. No vessel coming directly from England, or from the English colonies, or having been there since the publication of the present decree, shall be received in any port.

ART. 8. Every vessel contravening the above clause, by means of a false declaration, shall be seized, and the vessel and cargo confiscated as if they were English property.

ART. 9. Our Tribunal of Prizes at Paris is charged with the definitive adjudication of all controversies which may arise within our Empire, or in the countries occupied by the French army, relative to the execution of the present decree. Our Tribunal of Prizes at Milan shall be charged with the definitive adjudication of the said controversies, which may arise within the extent of our Kingdom of Italy.

ART. 10. The present decree shall be communicated by our Minister of Exterior Relations to the Kings of Spain, of Naples, of Holland, of Etruria, and to our allies, whose subjects, like ours, are the victims of the injustice and the barbarism of the English maritime laws.

Our Ministers of Exterior Relations, of War, of Marine, of Finances, of Police, and our Postmasters General, are charged each in what concerns him with the execution of the present decree.

PARIS, December 26.

IMPERIAL DECREE.—Rejoinder to His Britannic Majesty's Order in Council of the 11th of November, 1807.

AT OUR ROYAL PALACE AT MILAN,
December 17, 1807.

Napoleon, Emperor of the French, King of Italy, and Protector of the Rhenish Confederation:

Observing the measures adopted by the British Government, on the 11th November last, by which vessels belonging to neutral, friendly, or even Powers the allies of England, are made liable, not only to be searched by English cruisers, but to be compulsoarily detained in England, and to have a tax laid on them of so much per cent. on the cargo, to be regulated by the British Legislature:

Observing that, by these acts, the British Government denationalizes ships of every nation in Europe; that it is not competent for any Government to detract from its own independence and rights, all the Sovereigns of Europe having in trust the sovereignties and independence of the flag; that if, by an unpardonable weakness, and which in the eyes of posterity would be an indelible stain, if such a tyranny was allowed to be established into principles, consecrated by usage, the English would avail themselves of it to assert it as a right, as they have availed themselves of the tolerance of Government to establish the infamous principle that the flag of a nation does not cover goods and to have to their right of blockade an arbitrary extension, and which infringes on the sovereignty of every State; we have decreed and do decree as follows:

ART. 1. Every ship, to whatever nation it may belong, that shall have submitted to be searched by an English ship, or to a voyage to England, or shall have paid any tax whatsoever to the English Government, is thereby, and for that alone, declared to be denationalized, to have forfeited the protection of its King, and to have become English property.

ART. 2. Whether the ships thus denationalized by the arbitrary measures of the English Government enter into our ports, or those of our allies, or whether they fall into the hands of our ships of war, or of our privateers, they are declared to be good and lawful prize.

ART. 3. The British islands are declared to be in a state of blockade, both by land and sea. Every ship, of whatever nation, or whatsoever the nature of its cargo may so be, that sails from the ports of England, or those of the English colonies, and of the countries occupied by English troops, and proceeding to England, or to the English colonies, or to countries occupied by English troops, is good and lawful prize, as contrary to the present decree, and may be captured by our ships of war, or our privateers, and adjudged to the captor.

ART. 4. These measures, which are resorted to only in just retaliation of the barbarous system adopted by England, which assimilates its legislation to that of Algiers, shall cease to have any effect with respect to all nations who shall have the firmness to compel the English Government to respect their flag. They shall continue to be rigorously in force as long as that Government does not return to the principle of the law of nations, which regulates the relations of civilized States in a state of war. The provisions of the present decree shall be abrogated and null, in fact, as soon as the English abide again by the principles of the law of nations, which are also the principles of justice and of honor.

All our Ministers are charged with the execution of the present decree, which shall be inserted in the bulletin of the laws.

NAPOLÉON.

By order of the Emperor:

H. B. MARET, *Secretary of State*.

Great Britain, France, and Spain.

Extract of a letter from General Armstrong to the Secretary of State, dated

PARIS, April 23, 1808.

Orders were given on the 17th instant, and received yesterday at the imperial custom-house here, "to seize all American vessels now in the ports of France, or which may come into them hereafter."

• April 25, 1808.

Postscript.—I have this moment received the following explanation of the above-mentioned order, viz: That it directs the seizure of vessels coming into ports of France after its own date, "because no vessel of the United States can now navigate the seas, without infracting a law of the said States, and thus furnishing a presumption that they do so on British account, or in British connexion."

[The above extracts contain the only authentic information received at the Department of State relative to the Bayonne decree.]

Decrees of the French Agents in the West Indies.

1797. August 1.—Making horses contraband.

1797. February 1.—Authorizes the capture of neutral vessels bound to certain West India islands.

1797. November 27.—Authorizes the capture of American vessels going to, or coming from, English ports.

1805. February 5.—Declares that all persons found on board vessels bound to, or coming from, any ports in Hispaniola, occupied by the rebels, shall suffer death.

Extract from the registers of the special agency of the Executive Directory to the Windward Islands.

The Special Agents of the Executive Directory to the Windward Islands:

Considering that the laws, as well ancient as modern, forbid neutrals to carry the enemy contraband or prohibited merchandises;

Considering, that notwithstanding the complaints of the Minister Plenipotentiary of the French Republic near the United States of North America, of which he has informed us by his letter of the 2d July, 1796; those States, and especially Virginia, have fitted out vessels, loaded with horses, for the English;

Decree, that from this day forward, all vessels loaded with merchandises, designated by the name of contraband, as arms, instruments, munitions of war, of what kind soever, horses and their furniture, shall be stopped by the ships of war and privateers, to be seized and confiscated for the benefit of the captors.

AT BASSETTERRE, GUADALOUPE, Aug. 1, 1796.

Signed on the register,

VICTOR HUGUES.
LEBAS.

Compared with the register:

VAUCHELET, *Secretary of the Agency.*

DEGREE.

The Special Agents of the Executive Directory to the Windward Islands:

Considering that the ports of the Windward and Leeward islands, as well as those of Demarara, Essequibo, and Berbice, delivered up to the English, occupied and defended by emigrants, are in a state of regular siege, and not entitled to the same advantages as the ports of the different English colonies, possessed by that Power before the war, or to other rights;

Considering that it is against every principle to treat a horde of insurgents, destitute of country, without government, and without a flag, with the same respect as civilized nations preserve towards each other during a war;

Considering that, by the authentic acts which are in our possession, it is proved that the divers places of the colonies delivered up to the English by the rebel Frenchmen and Batavians, no more belong to the British Government than La Vendee, in which the English Ministry had, in like manner, mercenary troops under pay; some regiments clad in the same uniform as those of England; considering that, in virtue of the second article of the Treaty of Alliance, concluded at Paris on the 6th of February, 1778, between the United States and France, the former Power engaged to defend the American possessions in case of war; and that the Government and the commerce of the United States have strangely abused the forbearance of the Republic of France, in turning to its injury the favors granted to them of trading in all the ports of the French colonies;

That, by permitting neutral vessels any longer to carry provisions of war and of subsistence to men evidently in a state of rebellion, would be to prolong civil war, and the calamities and crimes following therefrom, decree as follows:

ART. 1. The ships of the Republic and French privateers are authorized to capture and conduct into the ports of the Republic, neutral vessels destined for the Windward and Leeward islands of America, delivered up to the English, and occupied and defended by the emigrants. These ports are Martinico, St. Lucia, Tobago, Demarara, Berbice, Essequibo; and at the Leeward, Port-au-Prince, St. Marks l'Archaye, and Jeremie.

ART. 2. Every armed vessel, having a commission from either of the said ports, shall be reputed a pirate, and the crews adjudged and punished as such.

ART. 3. The vessels and cargoes described in the first and second articles are declared good prize, and shall be sold for the benefit of the captors.

ART. 4. Every captured vessel, which shall have cleared out, under the vague denomination of West Indies, is comprehended in the first and second articles.

ART. 5. The decree of the 4th of last Nivose, in pursuance of the resolution of the Executive Directory of the 14th Messidor, fourth year, shall be executed till further orders, as far as shall not be contravened by the present decree.

Great Britain, France, and Spain.

This decree shall be printed, transcribed in the register of the criminal and commercial tribunals, sent to all the French colonial ports, read, published, and posted up, wherever it may be necessary. It shall be notified officially to the neutral Governments of St. Croix, St. Thomas, and St. Bartholomew's.

Enjoining the criminal and commercial tribunals of Guadeloupe, their delegates in the different French colonies and elsewhere, the Rear-Admiral Commandant on the West India station, and the head of the Administration, to aid in executing the present decree, each in his respective department.

Done at Basseterre, island of Guadeloupe, the 13th of Pluviose, 5th year (February 1, 1797) of the French Republic, one and indivisible.

VICTOR HUGUES.
LEBAS.

Extract from the Register of the Resolves of the Commission delegated by the French Government to the Leeward Islands:

The Commission resolves, that the captains of French national vessels and privateers are authorized to stop and bring into the ports of the colony American vessels bound to English ports, or coming from the said ports.

The vessels which are already taken, or shall be hereafter, shall remain in the ports of the colony until it shall be otherwise ordered.

At the Cape, the 7th Frimaire. (27th November, 1797.) in the fifth year of the French Republic, one and indivisible.

Signed in the record of the process verbal.

LEBLANC, *President.*
SANTHONAX, } *Commissioners.*
RAIMOND, }
PASCAL, *Sec'y General.*

A true copy:
The Secretary General of the Commission,
PASCAL.

L. Ferrand, General of Brigade, Commander-in-Chief of St. Domingo, acting as Captain General, and a member of the Legion of Honor.

Experience has, for too much time, taught the General that all kind of regard and modification towards those scoundrels who maintain the rebellion in Hispaniola, by furnishing everything necessary to the rebels, against the will and approbation of their respective Governments, and who, by those acts of cupidity, dishonor the flags they sail under; and finding the necessity of putting a stop to rapacity, and to treat them as pirates, has proclaimed and proclaims:

ART. 1. All individuals whomsoever found on board of any vessel or vessels, allies, or neutrals, bound to any ports in Hispaniola occupied by the rebels, shall suffer death.

Those found on board of any vessel, allies, or neutrals, coming out of any ports in Hispaniola occupied by the rebels, on board of allies of neutrals, shall suffer death.

ART. 2. The General informs, that all prison-

ers made in those different cases shall be brought into one of the ports of Hispaniola occupied by the French, to be tried by military commission, which is to pronounce sentence.

ART. 3. This proclamation shall be put into execution on the 1st Floréal, (21st April;) and, until that time, all the preceding proclamations, in order to prevent all kinds of communication with the coast of Hispaniola occupied by the rebels, shall be strictly executed.

ART. 4. Of this present proclamation, registered at the colonial inspection, one hundred copies are printed, published, and posted up in all the chief places around the east part of Hispaniola, and all necessary steps shall be taken to its publicity in all the islands and continent of America.

Done at the headquarters of the General of St. Domingo, the 16th Pluviose, year the 13th, (5th February, 1806.)

The General Commander-in-Chief, acting as Captain General, and member of the Legion of Honor.
L. FERRAND.

III.—Decrees of Spain.

1800. February 15.—Blockade of Gibraltar.

1807. February 19.—In imitation of the Berlin decree.

1808. January 3.—In imitation of the Milan decree.

Copy of a letter from the Secretary of State of His Catholic Majesty to the Minister Plenipotentiary of the United States at Madrid.

ARANJUEZ, February 15, 1800.

SIR: The King, wishing to lessen as much as possible the evils resulting to the nation from the scandalous traffic which many of his subjects carry on with Gibraltar by means of neutral vessels, and making use of just reprisals against the enemies of his Crown, who have declared the ports of Cadiz and St. Lucar de Barrameda blockaded, His Majesty has thought proper to declare that, from this day, he should consider Gibraltar as blockaded; and that, under this view, all captures of neutral vessels going to the said place should be held as legitimate; for which purpose, and that ignorance may not be pleaded, His Majesty has commanded me to communicate this declaration for the information and government of your Court.

I place myself at your disposition, and pray God to preserve your life many years.

M. LUIS DE URQUEJO.

[Translation.]

ARANJUEZ, February 19, 1807.

By the greatest outrage against humanity and against policy, Spain was forced by Great Britain to take part in the present war. This Power has exercised over the sea and over the commerce of the world an exclusive dominion. Her numerous factories, disseminated through all countries, are like sponges which imbibe the riches of those

Great Britain, France, and Spain.

countries, without leaving them more than the appearances of mercantile liberty. From this maritime and commercial despotism England derives immense resources for carrying on a war whose object is to destroy the commerce which belongs to each State from its industry and situation. Experience has proven that the morality of the British Cabinet has no hesitation as to the means, so long as they lead to the accomplishment of its designs; and whilst this Power can continue to enjoy the fruits of its immense traffic, humanity will groan under the weight of a desolating war. To put an end to this, and to attain a solid peace, the Emperor of the French and King of Italy issued a decree on the 21st of November last, in which, adopting the principle of reprisals, the blockade of the British isles is determined on; and his Ambassador, his Excellency Francis de Beauharnois, Grand Dignitary of the Order of the Iron Crown, of the Legion of Honor, &c., having communicated this decree to the King our master, and His Majesty being desirous to co-operate by means sanctioned by the rights of reciprocity, has been pleased to authorize His Most Serene Highness the Prince Generalissimo of the Marine to issue a circular of the following tenor:

As soon as England committed the horrible outrage of intercepting the vessels of the royal marine, insidiously violating the good faith with which peace assures individual property and the rights of nations, His Majesty considered himself in a state of war with that Power, although his royal soul suspended the promulgation of the manifesto, until he saw the atrocity committed by its seamen sanctioned by the Government of London. From that time, and without the necessity of warning the inhabitants of these Kingdoms of the circumspection with which they ought to conduct themselves towards those of a country which disregards the sacred laws of property and the rights of nations, His Majesty made known to his subjects the state of war in which he found himself with that nation. All trade, all commerce, is prohibited in such a situation, and no sentiments ought to be entertained towards such an enemy which are not dictated by honor, avoiding all intercourse which might be considered as the vital effect of avarice, operating on the subjects of a nation, which degrades itself in them. His Majesty is well persuaded that such sentiments of honor are rooted in the hearts of his beloved subjects; but he does not choose, on that account, to allow the smallest indulgence to the violators of the law, nor permit that, through their ignorance, they should be taken by surprise, authorizing me by these presents to declare that all English property will be confiscated whenever it is found on board a vessel, although a neutral, if the consignment belongs to Spanish individuals. So, likewise, will be confiscated all merchandise which may be met with, although it may be in neutral vessels, whenever it is destined for the ports of England or her isles. And, finally, His Majesty, conforming himself to the ideas of his ally the Emperor of the French, de-

clares in his States the same law which, from principles of reciprocity and suitable respect, His Imperial Majesty promulgated under date of the 21st of November, 1806.

The execution of this determination of His Majesty belongs to the chiefs of provinces, of departments, and of vessels (*bazelles*;) and, communicating it to them in the name of His Majesty, I hope they will leave no room for his royal displeasure.

God preserve you many years.

THE PRINCE OF MARINE.

His Majesty has been pleased to issue the following Royal Decree:

JANUARY 3, 1808.

The abominable outrage committed by the English vessels of war in the year 1804, by the express order of their Government, on four frigates of my royal navy, which, navigating under the full security of peace, were iniquitously surprised, attacked, and captured, determined me to break off all connexion with the British Cabinet, and to consider myself in a state of war with a Power which had so unjustly violated the laws of nations and of humanity.

An aggression so atrocious gave me a sufficient motive to break all those ties which unite one nation to another, even if I had not considered what I owed to myself and to the honor and glory of my Crown, and of my beloved subjects. Two years of war had passed without producing, on the part of Great Britain, a diminution of her pride, or a renunciation of the unjust domination which she exercised over the sea; on the contrary, confounding her friends with her enemies and with neutrals, she has manifested her decided will to treat all with the same tyranny. Under these considerations, I determined, in February of the last year, conforming myself to the wise measures adopted by my intimate ally the Emperor of the French and King of Italy, to declare, as I did declare, the British isles in a state of blockade, to see if, by this step, I could convince the British Cabinet that it ought to renounce its unjust domination over the sea, and resolve on making a solid and durable peace. Far from this; not only has it rejected the propositions which have been made to it on the part of my intimate ally the Emperor of the French and King of Italy, as well those made by himself as those made through the medium of several Powers, friends of England; but, having committed the greatest atrocity and piracy, in the scandalous attack on the city and port of Copenhagen, it has thrown off the mask in such a way that no one can doubt that its insatiable ambition aspires to the exclusive commerce and navigation of every sea. Nothing proves it more than the measures which it has just adopted, under date of the 11th November last, not only declaring all the coasts of France, of Spain, of their allies, and those occupied by the arms of the one or the other Power, in a state of blockade, but subjecting the vessels of neutral Powers, friends, and even allies of England, not only to be searched by English

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cruisers, but likewise to touch, contrary to their will, at an English port, and also subjecting them to the arbitrary payment of a certain per centage on their cargoes, as may be determined by the English Legislature. Authorized, then, by the just right of reciprocity, to take those measures which may seem to me proper to prevent the abuse which the British Cabinet is making of its forces with respect to the neutral flag, and to see if, in this way, a renunciation of so unjust a tyranny can be obtained, I have come to the determination to adopt, and I will that there be adopted in all my dominions, the same measures which my intimate ally, the Emperor of the French and King of Italy, has adopted; and they are as follows:

Considering that, by the act abovementioned of the 11th November last, the British Cabinet has *denationalized* the vessels of all the nations of Europe, and that it is not at the discretion of any Government to accommodate (*transiger*) as to its independence and its rights, all the sovereigns of Europe being guarantees of the sovereignty and of the independence of their flags; and that, if, through an unpardonable weakness, which would be an indelible stain in the eyes of posterity, such tyranny should be suffered to be laid down as a principle, and consecrated by use, the English would take it as granted to establish it as a right, in the same way that they have availed themselves of the tolerance of Governments to establish the infamous principle that the flag does not cover the merchandise, and to give to its right of blockade an arbitrary extension aimed at the sovereignty of all States, I have decreed, and do decree as follows:

ART. 1. Every vessel, of whatever nation she may be, which may have been visited (*visitado*) by an English ship, or may have submitted to touch at a port of England, or may have paid any duty to the English Government, is, from that act, declared to be denationalized, loses the protection of its flag, and makes itself English property.

ART. 2. The vessels so denationalized by the arbitrary measures of the British Government, whether they enter into our ports, or enter those of our allies, or whether they fall into the possession of our ships of war or our privateers, are good and valid prize.

ART. 3. The British isles are declared in a state of blockade, as well by sea as by land. Every vessel, of whatever nation she may be, whatever may be her cargo, dispatched (*expedido*) from the ports of England, or of the English colonies, or from the countries occupied by the English troops, will be a good prize, as contravening this decree, will be liable to capture by our ships of war or by our privateers, and will be adjudged to the captor.

These measures, which are nothing more than a just reciprocation of the barbarous system adopted by the English Government, which assimilates its legislation to that of Algiers, will cease to have effect on all those nations who know how to oblige the English Government to respect

their flag, and will continue in full force until the English Government return to the adoption of those principles of the law of nations which establish the relations of civilized States in time of war.

The dispositions of the present decree will be revoked and have no effect so soon as the English Government shall have returned to the adoption of those principles of the law of nations, which are equally those of justice and of honor.

You will keep this in mind, and communicate it to those to whom belongs its execution.

Signed with the royal hand of His Majesty a Aranjuez, on the 3d of January, 1808.

PEDRO CEVALLOS.

STATE OF THE FINANCES.

[Communicated to the Senate, Dec. 16, 1806.]

In obedience to the directions of the act supplementary to the act, entitled "An act to establish the Treasury Department," the Secretary of the Treasury respectfully submits the following report and estimates:

The net revenue arising from duties on merchandise and tonnage, which accrued during the year 1806, amounted to - - - \$16,615,430

And that which accrued during the year 1807 amounted, as will appear by the statement A, to - - - 16,059,924

The same revenue, after deducting that portion which arose from the duty on salt, and from the additional duties constituting the Mediterranean fund, amounted, during the year 1806, to - - - 14,848,794

And during the year 1807, to - - - 14,375,855

But it is ascertained that the net revenue which accrued during the three first quarters of the year 1808, did not exceed eight millions of dollars, and is daily decreasing.

The statement B exhibits in detail the several species of merchandise, and other sources, from which that revenue was collected during the year 1807.

It appears by the statement C, that the sales of the public lands have, during the year, ending the 30th September, 1808, amounted to about 200,000 acres; and the payments by purchasers to near \$550,000. The proceeds of sales in the Mississippi Territory, being, after deducting the surveying and other incidental expenses, appropriated, in the first place, to the payment of a sum of \$1,250,000, to the State of Georgia, are distinctly stated.

It appears, by the statement D, that the payments on account of the principal of the public debt have, during the same period, amounted to only \$2,335,000. But the payments from the Treasury, for the annual reimbursement of the six per cent. and deferred stocks, and for the final reimbursement of the eight per cent. stock, will (exclusively of a sum of \$730,000, already in the hands of the Treasurer, as agent for the Con-

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missioners of the Sinking Fund) amount, during the last quarter of this year, to \$5,376,000; making the total of public debt reimbursed, from the 1st of April, 1801, to the first of January, 1809, about thirty-three millions six hundred thousand dollars, exclusive of more than six millions, paid during the same period, in conformity with the provisions of the treaty and convention with Great Britain, and of the Louisiana convention.

The public debt will, on the 1st day of January, 1809, amount to \$58,647,663; consisting of the following items:

Old six per cent. stock, nominal amount \$20,706,603 22, unredeemed - - -	\$11,919,877 57
Deferred stock, nominal amount \$11,717,476 92, unredeemed - -	9,386,627 08
New six per cent. stock, exchanged at par for old six and deferred - - -	5,993,343 50
New six per cent. stock, arising from conversion of three per cent. stock, at 65 new six, for 100 three per cent. stock - -	1,859,770 70
1796, six per cent. stock - - -	80,000 00
Louisiana do. - - -	11,250,000 00
Total six per cent. stock - - -	\$40,489,618 85
Three per cent. stock - - -	16,158,044 42
	<u>\$56,647,663 27</u>

The interest on the whole debt, and the annual reimbursement on the six per cent. and deferred stocks, will, for the ensuing year, amount to \$4,226,000, leaving, in order to complete the annual appropriation of \$8,000,000, a sum of \$3,774,000, applicable to the reimbursement of the new exchanged six per cent. stock. The whole of that and of the other new six per cent., arising from the conversion of three per cent. stock, amounting together to \$7,853,000, would thus be reimbursed within two years. And after the 1st day of January, 1811, the whole annual amount payable on account of interest and annual reimbursement, could not, during the seven ensuing years, exceed \$3,756,000. But, under existing circumstances, it is believed that the reimbursement of that new six per cent. stock will be nominal, and must be effected by incurring a new debt, to an equal amount.

The actual receipts into the Treasury, during the year ending on the 30th September, 1808, as they principally arose from the revenue accrued during the preceding year, (and the payments on account of drawback having been diminished by the embargo,) have been greater than those of any preceding year, and amounted to

any preceding year, and amount	\$17,952,419 90
And the specie in the Treasury, on 1st October, 1807, amounted to - - - - -	8,529,573 08
Making together - - -	\$26,481,992 98

The disbursements, during the same period, have amounted to \$12,635,275 46; consisting of the following items:

Civil department, and miscellaneous expenses - - -	\$1,258,967 18
Foreign intercourse, and payment of American claims, assumed by the Louisiana convention - -	406,499 37
Military and Indian departments, including fortifications and the expenses of the new army - -	3,023,759 55
Naval Department, including the appropriation of \$877,064 47, to cover the deficit of the preceding year - - -	2,257,064 47
Public debt, principal and interest (the greater part of the payments for the year 1808 falling, as already stated, in the last quarter) have amounted only to - - -	5,688,984 89

12,635,275 46

Leaving a balance in the Treasury on the 30th September, 1808, of 13,846,717 52

\$26,481,992 98

The cash in the hands of collectors and receivers, and the outstanding revenue bonds, which will almost altogether fall due prior to the first of January, 1810, may, after deducting the debentures yet unpaid, and the expenses of collection, be estimated to have amounted, on the 30th September, 1808, to - - - \$10,500,000

Making, together with the balance in the Treasury on that day, of - 13,846,000

An aggregate of - - - \$24,346,000

Although the expenses of the present quarter cannot at present be precisely ascertained, they will not, including the reimbursement of \$5,376,000, on account of the principal of the public debt, exceed - - 8,346,000

Leaving, on the 1st day of January, 1809, a sum of - - - \$16,000,000

Sixteen millions of dollars, in cash or bonds, payable during the year 1809, and applicable to the expenses of that year. It is presumed that the receipts arising from importations and payments for lands, subsequent to the 30th September, 1808, will not be greater than the deductions on account of bad debts, and of the extension of credit on certain articles.

The expenses of the year 1809 would, according to the appropriations already made, and to the usual annual estimates, amount to thirteen millions of dollars, consisting of the following items:

1. Civil list and miscellaneous expenses - - -	\$900,000
2. Foreign intercourse - - -	200,000

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3. Grants by Congress, and other miscellaneous unforeseen demands -	150,000
4. Military and Indian Departments,	2,736,000
5. Naval Department - - -	1,014,000
6. Annual appropriation for the public debt - - -	8,000,000
	<u>\$13,000,000</u>

Leaving a surplus of only three millions of dollars for defraying all the expenses for fortifications, military stores, increase of the army and navy, or otherwise incident to a state of actual war, or of preparations for war.

The annual appropriation on account of the public debt, amounting to eight millions, and the interest for the year 1809, being less than three millions of dollars, an authority to borrow five millions would only create a new debt equal to the principal of old debt reimbursed during that year, and appears sufficient to provide for any deficiency arising from extraordinary expenses which may be thus authorized by Congress.

It thus appears, that, notwithstanding the general warfare of the belligerent Powers against neutral nations, and the consequent suspension of commerce which took place in the latter end of the year 1807, and notwithstanding the increased rate of expenditure naturally arising from that state of things, the ordinary revenue will have been sufficient to defray all the expenses of the years 1808 and 1809, including, for 1808, a reimbursement of debt exceeding six millions of dollars, and without making any addition to that debt in 1809. The measures necessary to be adopted, in order to make a timely provision for the service of the ensuing years, depend on the course which the United States will pursue in relation to foreign aggressions. And that being yet unascertained, it becomes necessary to examine the several alternatives left to the choice of Congress.

Either the navigation of the ocean will be abandoned by the United States, or it will be resumed.

The first supposition is that of a continuance of the embargo of the vessels of the United States, and admits of two alternatives:

1. Either a provision, generally forbidding exportations, may continue to make part of the system, in which case importations, whether expressly interdicted or not, must, for want of means of payment, be also discontinued.

2. Or exportations and corresponding importations may be permitted in foreign vessels.

The second supposition also offers two, and only two alternatives. It may, indeed, be admitted, that the decrees of France can be enforced only in her own territories, and in those of her allies; that, however efficient in preventing any commerce between the United States and herself, those decrees cannot materially affect that between her enemies and the United States; and may, therefore, in that respect, be disregarded. But Great Britain having the means of enforcing her orders on the ocean, the navigation of that element

cannot be resumed without encountering those orders; and they must either be submitted to or resisted. There can be no middle way between the two courses.

3. Either America must accept the portion of commerce allotted to her by the British edicts, and abandon all that is forbidden—and it is not material whether this be done by legal provisions, limiting the commerce of the United States to the permitted places—or by acquiescing in the capture of vessels stepping beyond the prescribed bounds.

4. Or the nation must oppose force to the execution of the orders of England; and this, however done, and by whatever name called, will be war.

Of those four alternatives, the second and third differ neither in principle nor in their effect on the revenue. As both plans consist in permitting partial exportations and importations, it must be acknowledged that, objectionable as that course may be in other respects, if considered merely in relation to the fiscal concerns of the Union, it will, for the moment, be attended with less difficulties than either the present system or war. For, however narrow the limits to which, on that plan, the exportations and importations of the United States may be reduced, yet there will still be some commerce, and some revenue arising from commerce. And, as in pursuing that humble path, means of defence will become unnecessary, as there will be no occasion for either an army or a navy, it is believed that there would be no difficulty in reducing the public expenditures to a rate corresponding with the fragments of impost which might still be collected. If that course be adopted, no other provision seems necessary than an immediate reduction of expenses.

The system now in force, and war, however dissimilar in some respects, are both considered as resistance. Nor is it believed that their effect on national wealth and public revenue would be materially different. In either case, a portion, and a portion only, of the national industry and capital, heretofore employed in the production, transportation, and exchange of agricultural products, or in the foreign carrying trade, can immediately be diverted to other objects. In case of a continuance of the embargo and non-exportation, either a less quantity of commodities must be produced, or a portion will accumulate until the freedom of commerce shall be restored. In case of war, that surplus will be exported; and although a part must be lost by capture, a portion of the returns will be received. If the embargo and suspension of commerce shall be continued, the revenue arising from commerce will, in a short time, entirely disappear. In case of war, some part of that revenue will remain; but it will be absorbed by the increase of public expenditure. In either case, new resources, to an amount yet unascertained, must be resorted to. But the assertion that that amount will be nearly the same, in either of the two alternatives of embargo or war, is correct only on the supposition that the embargo and non-exportation are, after a certain time, to be super-

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needed by war, unless foreign aggression shall cease; and that rendering therefore preparations for war necessary, they require a rate of expenditure far beyond that of a peace establishment.

If, however, the embargo and non-intercourse are to have equal continuance with the belligerent edicts, indefinite as that is; if it be determined to rely exclusively on that measure, and, at all events, not to risk a war on account of those aggressions; preparations for war will become useless, and the extraordinary expenses need not be incurred. In that case, the expenditure for the year 1809 ought not to exceed the sum of thirteen millions of dollars, which, as has been stated, is requisite for the support of the present establishment. And this would leave for the service of the year 1810, the above-mentioned surplus of three millions, and the proposed loan of five millions, which, together, would be sufficient to defray the Peace Establishment, and to pay the interest on the public debt during that year. Thus two years more would be provided for, without either increasing the public debt or laying any new taxes. It is certainly only with a view to war, either immediate or contemplated, that it will become necessary to resort, at least to any considerable extent, to extraordinary sources of supply.

Legitimate resources can be derived only from loans or taxes; and the reasons which induce a belief that loans should be principally relied on in case of war, were stated in the annual report of last year. That opinion has been corroborated by every subsequent view which has been taken of the subject, as well as by the present situation of the country. The embargo has brought into, and kept in the United States, almost all the floating property of the nation. And whilst the depreciated value of domestic products increases the difficulty of raising a considerable revenue by internal taxes, at no former time has there been so much specie, so much redundant unemployed capital, in the country. The high price of public stocks, and, indeed, of all species of stocks, the reduction of the public debt, the unimpaired credit of the General Government, and the large amount of existing bank stock in the United States, leave no doubt of the practicability of obtaining the necessary loans on reasonable terms.

The geographical situation of the United States, their history since the Revolution, and, above all, present events, remove every apprehension of frequent wars. It may, therefore, be confidently expected, that a revenue derived solely from duties on importations, though necessarily impaired by war, will always be amply sufficient, during long intervals of peace, not only to defray current expenses, but also to reimburse the debt contracted during the few periods of war.

No internal taxes, either direct or indirect, are, therefore, contemplated, even in the case of hostilities carried on against the two great belligerent Powers. Exclusively of the authority which must, from time to time, be given to borrow the sums required, (always providing for the reimbursement of such loans within limited periods,) and of a due economy in the several branches of

expenditure, nothing more appears necessary than such modifications, and increase of the duties on importations, as are naturally suggested by existing circumstances.

1. Although importations have already considerably diminished, and may, under the system now in force, shortly be altogether discontinued, no reasonable objection is perceived against an increase of duties on such as may still take place. Had the duties been doubled on the 1st of January 1808, as was then suggested, in case of war, the receipts into the Treasury, during that and the ensuing year, would have been increased nine or ten millions of dollars. Those articles of most universal consumption, on which an increase of duty would be inconvenient, are generally either free of duty or abundant.

It is, therefore, proposed, that not only the Mediterranean duties, which will expire on the 1st day of January next, should be continued, but that all the existing duties should be doubled on importations, subsequent to that day.

2. The present system of drawbacks also appears susceptible of modifications. The propriety of continuing generally that provision of the embargo laws, which allows a drawback on articles exported more than one year after they have been imported, is doubtful. A modification might check speculations and monopolies. The diminution of importations has afforded sufficient profits on most of the articles which had been imported; and a provision which would have a tendency to bring into market, and to lessen the price of those articles, would be generally beneficial.

3. The causes which induced the adoption of a partial non-importation act, have ceased to exist. The object then in view, has merged into a far more important one. The selection of interdicted articles was founded on the possibility of obtaining them in other countries than England, and does not agree with existing circumstances. The act producing now no other effect than to increase the temptations, and to produce habits of smuggling, impairs and injures the revenue. A general non-intercourse with that country would supersede that partial measure, and might be executed with greater facility. And, it is believed that, under every event, its repeal will be beneficial, and that a permanent increase of duties on articles selected with the view to those which may be manufactured in the United States, would be preferable.

4. It is believed that the present system of accountability of the military and naval establishment, may be rendered more prompt and direct, and is susceptible of improvements, which, without embarrassing the public service, will have a tendency more effectually to check any abuses by subordinate agents. Provisions to that effect are rendered more necessary by the probable increase of expense in those departments.

All which is respectfully submitted

ALBERT GALLATIN,
Secretary of the Treasury.

TREASURY DEPARTMENT, Dec. 10th, 1808.

*Sinking Fund.***SINKING FUND.**

[Communicated to the Senate, February 6, 1809.]

WASHINGTON, Feb. 4, 1809.

The Commissioners of the Sinking Fund respectfully report to Congress as follows:

That the measures which have been authorized by the Board, subsequent to their report of the 5th of February, 1808, so far as the same have been completed, are fully detailed in the report of the Secretary of the Treasury to this Board, dated the third day of the present month, and in the statements therein referred to, which are herewith transmitted, and prayed to be received as part of this report.

J. MILLEDGE, *Pres. Sen., pro tem.*A. GALLATIN, *Sec'y Treasury.*C. A. RODNEY, *Attorney General.*

HON. PRESIDENT of the Senate.

TREASURY DEPARTMENT,

February 3, 1809.

The Secretary of the Treasury respectfully reports to the Commissioners of the Sinking Fund—

That the balance remaining unexpended at the close of the year 1806, and applicable to payments falling due after that year, which balance, as appears by the statement B, annexed to the last annual report, amounted to - - - \$1,886,358 10

Together with the disbursements made during the year 1807, out of the Treasury, on account of the principal and interest of the public debt, which disbursements, as appears by the statement C, annexed to the last annual report, amounted to - - - 6,347,465 84

And with a further sum, arising from a profit on the remittances from America to Europe, purchased in the year 1807, which profit, as appears by the statement D, annexed to the last annual report, amounted to - - - 9,427 58

And amounting, altogether, to - - \$8,243,251 52

Have been accounted for in the following manner:

1. There was repaid into the Treasury, during the year 1807, on account of the principal of protested bills of exchange, of moneys heretofore advanced for the payment of interest and reimbursement of the funded domestic debt, and of moneys advanced for the purchase of stock, as appears by the statement E, annexed to the last annual report - - - \$61,189 66

2. The sums actually applied, during the same year, to the payment of the principal and interest of the public debt, as ascertained by accounts rendered to the Treasury Department, amount, as will appear by the statement A, viz:

1. Paid in reimbursement of the principal of the debt - \$3,727,168 97

2. Paid on account of the interest and charges on the same 3,634,174 80

7,361,343 77

3. The balance remaining unexpended at the close of the year 1807, and applicable to payments falling due after that year, as ascertained by accounts rendered to the Treasury Department, amounted, as will appear by the statement B, to - -

820,718 69

\$8,243,251 52

That, during the year 1808, the following disbursements were made out of the Treasury, on account of the principal and interest of the public debt, viz:

1. On account of the reimbursement and interest of the domestic debt - - - \$3,405,621 29

2. On account of the domestic unfunded debt - - - 49 20

3. On account of the principal and interest of the foreign debt, and of the interest on the Louisiana stock, and on exchange and converted stocks, payable in Europe - - - 924,342 11

Amounting, altogether, as will appear by the annexed list of warrants C, to - - - \$10,389,013 60

Which disbursements were made out of the following funds, viz:

1. From the balance remaining unexpended at the end of the year 1807, of the annual appropriation of eight millions of dollars for that year, which was paid at the Treasury, out of the proceeds of duties on goods, wares, and merchandise, imported, and on the tonnage of ships or vessels, and which balance, as stated in the last annual report, amounted to - - - \$711,539 81

2. From the funds constituting the annual appropriation of eight millions of dollars, for 1808, viz:

From the fund arising from the interest on the debt transferred to the Commissioners of the Sinking Fund, as per statement I \$1,085,928 93

From the funds arising from the sale of public lands, being the amount paid into the Treasury from the 1st of October, 1807, to 30th September, 1808, as per statement K - - - 660,508 29

From the proceeds of duties on goods, wares, and merchandise, imported, and on the tonnage of vessels - - - 6,364,463 78

Amounting, altogether, to - - - 8,806,000 80

3. From the proceeds of duties on goods, wares, and merchandise, imported, and on the tonnage of ships

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or vessels, advanced in part, and on account of the annual appropriation for the year 1809 -	1,547,301 48
4. From repayments into the Treasury, on account of remittances purchased for providing for the foreign debt, and of advances made to Commissioners of Loans, and agents for the purchase of stock, as will appear by the statement E, viz :	
Repayment of principal advanced from the Treasury -	\$68,795 11
Damages and interest recovered -	2,366 70
	71,161 81
5. From the moneys appropriated by law, for paying commissions to agents employed in the purchase of remittances, for the Dutch debt, (the commissions, for the purchase of remittances on account of interest on Louisiana stock, and on exchanged and converted stocks, payable in Europe, having been paid out of the annual appropriation of eight millions of dollars,) being the amount paid at the Treasury, during the year 1808, for that object, as will appear by the statement C -	20 50
	10,330,013 60
That the abovementioned disbursements, together with the above stated balance, which remained unexpended at the close of the year 1807, of	820,718 09
	11,150,731 69
Amounting altogether, to -	
Will be accounted for in the next annual report, in conformity with the accounts which shall then have been rendered to the Treasury Department.	
That, in the meanwhile, the manner in which the said sum has been applied is estimated as follows :	
1. The repayments into the Treasury, on account of principal, have, during the year 1808, amounted, as by the above mentioned statement E, to -	68,795 11
2. The sums actually applied, during the year 1808, to the principal and interest of the public debt, are estimated as follows :	
1st. Paid in reimbursement of the principal of the public debt -	\$6,986,963 40
2d. Paid on account of interest and charges on the same -	3,434,531 09
	10,421,494 49
As will appear by the estimate F.	
3. The balance which remained unexpended at the close of the year 1808, and applicable to payments falling due after that year, is estimated, as per estimate G, at -	600,442 09
	\$11,150,731 69

That, in conformity with the proceedings and resolutions of the Commissioners of the Sinking Fund, of the 23d of March, 1807, a copy whereof, marked M, was annexed to the last annual report, a further sum of eight per cent. stock was purchased during the year 1808, amounting to \$190,000, for \$193,100 specie, as will appear by the statement L.

That, in pursuance of the act of February 11, 1807, books were opened on the 1st day of July, 1807, at the several loan offices, and at the Treasury, and continued open until the 17th day of March, 1808, for the reception of subscriptions of the old six per cent., deferred, and three per cent. stocks, and the issue of new six per cent. stocks in lieu thereof, and agents were appointed to receive subscriptions of the same at London and Amsterdam, pursuant to the fourth section of the said act.

That the amount of old stocks surrendered, and new stocks issued, in consequence of these subscriptions, is exhibited in the annexed statement M, by which it appears that there were surrendered—

Certificates of old six per cent. stock, of the nominal amount of -	\$7,435,767 61
Certificates of deferred six per cent. stock, of the nominal amount of -	1,940,673 01
In lieu of which certificates of exchanged stock for the unredeemed amount of the said certificates of old six per cent. and deferred stocks, were issued, amounting to -	6,294,051 12
And there were surrendered certificates of three per cent. stock, amounting to -	2,861,309 15

In lieu of which certificates of converted stock were issued, amounting to 1,859,850 70
And that the statement H exhibits the amount of stock transferred to the Commissioners of the Sinking Fund, and to the Treasurer of the United States, in trust for said States, to the 31st of December, 1808, including the sum of \$272 35, transferred in the year 1808, in payment for public lands.

All which is respectfully submitted.

ALBERT GALLATIN,

Secretary of the Treasury.

[The tables are omitted.]

ACCOUNTABILITY IN THE NAVY DEPARTMENT.

[Communicated to the Senate, February 25, 1809.]

Mr. GILES communicated the following letter and statement from the Secretary of the Navy:

February 25, 1809.

SIR: The enclosed is a hasty sketch of the ideas suggested to me in reading the bill before the Senate entitled "A bill further to amend the several acts for the establishment and regulation of the Treasury, War, and Navy Departments."

Respectfully,

R. SMITH.

Warrants drawn by the Secretary of the Navy upon the Treasurer of the United States, do, at this time, and for many years have, specified the particular appropriation or appropriations to which the same should be charged. This is the established usage of the Navy Department, and there are to it but a few exceptions, in cases of

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inevitable necessity, wherein bills have been drawn to defray contingent expenses, incurred on a distant station.

The moneys paid by virtue of such warrants, are charged in the books of the Accountant of the Navy, in such manner and form as the Treasury Department have, and from to time may prescribe, the Accountant of the Navy having ever considered himself, as to the forms of keeping his accounts, altogether under the controlling superintendency of the Treasury Department.

It is, at present, the duty of all navy agents to make their requisitions upon the Navy Department, for moneys, agreeably to the specifications of the appropriation law, and to render, monthly, distinct accounts of the application of all moneys, according to the appropriation or appropriations under which the same shall have been drawn. Papers A and B are copies of the instructions to the navy agents, upon this subject.

In this, first section, I find the following provision: "Nor shall any credit be allowed to either of them, (agents,) except for expenses authorized by law, and for the amount appropriated for the same." Under such restrictions, no agent would make a purchase, or indeed, incur any expense, without having money in hand to meet it, because he could not know the exact state of the appropriation out of which such expense was to be paid; or, if he knew the unexpended balance of each appropriation, he could not know what dispositions the Department might have made respecting such balances; he would, therefore, never make a purchase without having in hand money of the appropriation under which such purchase would fall. What would be the effect?

Suppose, in time of war, a public vessel should arrive at any port distant from the seat of Government, viz: New Orleans; should be in want of repairs and supplies, and should be on important service, which requires her departure from such port with the least possible delay; her commander calls upon the agent for the requisite supplies, which amount to \$2,000 worth of provisions and \$3,000 of repairs: the agent has in hand, money enough for the repairs, but not for the provisions, he must then write to the Secretary of the Navy for money for the provisions, and before he gets an answer from the Secretary, three months may have expired. In this case, the vessel would be detained three months, for want of provisions; and, if the agent should have a balance of \$5,000 in his hands, out of any other appropriation than that of provisions, it would not prevent the detention of the vessel: for, if he applied any part of that \$5,000 to the purchase of provisions, he could not be allowed credit for such purchase. The agent could not, in this case, or in any other, negotiate a bill on the Department, because he would never know the exact state of the appropriations.

Would it be possible for the Secretary of the Navy to keep the agents precisely informed as to the actual balances on hand, of each and every appropriation; or could he convey such information in any useful degree? Although he might di-

rect, daily, returns of each and every warrant, upon each and every appropriation, to be made to the agents, still, before such returns could reach them, and particularly those at a distance, the balances would be considerably reduced by the daily drafts upon them, and might, possibly, be exhausted.

If it were possible to convey such information as would enable the agents to ascertain the exact balances on any day of the year, this would not remove the objection stated. No agent could tell, without previous instructions from the Secretary of the Navy, how far he could safely draw upon such balances, as he could not possibly know what other agents might have drawn for. Suppose a balance of \$40,000, on account of repairs, and that the agents at New York, Norfolk, Charleston, and New Orleans, know of this balance; that, at each of these places, there are one or more vessels requiring repairs; how can each agent know what the others may want? No one of them can judge; they will, therefore, all write for instructions to the Secretary of the Navy, and wait to receive them before they commence the requisite repairs. Under the provisions of this section, it would be the duty of the Secretary of the Navy to instruct the agents to this effect.

Such instructions, as to public vessels on foreign stations, would, on a still greater degree, impede the public service. Such a vessel might be detained in port six months, at an expense of \$50,000, for want of \$6,000, for provisions and repairs, as the agent would not undertake to make an advance for the Government to such an amount; because, if he did, and should happen to exceed the appropriation, he would not have credit for the same.

The provision in the latter part of this section, which authorizes the President, "during the recess of Congress," on the application of the Secretary, and not otherwise, to direct "a portion of the moneys appropriated for a particular branch of expenditure, to be applied to another branch of expenditure, in the same department" would not remove these difficulties. This provision would be found a deception, in practice; it would not enable an agent to make such application of moneys, without a previous special instruction from the Secretary of the Navy. Hence, "the public service would be nearly as much impeded" with, as without this provision. The agents would not presume upon the sanction of the President, and draw on the Department; that would be applying the money before the President is consulted; whereas, the President can only sanction such application before it is made. He has not power to do it afterwards. But, if this objection could be removed, it might happen that the bill would arrive at the seat of Government, not "in the recess," but during the session of Congress; in such case, the President would have no right to give his sanction. What, then, would be the consequence? The bill is drawn payable *in sight*; the appropriation on which it is drawn is insufficient to pay it; it cannot, therefore, be paid; the holder protests the bill, and resorts to the

Accountability in the Navy Department.

drawer for payment of principal, interest, costs, and damages.

The provisions of the second section may be useful. It may be proper, however, for me to observe, that I know of no "injurious delays," on the part of the Accountant of the Navy, in the settlement of accounts.

As to the provisions of the third section, not knowing how many agents the War Department will require, I can form no opinion as to the number that may remain to the Navy Department. I would only respectfully submit to the consideration of Congress, whether the number of essential agents of one Department should, at all, be affected by the number that may be deemed necessary to a distant Department of the Government. Under the limitations contemplated, serious injuries to the public service might, and probably would happen. A public vessel might, by stress of weather, or any other cause, be compelled to put into a port where there is no agent. The commanding officer, in such case, would not undertake to purchase supplies himself; he knows nothing about the state of the appropriations, and would not choose to put to hazard all his pay, probably all his fortune. He must write to the Secretary of the Navy for instructions; and hence would result injuries, necessarily produced by such unavoidable delays, and by the appointment of some temporary agent, who would, probably, be ignorant of his duties.

The Navy Department has, hitherto, distributed the advantages of public expenditures, so that every part of the Union has participated. Under the provisions of this section, those advantages would be monopolized by the towns in which the Department would have agents. In these towns all purchases would be made.

With respect to the provisions of the fourth section, it is proper, and it is at present prescribed by law, that the Comptroller of the Treasury shall give instructions to the Accountant of the Navy, as to the forms of rendering accounts, and as to his giving such forms to the navy officers and agents; and this, I presume, is the intention of this section. It is not, I trust, intended, that such forms shall be sent directly from the Treasury Department to agents of the Navy Department.

The fifth section provides, that "no purchase or contract for supplies or services, shall be made without the President's approbation," &c.

Is a piece of kentele to be purchased, the President must previously approve the purchase; is a laborer or a seaman to be hired, the President must previously approve the hiring. What does the duty of approving or disapproving a purchase imply? It implies a knowledge of the quality, value, use, and quantity required, of each and every article, the purchase of which is to be approved or disapproved. If such knowledge is not possessed, the duty cannot be properly performed.

But, independently of the impropriety—the unfitness of imposing such duties upon the First Magistrate of the nation—what would be the effect in practice? In some few cases, it might

be partially done; in most cases it would occasion great losses and delays. In cases of purchases at the seat of Government, it might be partially done; but, in purchases required at distant ports, it would, obviously, produce great delays. Suppose a public vessel is at Gibraltar, and requires supplies; not a single purchase could be made without the previous approbation of the President; and, indeed, under the provisions of this section, not a man could be entered, to supply the place of one that might have deserted, or died, or have been killed in action.

The President, it is provided, may approve, either before or after the purchase, &c. This subsequent approbation of the President, to purchases, &c., will not be considered as a matter of course; he will exercise his judgment, and approve or reject, as it shall dictate. Who, then, would make a purchase, at the hazard, 1st, of losing the whole amount, because there might not be funds; 2d, of having his purchases disapproved by the President? No agent could, especially at a distance, make a condition with the vender, that, if the President did not approve the purchase, the articles should be returned to him without any compensation; because no person would sell under such circumstances.

I take this occasion to suggest for consideration, whether it would not be an improvement of the present system, if the several Departments of the Government were, by law, required to make to Congress annual reports of the expenditures of the respective Departments, so that Congress might see, whether, in any case, they varied in object, or transcended in amount, the estimates upon which the appropriations are founded; and, if they did, that a satisfactory explanation might be therefor made.

A.—Circular to the Navy Agents.

NAVY DEPARTMENT, March 9, 1803.

The appropriation law of the present year, changing the classifications made by the law of the last year, renders it necessary that you should receive additional instructions, as to your future conduct, in making requisitions, and in the manner of expending them.

The law of the present year appropriates—

For the pay and subsistence of the officers and pay of the seamen	- - - \$283,993 00
For provisions	- - - 157,360 20
For medicines, instruments and hospital stores, and all expenses on account of the sick	- - - 7,700 00
For the purchase of ordnance and other military stores	- - - 15,000 00
For repairs of vessels, store rent, and other contingent expenses	- 182,000 00
For timber, ordnance, and other materials for 74 gun ships, and transportation	- - - 114,425 00
For the erection of sheds and navy yards, including docks and other improvements, the pay of superintendents, storekeepers, clerks, and laborers	- - - 48,741 87

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There are other appropriations, which, however, either relate to the Marine Corps, or are for deficiencies in the appropriations for 1802, for objects which are comprehended under the above heads.

I have commenced, and shall progress, in the expenditures, under the determination not to exceed either of the particular sums appropriated. I cannot, therefore, lay my injunctions on you in terms too forcible, to be extremely particular in designating, in your requisition, the objects upon which the expenditures are to be made, that we may, at all times, be able to ascertain under what heads of appropriation to make remittances. It will also be expected, that you will always give a prospective detail of the expenditures as they are contemplated; that we may make remittances with full understanding of the objects for which they are made, and thus be enabled to avail ourselves, if necessary, of the whole sums appropriated, without exceeding either in the expenditures.

In your letters of requisition, you will be pleased to exclude all matter irrelative to the requisition. Should it be necessary to write to the Department on other points at the same time that you write for a remittance, be pleased to communicate them in a separate letter.

We shall pay no money upon your requisitions unless made in conformity to the preceding arrangements, and I confidently rely upon your exertions to enable me to carry these arrangements into complete effect.

The Accountant of the Navy will give you instructions as to expenditures.

I am, respectfully, sir,

R. SMITH.

B.

NAVY DEPARTMENT, Accountant's Office.

SIR: the system adopted at this office for arranging the expenditures of the Department, requires that the several objects and expenditures should be kept separate and distinct, as they fall under the following heads, viz:

Pay of the Navy, &c.

Provisions.

Hospital.

Contingent.

Ordnance.

Navy yards and docks.

Pay of superintendents, storekeepers, &c.

Gunboats.

The first of these heads will embrace all payments made on account of the pay or subsistence of officers, or the pay of seamen.

The second will include all payments for, or on account of, provisions.

The third, all medicines, instruments, and hospital stores.

The fourth, all expenditures, of whatever nature, on account of repairs to vessels, and, indeed, all other expenses not falling under any of the other specific heads.

The fifth, all ordnance or military stores purchased for, or on account of the Navy.

The sixth, all expenses, of whatever nature, incurred in the improvement of the navy yards, docks, and wharves.

The seventh, the salaries and wages of superintendents, storekeepers, &c.

The eighth, all expenses, of whatever nature, incurred in building and equipping gunboats.

The form herewith transmitted, is framed on the principles of this system, agreeably to which, you will render your accounts to this office, monthly. It may also be necessary to observe, that it will be proper to accompany your summary statement by abstracts for expenditures on account of each vessel, or other specific object, extending in your summary, in one line, the aggregate amount expended on the particular object. And further, that, as the commanding officers are held responsible for regulating all expenses on account of the vessel under their immediate command, no supplies can be furnished but by the direction, or with the concurrence in writing of the officer commanding; and, in all cases where articles are delivered, or services of any kind rendered to a vessel, it will be the duty of the commanding officer to receipt for the articles, and to certify that the services were rendered; and this evidence, in addition to bills with receipts, stating the amount paid for all expenditures whatever on account of the vessel, will be necessary, to entitle you to credit at this office. And for all expenditures, of whatever nature, bills and receipts will be required. It, also, may not be unnecessary to observe, that all receipts must be signed by the person entitled to receive, and that the receipt of one person for another will not be admitted, unless accompanied by an order in writing.

No payments or advances are to be made to any officer of the Navy, on account of pay, &c., unless particularly instructed from this Department.

Herewith, you will also receive a form for the return of public stores. The object of this return is, to exhibit a clear and distinct view of the number, quality, and value of the articles purchased, and not immediately expended or delivered; and, also, those received from agents, or vessels of war, arranged in appropriate columns. Quarterly returns of these accounts will be made to this office, exhibiting the number, quantity, and value of the several articles on hand at the beginning of the quarter, the articles purchased within the quarter, and, also, those received from other navy agents or vessels of war, as well, also, those that may be delivered within the quarter, thereby showing the balance of articles remaining on hand at the end of the quarter. Vouchers for all deliveries must also accompany the return.

Respectfully, I am, &c.

*NAVY DEPARTMENT, Accountant's Office,
February 24, 1809.*

The foregoing is a copy of instructions that issue from this office to the navy agents, in relation to the manner of keeping and exhibiting

Embargo.

their accounts, varying the heads of expenditure from time to time, as it may be necessary, to correspond with the specific appropriations.

This system it was thought advisable, by this Department, to adopt, in the year, 1803, and it has been pursued ever since. Antecedent to that time, the accounts were kept under heads of expenditure, according to instructions from the Comptroller of the Treasury, without regarding the specific heads of appropriation.

THOMAS TURNER, *Accountant.*

THE EMBARGO.

[Communicated to the House, Feb. 6, 1809.]

To the Honorable Senate and House of Representatives of the United States in Congress assembled, the memorial and remonstrance of a meeting of citizens of the third ward of the city of New York, assembled in pursuance of public notice, respectfully sheweth:

That, in the exercise of the undoubted right of freemen, your memorialists approach the Legislature of the Union, to remonstrate against certain provisions of the late act for enforcing the embargo. At the same time, your memorialists offer to Congress a solemn assurance of their readiness to defend the rights of their country, not only against subjugation from abroad, but against usurpation and despotism at home. They are firmly attached to the Constitution and Union of these United States; and whenever no other alternative shall remain, they will be ready to vindicate, in arms, the cause of their country and of its liberties.

Until now, it has been the boast of those who love this country and its political institutions, that we have a Government of laws, not of men; that our citizens are liable to punishment only upon judicial conviction of offences, not on suspicion; that no person can be deprived of life, liberty, or property, without due process of law; that the right of being secure against unreasonable searches, cannot be violated; that warrants cannot issue but upon probable cause, supported by oath or affirmation; and as the great bulwark of defence for all these rights, that the trial by jury shall be preserved. If principles, in their nature so original, and so necessarily interwoven with the fabric of every free Government, can need a formal sanction, it will be found in the letter of the fourth, fifth, and seventh amendments to the Constitution, and in the spirit of every part of that instrument.

In the act against which your memorialists remonstrate, they see direct and palpable violations of these principles, in the following, among other particulars:

That, by this act, a citizen may be deprived of his property without process of law:

That, by this act, a citizen may be deprived of his property at the caprice of individuals, not only when innocent of any offence, but of the intent to commit any:

That, by this act, a citizen may be deprived of his property without an offence committed, without proof, without trial, without judgment, without the benefit of a legal appeal against the injustice, and without remedy:

That, by this act, our property is subjected to instructions from the President, which may be kept secret; which may be different for different classes of men; which may proceed from misinformation, or worse causes; and which may be partial, arbitrary, and oppressive:

That, by this act, our property is placed under the discretion of officers of the revenue, with more than judicial powers, who, yet, are not sworn as judges, nor liable to impeachment as such; nor independent in office, nor presumed to be learned in the laws, nor bound to examine facts, or hear the accused:

That, by this act, our property is subjected to seizures, which may proceed, not only from mistake or false information, but from private malice, party animosity, or other corrupt motives:

That, by this act, the military power is introduced into the execution of municipal law before any resistance made, and when there is neither rebellion, war, nor danger of invasion:

That, by this act, we are subjected to vexatious searches and intrusions, without probable cause supported by oath or affirmation:

That, by this act, belief of guilt is taken for guilt itself, and, without the forms of law, is punished accordingly:

That, by this act, we are subjected to secret and odious inquisitions, inasmuch as, when informed against, we have no means of knowing the accusation, or of being confronted with the witnesses, or of having a public trial:

That, by this act, new conditions are annexed to bonds already given, and some of these conditions impossible to be performed:

That this act appears intended to bar the legal remedies for seizures, and other wrongs which may be most oppressive; and, instead of the law of the land, our undoubted and hitherto undisputed birthright, it refers us, for redress, to a petition, a summary hearing, and the final discretion of a district judge:

That, by this act, the Legislative, Judicial, and Executive powers, are vested in one man; which is despotism.

The intention of your memorialists has been to confine themselves, in this remonstrance, chiefly to the objections of unconstitutionality; but they presume to notice some of the other particulars in which they conceive the act to be oppressive to the citizens, and dangerous to public liberty.

The excessive security required for vessels and cargoes, (being six times their value,) is productive of various vexations and oppressions upon almost every class of the community. Upon the small trader and boatman, when unable to find security, the act operates as a total prohibition of the use of his property. It increases the expenses and risks of those engaged in transportation; it thus diminishes competition and supplies; and, without benefitting the farmer, enhances the

Claim of Thomas Paine.

prices of fuel and provisions in the cities, at a time, in other respects, sufficiently calamitous.

The great number and amount of bonds will also involve almost the whole mercantile community in responsibilities to Government, to an amount equal to that of their property, and perhaps superior. In case of suits, therefore, it may be impossible for them to procure competent bail; and thus the liberty of a great portion of the citizens may be held at the mercy of the prosecuting officers of Government.

Another effect, not less to be deplored, is, that this act, like all arbitrary powers, is calculated to infest society with spies and informers. It will multiply fees, and the exactions of office, encourage prosecutions, and enrich a host, not only of spies and informers, but of collectors, surveyors, tide-waiters, and other custom house officers, district attorneys, marshals, clerks, and their subordinate agents, who will fatten upon the public distress.

If another case was wanting to show the possible oppressions and despotic tendencies of the act, we might notice its application to our own city.

The city of New York receives its supplies of provisions and necessities by boats and water craft. By this act, those vessels must have a general or special permission, which the collectors may refuse, for certain reasons, and the President may direct them to refuse without any reason whatever. We presume New York is the only city on earth, where, according to a public and formal law, the people may be starved at the mere will of a single individual.

Such an act is not more a violation of the express words, and whole scope of our written Constitution, than it is an attack upon those fundamental principles of civil liberty, which, anterior to all charters of rights and powers, form the basis of every social compact.

But the alarm which these provisions are calculated to inspire, is, if possible, increased, when we find the act defended on the recent precedent exhibited at New Orleans. If, indeed, this act shall as soon be made the precedent for another similar step, there may be scarcely time for the people to awaken, before the name of American liberty will be remembered only as a dream.

The occasion does not require your memorialists to discuss the delicate question, how far, in all cases, the application and effect of laws may be Constitutionally subjected to the instructions of Executive officers; but we can readily discern an extreme case when this cannot be done. No law could give the President power to issue instructions for taking our lives by military execution, without offence, accusation, proof, trial, or sentence, upon the collector's mere belief of our intention to violate the embargo. Yet liberty and property are guarded by sanctions as strong as life, and the violation of one is no more a wound to the Constitution than of the other.

To hardships, deprivations, and oppressions, such as this act may impose, it scarcely can be expected that the freemen of this country will submit.

They can never submit to military government:

They can never surrender the trial by jury:

They can never consent to hold their property subject to the arbitrary control of any man.

They can never surrender those other essential rights of freemen which are guaranteed by the State and General Constitutions, which their fathers fought to maintain, and which, when the occasion calls for it, they will also know how to defend.

Remote as we are from the seat of the General Government, we well know that Congress and the Executive have been assailed and deceived by interested individuals and intriguers for office. Such persons are seeking a momentary profit in measures which may ruin their country. Nor can the suggestion, that these are the opinions of a factious few, or of party animosity, be otherwise than injurious. It cannot long be concealed, that, in this and the neighboring States, the act has excited a spirit which is rapidly uniting all real friends of the country in a common sentiment of disapprobation. We deplore the fact, that Congress should remain ignorant of the strength of this sentiment, or be regardless of its expressions. We solemnly forewarn our Government of the dangers which may ensue from an attempt to array its powers against the rights of the citizens, or to enforce an act which can never be executed against the will of a free people.

And we respectfully pray Congress that the act aforesaid may be immediately repealed.

Signed, on behalf of themselves, and of the citizens assembled, by

J. LITTLE, *Chairman,*
E. DUNSCOMB, *Secretary.*

CLAIM OF THOMAS PAINE.

[Communicated to the House, February 1, 1809.]

Mr. HOLMES, from the Committee of Claims, to whom was referred the memorial of Thomas Paine, made the following report:

The memorialist states, that, in the beginning of February, 1781, he sailed from Boston in the frigate Alliance, with Colonel Laurens, who was appointed by Congress to negotiate a loan with the French Government, for the benefit of the United States; that he aided in effecting the important object of this mission, and thus voluntarily rendered an essential service to the country, for which he has received no compensation. This memorial was presented to Congress at their last session, unaccompanied with any evidence in support of the statement of facts. The Committee of Claims, to whom it was then referred, endeavored to procure, from proper sources, such information as would guide them in making an equitable decision upon the case. The Journals of Congress, under the former Confederation, were diligently examined, but nothing was therein found tending to show that Mr. Paine was in any manner connected with the mission of Colonel Laurens. It appears that, on the 18th day of Oc-

Claim of Thomas Paine.

tober, 1783, two resolutions were adopted in favor of Major Jackson: one for defraying certain expenses incident to the mission, the other allowing him \$1,450 as a full compensation for his services, while acting as secretary to Colonel Laurens. A letter from the Vice President, in answer to one addressed to him by the Chairman of the Committee of Claims, is herewith presented. It will be observed, that the statement of this gentleman is from information, and not from his own knowledge. That Mr. Paine embarked with Colonel Laurens from the United States for France may be admitted; but it does not appear that he was employed by the Government, or even solicited by any officer thereof to aid in the accomplishment of the object of the mission with which Colonel Laurens was intrusted, or that he took any part whatever, after his arrival in France, in forwarding the negotiation; your Committee are, therefore, of opinion that the memorialist has not established the fact of his having rendered the service for which he asks to be compensated.

On the 26th of August, 1785, Congress, by a resolution, declared that Thomas Paine was entitled to a liberal gratification from the United States for his unsolicited and continued labors in explaining and enforcing the principles of the late Revolution; and, on the 3d of October following, the Board of Treasury were directed to take order for paying Mr. Paine three thousand dollars, for the considerations mentioned in the above resolution. This sum, it appears, Mr. Paine received on the 11th October, 1785. That Mr. Paine rendered great and eminent services to the United States, during their struggle for liberty and independence, cannot be doubted by any person acquainted with his labors in the cause, and attached to the principles of the contest. Whether he has been generously requited by his country for his meritorious exertions, is a question not submitted to your Committee, or within their province to decide.

The following resolution is offered to the House:

Resolved, That Thomas Paine have leave to withdraw his memorial, and the papers accompanying the same.

NEW YORK, February, 14, 1808.

Citizen Representatives: In my memorial to Congress of the 21st of January, I spoke of a resolve of the old Congress of three thousand dollars to me, and said that the resolve had relation to a matter it did not express; that Elbridge Gerry was chairman of the committee that brought in that resolve; and that if Congress referred the memorial to a committee, I would write to that committee, and inform them of the particulars of it. It has relation to my conduct in the affair of Silas Dean and Beaumarchais. The case is as follows:

When I was appointed secretary to the Committee of Foreign Affairs, all the papers of the secret committee, none of which had been seen by Congress, came into my hands. I saw, by the correspondence of that committee with persons

in Europe, particularly with Arthur Lee, that the stores which Silas Dean and Beaumarchais pretended they had purchased were a present from the Court of France, and came out of the King's arsenals. But, as this was prior to the alliance, and while the English ambassador (Stormont) was at Paris, the Court of France wished it not to be known, and therefore proposed that "a small quantity of tobacco, or some other produce, should be sent to the Cape (Cape François) to give it the air of a mercantile transaction, repeating over and over again that it was for a cover only, and not for payment, as the whole remittance was gratuitous." (See Arthur Lee's letters to the secret committee; see also Benjamin Franklin's.)

Knowing these things, and seeing that the public were deceived and imposed upon by the pretensions of Dean, I took the subject up, and published three pieces in Dunlap's Philadelphia paper, headed with the title of "Common Sense to the Public on Mr. Dean's affairs." John Jay was then President of Congress, Mr. Laurens having resigned in disgust.

After the third piece appeared, I received an order, dated Congress, and signed John Jay, that "Thomas Paine do attend at the bar of this House immediately;" which I did.

Mr. Jay took up a newspaper, and said, "Here is Mr. Dunlap's paper of December 29. In it is a piece entitled 'Common Sense to the Public on Mr. Dean's affairs'; I am directed by Congress to ask you if you are the author." "Yes, sir, I am the author of that piece." Mr. Jay put the same question on the other two pieces, and received the same answer. He then said, you may withdraw.

As soon as I was gone, John Penn, of North Carolina, moved that "Thomas Paine be discharged from the office of secretary of the Committee for Foreign Affairs," and prating Gouverneur Morris seconded the motion; but it was lost when put to the vote, the States being equally divided. I then wrote to Congress, requesting a hearing, and Mr. Laurens made a motion for that purpose, which was negatived. The next day I sent in my resignation, saying, that "as I cannot, consistently with my character as a freeman, submit to be censured unheard, therefore, to preserve that character and maintain that right, I think it my duty to resign the office of secretary to the Committee for Foreign Affairs, and I do hereby resign the same."

After this I lived as well as I could, hiring myself as a clerk to Owen Biddle, of Philadelphia, till the Legislature of Pennsylvania appointed me clerk of the General Assembly. But I still went on with my publications on Dean's affairs, till the fraud became so obvious, that Congress were ashamed of supporting him, and he absconded. He went from Philadelphia to Virginia, and took shipping for France, and got over to England, where he died. Doctor Cutting told me he took poison. Gouverneur Morris, by way of making apology for his conduct in that affair, said to me, after my return from France with Colonel Laurens, "Well! we were all duped, and I among the rest."

Cumberland Road.

As the salary I had as secretary to the Committee of Foreign Affairs was but small, being only \$800 a year, and as that had been fretted down by the depreciation to less than a fifth of its nominal value, I wrote to Congress, then sitting at New York, (it was after the war,) to make up the depreciation of my salary, and also for some incidental expenses I had been at. This letter was referred to a committee, of which Elbridge Gerry was chairman.

Mr. Gerry then came to me, and said that the committee had consulted on the subject, and they intended to bring in a handsome report, but that they thought it best not to take any notice of your letter or make any reference to Dean's affair or your salary. They will indemnify you, said he, without it. The case is, there are some motions on the Journal of Congress, for censuring you with respect to Dean's affair, which cannot now be recalled, because they have been printed. Therefore, we will bring in a report that will supersede them, without mentioning the purport of your letter.

This, citizen representatives, is an explanation of the resolve of the old Congress. It was an indemnity to me for some injustice done me, for Congress had acted dishonorably to me. However, I prevented Dean's fraudulent demand being paid, and so far the country is obliged to me; but I became the victim of my integrity.

I preferred stating this explanation to the committee rather than to make it public in my memorial to Congress. **THOMAS PAINE.**

NEW YORK, PARTITION ST., No. 68,
February 26, 1808.

SIR: I addressed a memorial to Congress dated January 21, which was presented by George Clinton, junior, and referred to the Committee of Claims. As soon as I knew to what committee it was referred, I wrote to that committee, and informed them of the particulars respecting a vote of the old Congress of \$3,000 to me, as I mentioned I would do in my memorial; since which I have heard nothing of the memorial or of any proceedings upon it.

It will be convenient to me to know what Congress will decide on, because, it will determine me whether, after so many years of generous services, and that in the most perilous times, and after seventy years of age, I shall continue in this country, or offer my services to some other country. It will not be to England, unless there should be a revolution.

My request to you is, that you will call on the Committee of Claims to bring in their report, and that Congress would decide upon it. I shall then know what to do.

Yours, in friendship,

THOMAS PAINE.

The Hon. SPEAKER *House of Reps.*

NEW YORK, March 7, 1808.

SIR: I wrote you a week ago, prior to the date of this letter, respecting my memorial to Con-

gress, but I have not yet seen an account of any proceedings upon it.

I know not who the Committee of Claims are, but if they are men of younger standing than "the times that tried men's souls," and, consequently, too young to know what the condition of the country was at the time I published *Common Sense*, (for I do not believe independence would have been declared had it not been for the effect of that work,) they are not capable of judging of the whole of the services of Thomas Paine. The President and Vice President can give you information on those subjects, so also can Mr. Smilie, who was a member of the Pennsylvania Legislature at the times I am speaking of. He knows the inconveniences I was often put to, for the old Congress treated me with ingratitude, they seemed to be disgusted at my popularity, and acted towards me as a rival instead of a friend.

The explanation I sent to the committee respecting a resolve of the old Congress while they sat at New York should be known to Congress, but it seems to me that the committee keep everything to themselves, and do nothing. If my memorial was referred to the Committee of Claims, for the purpose of losing it, it is unmanly policy. After so many years of service my heart grows cold towards America.

Yours, in friendship,

THOMAS PAINE.

Hon. SPEAKER of the *House of Reps.*

P. S. I repeat my request, that you would call on the Committee of Claims to bring in their report, and that Congress would decide upon it.

SENATE CHAMBER, March 23, 1808.

SIR: From the information I received at the time, I have reason to believe that Mr. Paine accompanied Colonel Laurens on his mission to France, in the course of our Revolutionary war, for the purpose of negotiating a loan, and that he acted as his secretary on that occasion; but although I have no doubt of the truth of this fact, I cannot assert it from my own actual knowledge.

I am, with great respect, your most obedient servant,

GEORGE CLINTON.

DAVID HOLMES, Esquire.

CUMBERLAND ROAD.

[Communicated to Congress, February 17, 1808.]

To the Senate and House of
Representatives of the United States:

I now transmit to both Houses of Congress a report of the Commissioners appointed under the act of March 29, 1806, concerning a road from Cumberland to Ohio, being a statement of the proceedings under the said act, since their last report communicated to Congress, in order that Congress may be enabled to adopt such further measures as may be proper under existing circumstances.

TH. JEFFERSON

DECEMBER 13, 1808.

Cumberland Road.

August 30, 1808.

The undersigned, two of the Commissioners under the law to regulate the laying out and making a road from Cumberland, in the State of Maryland, to the State of Ohio, report to the President of the United States, that, having in May last resumed the duties assigned them, they have extended the location of the route to the Ohio river, which, with the other parts heretofore reported, completes the location, grading, and marking the whole route from Cumberland to the river Ohio, agreeably to the plat, course, and distances thereof, which accompany this report.

The first report of the Commissioners on this subject states the reasons and necessity for adopting, as a crossing place on the Ohio river, a point opposite the lower end of Wheelen island. On approaching the Ohio with the location, it was found that this point could be reached on a route somewhat shorter than by passing through the town of Wheelen. It was, however, also ascertained that the portage between the Monongahela and the Ohio rivers would not be lengthened by passing through the town which lies on the east bank of the Ohio, and affords as eligible a port for embarkation as the lower point. In consideration whereof, and that many important advantages would be presented to emigrants, traders, and others, in a choice of supplies of boats, stores, and other accommodations along the shore through the town a mile in length, which could not be otherwise as conveniently obtained, and that as the grounds on the town route, being level nearly the whole way, held a decided preference, the Commissioners were of opinion that the town route was entitled to a preference, inasmuch as it was best calculated to secure public benefit, and guard against private injuries.

In reporting the parts which require the most immediate amelioration, the Commissioners have to state that the part from Brownsville to the Ohio, like the other part of the route reported, occupies but little of the old road; that it passes through a country formed wholly of hills and hollows, more irregular in their bearings, and, consequently, rendering the location more difficult and tedious than that heretofore reported, and confining the route, in many places, to the sides of hills which, from necessity, were crossed obliquely.

From these circumstances, and that of the rough, stony state of the more level parts in the mountains, it is not supposed that the balance of the funds appropriated will be adequate to the expense of rendering the whole way barely passable, and much less to make it conveniently so; neither is it believed that a road on these sideling grounds, barely of sufficient width to pass a wagon, would remain passable half a year without the precaution of well-secured conduits, which an uncovered road of common width will not admit. If this opinion should lead to a question, how the present roads through that country are kept in passable order, the fact of their direction being principally adapted to the crossing of the

hills nearly at right angles, or along their tops over the centre of all the knobs, to save the necessity of digging, will furnish the answer; while, at the same time, it accounts for the steepness of the hills on these roads, and the great difficulty and sufferings experienced in passing them. Under all the existing circumstances relative to the application of the remaining funds, the Commissioners are impressed with a belief that, instead of using the money towards making the whole way merely passable, the improvement of a few difficult places, which, in that way, may be rendered useful to the intercourse on the roads now in use, would be much more advisable, as much more benefit would result from it.

Among those places which, in the opinion of the Commissioners, have the highest claim to immediate attention, are the crossing of the mouth of Dunlap's creek, between Brownsville and Bridgeport, and the crossing of Wheelen creek, between the town and the lower point of the island. At both these creeks bridges are much wanted. The next object is what is called the Dug hill, near the town of Wheelen, where considerable difficulty and hazard is encountered for want of a safe pass across that hill.

As bridges built with wood, when supported by stone pillars and abutments, and judiciously constructed and secured from the weather, may answer every purpose for many years, it is conceived that the combination of economy and usefulness in this sort of bridge will recommend their adoption for the present.

From a rough estimate of the probable expense of these ameliorations, it is supposed that for a bridge over Dunlap's creek, \$2,500, and over Wheelen creek, \$4,000 may suffice, with the voluntary aid which will be afforded by the inhabitants of the respective places; and that \$1,500 may be usefully and effectually applied in cutting and forming a secure and easy pass over Wheelen hill. It is suggested for consideration, whether the most eligible application of any surplus fund would be in making and perfecting as much road, by way of sample, as it is competent to, near Cumberland, or where the Virginia line intersects the western route at Gwynn's tavern.

It is found that, from Cumberland to Brownsville, there is an abundance of stone, in convenient situations, for the purposes of bridges and covering the road. The grounds from Brownsville to Wheelen are not so conveniently stored, but afford very ample supplies.

The object of this establishment being to afford safety and facility in the intercourse upon it, the Commissioners trust it will not be deemed presumptuous in them to suggest their ideas of the mode of making the road best calculated to accomplish this important object, and which the peculiarity of the grounds seem to require.

The law directs the whole width of the road to be sixty-six feet. Although it is essential to a great highway to have sufficient space for the admission of sun and air, it is not supposed to be intended that the whole breadth should be reduced to a form passable with wagons or other

Captain Pike and his Companions.

carriages, or even single horse. It is thought that forty feet, and not less, will be amply sufficient for this great thoroughfare; twenty feet of which to be covered one foot deep at least, with broken stone, so reduced as to pass through a gauge ring of three inches diameter; the covered part to be in the centre of the forty feet, with cross conduits at suitable distances, well paved and arched; ten feet on each side of the covered part to be level crosswise of the road, except only such inclination as may be necessary to prevent water from lying on the uncovered part. Stone arches are deemed the most eligible mode of bridging all the streams on the way, except the two creeks already mentioned, and the Big and Little Young-hagana, where wooden bridges are for the present thought most advisable; and except also the Monongahela river, the size of which, and the high floods which frequently fill and partially overflow its banks, render the bridging of that stream a work of too much magnitude to encourage the attempt at this time, but present no unusual impediments in the way of ferries.

The instructions from the President, under date of the 6th of August, not having come to hand before finishing the work, and leaving that part of the country, the Commissioners have to state, that a short time before the completion of the route now reported, they were informed by several of the inhabitants, in behalf of the town of Washington, in Pennsylvania, that a route had been carefully run, graded, &c., at private expense, from Brownsville, through that town nearly to Wheelen, which would be found but little, if any, longer than the route laid off by the Commissioners; and was stated to be capable of very great improvement under the superior skill of the Commissioners; that it commanded a variety of advantages, which, it was believed, would give it a preference; all which was so confidently asserted, that although the Commissioners were convinced, from the knowledge they then possessed of the geographical situation of the town of Washington, that some mistake must have taken place in the representation of the distance on that route, yet, in order to gratify the solicitude of those interested, and to ascertain to them the merits of their claims, as far as a view and comparison of measurement and local advantages could effect it, the Commissioners were induced to make that view and measurement on their return from Wheelen; which being done, that route appeared upwards of four miles longer than the route located by the Commissioners; and after deducting one mile for improvement, being the utmost it appeared capable of, there remained a difference of upwards of three miles against the Washington route.

It was well known to the Commissioners that the distance from Brownsville to Short creek was less than to Wheelen, and that to Charlestown was still less than to Short creek; but knowing also that Wheelen lay one degree north of West from Brownsville, and north of a straight line from the latter place to Chilicothe, Vin-

cennes, and St. Lewis, or even to the centre of the State of Ohio, they could not prefer points still more north, which would consequently increase the angle at the Ohio, and necessarily the distance in passing west from Brownsville; and if Wheelen, Short creek, and Charlestown, had been on an equality in all other respects, the circumstance of Wheelen being a point of more useful navigation for the boats of traders or emigrants at low water, could not have escaped the attention of the Commissioners in deciding on the point best entitled, in all respects, to a preference.

The undersigned have to regret the absence of their colleague, Joseph Kerr, whose domestic concerns would not dispense with his personal attention, by which they were deprived of the benefit of his co-operation, and consequently taxed with a larger share of the duties. All which is respectfully submitted.

ELIE WILLIAMS.
THOMAS MOORE.

CAPTAIN PIKE AND COMPANIONS.

[Communicated to the House, December 16, 1806.]

MR. JOHN MONTGOMERY, from the committee, to whom was referred the resolution to inquire whether any, and, if any, what compensation ought to be made to Captain Zebulon M. Pike, and his companions, for their services in exploring the Mississippi river, in their late expedition to the sources of the Osage, Arkansas, and La Platte rivers, and in their tour through New Spain, made the following report:

That it appears by the documents accompanying this report, that the objects of each of the exploring expeditions, together with the instructions for executing them, were communicated to, and approved by, the President of the United States; that the conduct of Captain Pike, in each of the expeditions, also met with the approbation of the President, and that the information obtained and communicated to the Executive on the subjects of his instructions, and particularly in relation to the sources of the Mississippi, and the natives in that quarter, and the country generally, as well on the Upper Mississippi, as that between the Arkansas and the Missouri, and on the borders of the latter extensive river to its source, and the country adjacent, is highly interesting in a political, geographical, and historical view; and that although no special encouragement was given to the individuals who performed these laborious and dangerous expeditions, yet it was but reasonable for them, should they fortunately succeed in the objects, to expect some reward from Government; that the zeal, perseverance, and intelligence of Captain Pike, as commander, has been meritorious, and the conduct of the individuals generally who composed the parties respectively, has been faithful, and the exertions arduous. The committee, therefore, and

Captain Pike and his Companions.

opinion, that compensation ought to be made by law to Captain Pike and his companions.

Documents.

WAR DEPARTMENT, Dec. 7, 1808.

SIR: I herewith enclose copies of the instructions to Lieutenant Pike, for the government of his conduct on the two exploring expeditions alluded to in your letter, and likewise lists of the names of the men composing those parties. You will perceive that the instructions were given by General Wilkinson; the object, however, of each party, together with the instructions, were communicated to, and approved by, the President of the United States.

Although no special encouragement was given to the individuals who performed these laborious and dangerous expeditions, yet it was but reasonable for them, should they fortunately succeed in their objects, to expect a liberal reward from the Government; and as there can be no reasonable doubt of the zeal, perseverance, and intelligence, of the commander, or of the faithful conduct and arduous exertions of the individuals generally, composing the respective parties, it may, I trust, be presumed, that no objection will be opposed to a reasonable compensation for such meritorious services.

I am, very respectfully, sir, your obedient servant,

H. DEARBORN.

Hon. J. MONTGOMERY, *Chairman, &c.*

HEADQUARTERS, ST. LOUIS,
July 30, 1805.

SIR: Having completed your equipments, you are to proceed up the Mississippi with all possible diligence, taking the following instructions for your general government, which are to yield to your discretion in all cases of exigency.

You will please to take the course of the river, and calculate distances by time, noting rivers, creeks, highways, prairies, islands, rapids, shoals, mines, quarries, timber, water, soil, Indian villages and settlements, in a diary to comprehend reflections on the winds and weather.

It is interesting to Government to be informed of the population and residence of the several Indian nations, of the quantity and species of skins and furs they barter per annum, and their relative price to goods; of the tracts of country on which they generally make their hunts, and the people with whom they trade.

You will please to examine strictly for an intermediate point, between this place and Prairie des Chiens, suitable for a military post, and also on the Wisconsin, near its mouth, for a similar establishment, and will obtain the consent of the Indians for their erection, informing them that they are intended to increase their trade, and ameliorate their condition.

You will proceed to ascend the main branch of the river until you reach the source of it, or the season may forbid your further progress without

endangering your return before the waters are frozen up.

You will endeavor to ascertain the latitude of the most remarkable places in your route, with the extent of the navigation, and the direction of the different rivers which fall into the Mississippi, and you will not fail to procure specimens of whatever you may find curious in the mineral, vegetable, and animal kingdoms, to be rendered at this place.

In your course you are to spare no pains to conciliate the Indians, and to attach them to the United States, and you may invite the great chiefs of such distant nations, as have not been at this place, to pay me a visit.

Your own good sense will regulate the consumption of your provisions, and direct the distribution of the trifling presents which you may carry with you, particularly your flags.

I wish you a speedy, pleasant, and safe tour, and am, sir, with sentiments of respect and esteem, your obedient servant,

JAMES WILKINSON.

P. S. In addition to the preceding orders, you will be pleased to obtain permission from the Indians who claim the ground, for the erection of military posts and trading-houses, at the mouth of the river St. Pierre, the Falls of St. Anthony, and every other critical point which may fall under your observation; these permissions to be granted in formal conferences, regularly recorded, and the ground marked off.

J. W.

Lieut. Z. M. PIKE,
1st regiment infantry.

St. Louis, June 24, 1806.

SIR: You are to proceed without delay to the cantonment on the Missouri, where you are to embark the late Osage captives, and the deputation recently returned from Washington, with their presents and baggage, and are to transport the whole up the Missouri and Osage rivers, to the town of the Grand Osage.

The safe delivery of this charge at the point of destination constitutes the primary object of your expedition, and, therefore, you are to move with such caution as may prevent surprise from any hostile band, and are to repel with your utmost force any outrage which may be attempted.

Having safely deposited your passengers and their property, you are to turn your attention to the accomplishment of a permanent peace between the Canzes and Osage nations, for which purpose you must effect a meeting between the head chiefs of those nations, and are to employ such arguments, deduced from their own obvious interests, as well as the inclinations, desires, and commands, of the President of the United States, as may facilitate your purpose, and accomplish the end.

A third object of considerable magnitude will then claim your consideration; it is to effect an interview and establish a good understanding with the Yau-e-taus, T-e-taus or Commanches;

Captain Pike and his Companions.

for this purpose you must interest Whitehair of the Grand Osage, with whom, and a suitable deputation, you will visit the Panis Republique, where you may find interpreters and inform yourself of the most feasible plan by which to bring the Commanches to a conference. Should you succeed in this attempt, and no pains must be spared to effect it, you will endeavor to make peace between that distant, powerful nation, and the nations which inhabit the country between us and them, particularly the Osage; and finally you will endeavor to induce eight or ten of their distinguished chiefs to make a visit to the seat of Government next September, and you may attach to this deputation four or five Panis, and the same number of Canzes chiefs. As your interview with the Commanches will probably lead you to the head branches of the Arkansas and Red rivers, you may find yourself approximated to the settlements of New Mexico; and, therefore, it will be necessary you should move with great circumspection, to keep clear of any hunting or reconnoitring parties from that province, and to prevent alarm or offence, because the affairs of Spain and the United States appear to be on the point of amicable adjustment, and, moreover, it is the desire of the President to cultivate friendship and harmonious intercourse with all the nations of the earth, particularly our nearest neighbors, the Spaniards.

In the course of your tour you are to remark particularly upon the geographical structure, the natural history, and population of the country through which you may pass, taking particular care to collect and preserve specimens of everything curious in the mineral or botanical worlds, which can be preserved and are portable. Let your courses be regulated by your compass, and your distances by your watch, to be noted in a field-book; and I would advise you, when circumstances permit, to protract and lay down, in a separate book, the march of the day at every evening's halt.

The instruments which I have furnished will enable you to ascertain the variation of the magnetic needle and latitude with exactness, and at every remarkable point. I wish you to employ your telescope in observing the eclipses of Jupiter's satellites, having previously regulated and adjusted your watch by your quadrant, taking care to note with great nicety the periods of the immersion and emersion of the eclipsed satellite. These observations may enable us after your return, by application to the appropriate tables, which I cannot now furnish you, to ascertain the longitude.

It is an object of much interest with the Executive to ascertain the direction, extent, and navigation, of the Arkansas and Red rivers; as far, therefore, as may be compatible with these instructions, and practicable to the means you may command, I wish you to carry your views to those subjects; and, should circumstances conspire to favor the enterprise, you may detach a party, with a few Osages, to descend the Arkansas, under the orders of Lieutenant Wilkinson or Sergeant Ballinger, properly instructed and equip-

ped, to take the courses and distances, to remark on the soil, timber, &c., and to note the tributary streams. This party will, after reaching our post on the Arkansas, descend to Fort Adams, and there wait further orders. And you, yourself, may descend the Red river, accompanied by a party of the most respectable Commanches to the post of Nachitoches, and there receive further orders.

To disburse your necessary expenses, and to aid your negotiation, you are herewith furnished with \$600 worth of goods, for the appropriation of which you are to render a strict account, vouched by documents to be attested by one of your party.

Wishing you a safe and successful expedition, I am, sir, with much respect and esteem, your very obedient servant,

J. WILKINSON.

Lieut. Z. M. PIKE.

CANTONMENT MISSOURI, July 12, 1806.

SIR: The health of the Osages being now generally restored, and all hopes of a speedy recovery of their prisoners, from the hands of the Pottawatomies, being at an end, they have become desirous to commence their journey from their villages; you are, therefore, to proceed to-morrow.

In addition to the instructions given to you on the 24th ultimo, I must require you to have the talks under cover, delivered to Whitehair and the Grand Peste, the chief of the Osage band, which is settled on the waters of the Arkansas, together with the beks which accompany them; you will also receive herewith a small belt for the Panis, and a large one for the Tei-tans or Commanches.

Should you find it necessary you are to give orders to Mongraine, the resident interpreter at the Grand Osage, to attend you.

I beg you to take measures for the security and safe return of your boats from the Grand Osage to this place.

Doctor Robinson will accompany you as a volunteer; he will be furnished with medicines, and for the accommodation which you give him he is bound to attend your sick.

Should you discover any unlicensed traders in your route, or any person from this Territory, or from the United States, without a proper license or passport, you are to arrest such person or persons, and dispose of their property as the law directs.

My confidence in your caution and discretion has prevented my urging you to be vigilant in guarding against the stratagems and treachery of the Indians; holding yourself above alarm or surprise, the composition of your party, though it be small, will secure to you the respect of a host of untutored savages.

You are to communicate from the Grand Osage, and from every other practicable point, directly to the Secretary of War, transmitting your letters to this place, under cover, to the commanding officer, or by any more convenient route.

Captain Pike and his Companions.

I wish you health, and successful and honorable expedition, and am yours with friendship,

JAMES WILKINSON.

Lieut. Z. M. PIKE.

WAR DEPARTMENT, Feb. 24, 1808.

SIR. In answer to your letter of the 22d instant, I can with pleasure observe, that although the two exploring expeditions you have performed were not previously ordered by the President of the United States, there were frequent communications on the subject of each, between General Wilkinson and this Department; of which the President of the United States was, from time to time, acquainted; and it will be no more than what justice requires to say that your conduct, in each of those expeditions, met the approbation of the President; and that the information you obtained and communicated to the Executive, in relation to the source of the Mississippi and the natives in that quarter, and the country generally, as well on the Upper Mississippi as that between the Arkansas and the Missouri, and on the borders of the latter extensive river to its source and country adjacent, has been considered highly interesting in a political, geographical, and historical view. And you may rest assured that your services are held in high estimation by the President of the United States; and if any opinion of my own can afford you any satisfaction, I very frankly declare that I consider the public much indebted to you for the enterprising, persevering, and judicious manner in which you have performed them.

I am, very respectfully, sir, your obedient servant,

H. DEARBORN.

Captain Z. M. PIKE.

Return of persons employed on a tour of discovery and exploration to the source of the Mississippi, in the years 1805 and 1806.

Lieutenant, Z. M. Pike; Interpreter, Pierre Rosseau; Sergeant, Henry Kennerman; Corporals, William E. Meek, and Samuel Bradley.

Privates.—Jeremiah Jackson, John Boley, John Brown, Jacob Carter, Thomas Dougherty, William Gorden, Solomon Huddleston, John Mountjoy, Theodore Miller, Hugh Menaugh, Alexander Roy, John Sparks, Patrick Smith, Freegift Stoute, Peter Brauden, David Owings, David Weepley.

This party left St. Louis on the 9th of August, 1805, but had been detached for that duty from the 1st of July. They returned the 30th of April, 1806; from which time until the 15th of July, I was preparing for the second expedition to the westward; which consisted of the following persons, to wit:

Captain Z. M. Pike, Lieutenant James B. Wilkinson,* Doctor John H. Robinson, Sergeants, Joseph Ballenger,* William E. Meek,† and Corporal Jeremiah Jackson.†

Privates.—John Boley,* Henry Kennerman, Samuel Bradley,* John Brown, Jacob Carter,† Thomas Dougherty,† William Gorden, Solomon Huddleston,* Theodore Miller,† Hugh Menaugh, John Mountjoy,† Alexander Roy, John Sparks,† Patrick Smith,† Freegift Stoute, John Wilson.* Interpreter, Barony Vasquez.†

The balance arrived at Natchitoches, on or about the 1st of July, 1807. But it may probably be better to leave the whole time undefined, to be regulated by the honorable Secretary of War.

Z. M. PIKE, Major.

*Those thus marked descended the Arkansas river, and arrived at New Orleans some time about the — of February, 1807. †Those thus marked are still detained in New Spain.

PUBLIC ACTS OF CONGRESS;

PASSED AT THE SECOND SESSION OF THE TENTH CONGRESS, BEGUN AND HELD
AT THE CITY OF WASHINGTON, NOVEMBER 7, 1808.

An Act to authorize the transportation of a certain Message of the President of the United States, and documents accompanying the same.

Be it enacted, by the Senate and House of Representatives of the United States of America in Congress assembled, That the Members of Congress and Delegates from the several Territories of the United States be, and they are hereby, authorized to transmit by mail, free of postage, the Message of the President of the United States, of the eighth day of November, in the year one thousand eight hundred and eight, and documents accompanying the same, printed by order of the Senate, and by order of the House of Representatives, to any post office within the United States, and Territories thereof, to which they may respectively direct, any law to the contrary notwithstanding.

J. B. VARNUM,

Speaker of the House of Representatives.

GEO. CLINTON,

*Vice President of the United States, and
President of the Senate.*

Approved, November 18, 1808.

TH. JEFFERSON:

An Act authorizing the President of the United States to employ an additional number of revenue cutters.

Be it enacted, &c., That the President of the United States be, and he is hereby, empowered to procure so many revenue cutters, not exceeding twelve, as may be necessary for the public service, the expense whereof shall be paid out of the product of the duties on goods, wares, and merchandise, imported into the United States, and on the tonnage of ships or vessels.

Approved, January 6, 1809.

An Act authorizing the payment of certain pensions by the Secretary of War at the seat of Government.

Be it enacted, &c., That every pension or arrearage of pension that shall be due on the third day of March, one thousand eight hundred and nine, or that may thereafter become due to any officer or soldier residing in either of the United States, or the Territories thereof, in which there hath not been appointed an agent for the payment of pensions, shall be paid at the seat of the Government of the United States, by the Secretary of the War Department, and the name of the pensioner shall, on his application to the Secretary of War, be transferred from the books of the

State in which it was originally enregistered to a register, to be opened for that purpose, at the War Office of the United States:

Approved, January 7, 1809.

An Act to enforce and make more effectual an act, entitled "An act laying an embargo on all ships and vessels in the ports and harbors of the United State," and the several acts supplementary thereto.

Be it enacted, &c., That, if any person or persons shall put, place, or load, on board any ship, vessel, boat, or water craft, or into any cart, wagon, sled, or other carriage or vehicle, with or without wheels, any specie, goods, wares, or merchandise, with intent to export, transport or convey the same without the United States or the Territories thereof, to any foreign place, kingdom or country, or with intent to convey the same on board any foreign ship or vessel within or without the limits of the United States, or with the intent in any other manner to evade the acts to which this act is a supplement, all such specie, goods, wares, and merchandise, and also the ship, vessel, boat, water craft, cart, wagon, sled, or other carriage or vehicle, on board, or in which the same may be so put, placed, or loaded, as aforesaid, shall be forfeited, and the person or persons so putting, placing, or loading, the same as aforesaid, and also the aiders and abettors therein, shall, upon conviction, be adjudged guilty of a high misdemeanor, and fined a sum by the court before which the conviction is had, equal to four times the value of such specie, goods, wares, and merchandise: *Provided, however,* That this section shall not be construed to extend to any person or persons, not being the owner or owners of such specie, goods, wares, or merchandise, who shall first inform and make complaint to the collector of the district of any such offence committed within the same district; and any informer or informers, not being the owner or owners as aforesaid, upon conviction of the offenders, shall be entitled to one-half of the fine aforesaid, when the same shall be received by the United States, and shall be entitled to a certificate for that purpose from the court before whom the conviction shall be had.

Sec. 2. *And be it further enacted,* That it shall not be lawful to put on board any ship, vessel, or boat, of any description whatever, any specie or goods, wares, or merchandise, either of domestic or foreign growth, produce, or manufacture, and the same is hereby prohibited, unless a permit,

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particularly stating the articles thus to be laden, shall have been previously obtained from the collector of the district, in which such ship, vessel, or boat may then be, or from a revenue officer, specially authorized by the collector to grant such permits; nor unless the lading shall be made under the inspection of the proper revenue officers, nor unless the owner or owners, consignee or factor of such ship, vessel, or boat, shall, with the master, have given bond with one or more sureties to the United States, in a sum six times the value of the vessel and cargo, that the vessel shall not leave the port without a clearance, nor shall, when leaving the port, proceed to a foreign port or place, nor shall put any article on board of any other vessel; and that the whole cargo shall be reloaded either in the port where the vessel may then be, or in such other port of the United States as shall be designated in the clearance. And it shall be lawful for the collectors of the customs to refuse permission to put any cargo on board any such ship, vessel, or boat, whenever, in their opinion, there is an intention to violate the embargo, or whenever they shall have received instructions to that effect by direction of the President of the United States: *Provided*, That nothing contained in this section shall be construed to extend to any ship, vessel, or boat, uniformly employed in the navigation only of bays, sounds, rivers, and lakes, within the jurisdiction of the United States, which shall have obtained a general permission, agreeably to the provisions in the fourth section of this act.

SEC. 3. *And be it further enacted*, That the owner or owners, consignee or factor, of any ship, vessel, or boat, as described in the preceding section, which may, at the time when notice of this act shall be received at the several custom-houses respectively, be laden in whole or in part, shall, on notice given by the collector, either discharge such cargo or give bond for the same, in the manner and on the conditions mentioned in the preceding section; and, if the cargo shall not be discharged within ten days or the bond given within three days after such notice, the ship, vessel, or boat and cargo, shall be wholly forfeited. But the collectors are hereby authorized to order or to cause the cargoes of such vessels to be discharged for the same causes as they may refuse permission to put any cargo on board of vessels not yet laden in whole or in part. And they are likewise authorized, in the meanwhile, and until the cargoes shall have been discharged, or bonds given, as the case may be, to take possession of such vessels, and to take such other measures as may be necessary to prevent their departure.

SEC. 4. *And be it further enacted*, That the collectors of the customs be, and they are hereby, authorized to grant, under such general instructions as the President of the United States may give to that effect, a general permission to ships, vessels, or boats, whose employment has uniformly been confined to the navigation of bays, sounds, rivers, or lakes, within the jurisdiction of the United States, when it can be done without danger of the embargo being violated, to take on board

at any time such articles of domestic or foreign growth as may be designated in such general permission or permissions, bond with one or more sureties being previously given to the United States by the owner, owners, consignee, or factors of such ship, vessel, or boat, and by the master thereof, in an amount equal to three hundred dollars for each ton of the said vessel, that such vessel shall not, during the time limited in the condition of the bond, depart from any district of the United States, without having previously obtained a clearance, nor until the master or commander shall have delivered to the collector or surveyor of the port of departure a manifest of the whole cargo on board, that the said vessel shall not, during the time abovementioned, proceed to any other port than that mentioned in her clearance, or put any article on board of any other vessel, or be employed in any foreign trade; and, that on every voyage or trip, the whole of the cargo shall be landed in a port of the United States within the bay, sound, rivers, or lakes, to which the navigation of such vessel is confined.

SEC. 5. *And be it further enacted*, That, if any ship, vessel, or boat, not having received a general permission, and a general bond not having been first given in the manner provided for in the next preceding section, shall take on board any specie, or any goods, wares, or merchandise, either of foreign or domestic growth, produce, or manufacture, contrary to the provisions of the second section of this act, such ship, vessel, or boat, together with the specie, and goods, wares, or merchandise, shall be wholly forfeited; and the owner, or owners, agent, freighter, or factors, master, or commander of such ship, vessel, or boat, shall, moreover, severally forfeit and pay a sum equal to the value of the ship, vessel, or boat, and of the cargo put on board the same.

SEC. 6. *And be it further enacted*, That the person or persons whose names do or may appear as owner or owners of any ship or vessel, either on the certificate of registry, enrollment, or license, of any such ship, or vessel, or, if neither registered nor licensed, on the last clearance or custom-house document issued before the passing of this act, for such ship or vessel, shall be reputed as the true owner or owners of such ship, or vessel, and be liable to the payment of all penalties which may be incurred by the owners of such ship, or vessel, by reason of any violation of any of the provisions of this act, or of the act laying an embargo on all ships and vessels in the ports and harbors of the United States, or of any of the acts supplementary thereto, by such ship or vessel: *Provided, always*, That nothing in this section contained shall be construed to release any other person or persons from the payment of any penalty incurred by virtue of any of the acts aforesaid. And in case of any new register or license being granted during the continuance of the said acts, or, in case of the sale of any ship or vessel neither registered nor licensed, a bond with one or more sureties to the United States, shall, previous to the granting any such new register or license, or to recognising the sale of such

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vessel, not registered or licensed, be required by the collector, in an amount equal to three hundred dollars for each ton of such ship, or vessel, that such ship, or vessel, shall not, during the continuance of the acts laying an embargo on all ships and vessels in the ports and harbors of the United States, contravene or infringe any of the provisions of the said acts: *Provided*, That nothing herein contained, shall be construed to extend to the owner, or owners, of any ship, or vessel, who shall have made a *bona fide* sale of such ship, or vessel, in any port or harbor of the United States, before notice of this act, at such port or harbor, respectively; nor to the owner, or owners, of any ship or vessel, in any foreign port or place, who shall have made a *bona fide* sale thereof, before notice of this act: *And provided, also*, That such bond shall not release the owners and master of such ship, or vessel, or any other person, from the obligation of giving every other bond required by this act or by any of the acts aforesaid.

SEC. 7. *And be it further enacted*, That in all cases where, either under this act, or under the act laying an embargo on all ships or vessels in the ports and harbors of the United States, or under any of the acts supplementary thereto, a bond has been or shall be given to the United States, with condition that certain goods, wares, and merchandise, or the cargo of a vessel, shall be relanded in some port of the United States, the party or parties to such bond shall, within two months after the date of the same, (unless in the case of a voyage from New Orleans to an Atlantic port or from an Atlantic port to New Orleans, in either of which cases, four months shall as heretofore be allowed,) produce to the collector of the port from which the vessel had been cleared with such goods, wares, merchandise, or cargo, a certificate of the relanding of the same from the collector of the proper port; on failure whereof, the bond shall be put in suit; and in every such suit, as well as in every suit instituted on a bond given for a voyage from or to New Orleans, judgment shall be given against the defendant or defendants, unless proof shall be given of such relanding, or of loss of the vessel at sea. But neither capture, distress, or any other accident whatever, shall be pleaded or given in evidence in any such suit, unless such capture shall be expressly proved to have been hostile, and such distress or accident caused by no negligence, or deviation, nor unless such vessel shall have been from the commencement of the voyage wholly navigated by a master, mate or mates, mariners and crew, all of whom shall be citizens of the United States; nor unless such mate or mates, mariners and crew, shall, all, if living, (and the proof of their death shall lie on the defendant,) be produced on the trial, and sworn as competent witnesses; nor unless such master, mate or mates, mariners and crew, shall have signed a shipping paper in due form of law, and a copy thereof, designating specially the master, mate or mates, mariners and crew, and their permanent place of residence, shall have been lodged with the collector of the

port, to whom the bond aforesaid shall have been given, before the commencement of the voyage, and subscribed and sworn to by the master before such collector; and any master who shall falsely, wilfully, and corruptly swear as to the facts contained in such copy, shall, on conviction, suffer the pains and penalties of perjury. And in every suit instituted on a bond, given as aforesaid, the defendants shall pay all costs, if they shall not, within the limited time, have produced the certificate of relanding to the collector of the proper port.

SEC. 8. *And be it further enacted*, That no registered or sea-letter vessel, although in ballast, shall receive a clearance, or be permitted to depart from any port of the United States, unless the same bond shall have been previously given, which is required from vessels licensed for the coasting trade, before they are allowed to depart. And if any such ship or vessel shall depart without bond having been given as aforesaid, the said ship or vessel shall be forfeited; and the owner, owners, agent, consignee, factor, and master or commander, of such ship or vessel, as well as any other person concerned in such prohibited departure, shall be liable to the same penalties imposed by law in the case of vessels licensed for the coasting trade departing, without bond having been given, or without clearance, as aforesaid.

SEC. 9. *And be it further enacted*, That the collectors of all the districts of the United States shall, and they are hereby, authorized to take into their custody, specie or any articles of domestic growth, produce, or manufacture, found on board of any ship or vessel, boat, or other water-craft, when there is reason to believe that they are intended for exportation, or when in vessels, carts, wagons, sleighs, or any other carriage, or in any manner apparently on their way toward the territories of a foreign nation, or the vicinity thereof, or toward a place whence such articles are intended to be exported; and not to permit such articles to be removed, until bond with sufficient sureties shall have been given for the landing or delivery of the same in some place of the United States, whence, in the opinion of the collector, there shall not be any danger of such articles being exported.

SEC. 10. *And be it further enacted*, That the powers given to the collectors, either by this or any other act respecting the embargo, to refuse permission to put any cargo on board any vessel, boat, or other water-craft, to detain any vessel, or to take into their custody any articles for the purpose of preventing violations of the embargo, shall be exercised in conformity with such instructions as the President may give, and such general rules as he may prescribe for that purpose, made in pursuance of the powers aforesaid; which instructions and general rules the collectors shall be bound to obey: And if any action or suit be brought against any collector or other person acting under the directions of, and in pursuance of this act, he may plead the general issue, and give this act and the instructions and regulations of the President in evidence, for his justification and

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defence. And any person aggrieved by the acts of any collector, in either of the cases aforesaid, may file his petition before the district court of the district wherein the collector resides, stating the facts of his case, and thereupon, after due notice given to the district attorney and the collector, the said court may summarily hear and adjudge thereupon, as law and justice may require; and the judgment of said court, and the reason and facts whereon it is grounded, shall be filed among the records of said court; and if restoration of the property detained or taken in custody, or permission to load as aforesaid, shall be decreed, it shall be upon the party's giving such bond with sureties as is or shall be required to be taken in similar cases by the collector, and not otherwise; but if the said court shall adjudge against such petition, the collector shall be entitled to treble costs, which shall be taxed for him, and execution awarded accordingly by the court.

Sec. 11. *And be it further enacted,* That it shall be lawful for the President of the United States, or such other person as he shall have empowered for that purpose, to employ such part of the land or naval forces, or militia, of the United States, or of the territories thereof, as may be judged necessary, in conformity with the provisions of this and other acts respecting the embargo, for the purpose of preventing the illegal departure of any ship or vessel, or of detaining, taking possession of, and keeping in custody any ship or vessel, or of taking into custody and guarding any specie, or articles of domestic growth, produce, or manufacture, and also for the purpose of preventing and suppressing any armed or riotous assemblage of persons, resisting the custom-house officers in the exercise of their duties, or in any manner opposing the execution of the laws laying an embargo, or otherwise violating, or assisting and abetting violations of the same.

Sec. 12. *And be it further enacted,* That all penalties and forfeitures incurred by force of this act, unless hereinbefore otherwise directed, and all penalties and forfeitures incurred by force of the act, entitled "An act laying an embargo on all ships and vessels in the ports and harbors of the United States," or by virtue of the several acts supplementary thereto, may be prosecuted, sued for, and recovered by action of debt, or by indictment or information, any law, usage, or custom to the contrary notwithstanding; and if recovered in consequence of any seizure made by the commander of any public armed vessel of the United States, shall be distributed according to the rules prescribed by the act, entitled "An act for the government of the Navy of the United States," and if otherwise, shall be distributed, and accounted for in the manner prescribed by the act, entitled "An act to regulate the collection of duties on imports and tonnage," passed the second day of March, one thousand seven hundred and ninety-nine, and may be mitigated or remitted in the manner prescribed by the act, entitled "An act to provide for mitigating or remitting forfeitures, penalties, and disabilities accruing in certain cases therein mentioned," passed the third day of

March, one thousand seven hundred and ninety-seven, and made perpetual by an act passed the eleventh of February, one thousand eight hundred; and any officer or other person entitled to a part or share of any of the fines, penalties, or forfeitures aforesaid, may, if necessary, be a witness on the trial, therefor, but in such case he shall not receive any part or share of the said fine, penalty, or forfeiture, but the part or share to which he would otherwise be entitled shall revert to the United States.

Sec. 13. *And be it further enacted,* That the President of the United States be, and he hereby is, authorized to hire, arm, and employ thirty vessels, not exceeding in tonnage one hundred and thirty tons each, belonging to citizens of the United States, and so many seamen as shall be necessary to man the same, for immediate service, in enforcing the laws of the United States on the seacoast thereof, and to dismiss the same from service, whenever he shall deem the same expedient: *Provided, however,* That such hiring, arming, and employment, shall not be for a term exceeding one year. And the said ships or vessels, when so hired and armed, shall be employed under the direction of the Secretary of the Treasury.

Sec. 14. *And be it further enacted,* That the powers given to the President of the United States by the seventh section of the act of March the twelfth, one thousand eight hundred and eight, to grant permission to citizens having property of value in places without the jurisdiction of the United States, to dispatch vessels for the same, shall henceforth cease.

Sec. 15. *And be it further enacted,* That this act shall be in force from and after the passing thereof, during the continuance of the act, entitled "An act laying an embargo on all ships and vessels in the ports and harbors of the United States," and no longer.

Approved, January 9, 1800.

An Act to revive and continue in force, for a further time, the first section of the act, entitled "An act further to protect the commerce and seamen of the United States against the Barbary Powers."

Be it enacted, &c., That so much of the act, passed on the twenty-fifth day of March, one thousand eight hundred and four, entitled "An act farther to protect the commerce and seamen of the United States against the Barbary Powers," as is contained in the first section of the said act, (and which was revived and continued in force, for the time therein mentioned, by an act, entitled "An act to revive and continue in force, for a further time, the first section of the act, entitled "An act further to protect the commerce and seamen of the United States against the Barbary Powers," passed the nineteenth day of January, one thousand eight hundred and eight) be, and the same hereby is, revived and continued in force until the first day of January, one thousand eight hundred and ten: *Provided, however,* That

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the additional duty laid by the said section shall be collected on all such goods, wares, and merchandise, liable to pay the same, as shall have been imported previous to that day.

Approved, January 10, 1809.

An Act authorizing the proprietors of squares and lots, in the City of Washington, to have the same subdivided and admitted to record.

Be it enacted, &c., That whenever the proprietor of any square or lot, in the City of Washington, shall deem it necessary to subdivide such square or lot into convenient building lots, pieces, or portions, for sale and occupancy, and alleys for their accommodation, he may cause a plat of the same to be made, on which shall be expressed the dimensions and length of all the lines of such portions as are necessary for defining and laying off the same on the ground, and may certify such subdivision under his hand and seal, in the presence of two or more credible witnesses, upon the same plat, or on a paper or parchment attached thereto.

SEC. 2. *And be it further enacted,* That, at the request of the said proprietor, the surveyor of the city shall examine whether the lots, pieces, or parcels, into which any square or lot may be subdivided as aforesaid, agree in dimensions with the whole of the square or lot so intended to be subdivided, and whether the dimensions expressed on the plat of subdivision, be the true dimensions of the part so expressed; and if upon such examination, he shall find the plat correct, he shall certify the same under his hand and seal, with such remarks as appear to him necessary for the further illustration thereof, and record the said plat, as examined, in a book or books, to be kept by him for that purpose.

SEC. 3. *And be it further enacted,* That when such subdivision of any square or lot shall be so certified, examined, and recorded, the purchaser of any part thereof, or any person interested therein, may refer to the said plat and record for description, in the same manner as to squares and lots divided between the Commissioners and original proprietors; and the ways, alleys, or passages, laid out or expressed on such plat of subdivision, shall be and remain to the public, or subject to the uses declared by the person making such subdivision, at all times under the same police regulations as the alleys laid off by the Commissioners on division with the proprietors.

SEC. 4. *And be it further enacted,* That whenever the surveyor of the said city shall lay off any lot therein, or any of the parts into which a square or lot may be subdivided as aforesaid, he shall measure the whole of that front of the square on which such lot or part lies; and if, on such admeasurement, the whole front of the square exceeds or falls short of the aggregate of the fronts of the lots on that side of the square, as the same are recorded, he shall apportion such excess, or deficiency, among the lots or pieces on that front, agreeably to their respective dimen-

sions. Whenever, on such admeasurement, the wall of a house previously erected by any proprietor, shall appear to stand on the adjoining lot of any other person in part less than seven inches in width thereon, such wall shall be considered as standing altogether on the land of such proprietor, who shall pay to the owner of the lot on which the wall may stand, a reasonable price for the ground so occupied, to be decided by arbitrators, or a jury, as the parties interested may agree; but if the wall of any house, already erected, cover seven inches or more in width of the adjoining lot, it shall be deemed a party wall, according to the regulations for building in said city, as promulgated by the President of the United States, and the ground so occupied, more than seven inches in width, shall be paid for as above. Which fact the surveyor shall ascertain and certify, and put on record at the request and expense of any person interested therein.

SEC. 5. *And be it further enacted,* That it shall be the duty of the surveyor to attend, when requested, and examine the foundation or walls of any house to be erected, when the same shall be level with the street or surface of the ground, for the purpose of adjusting the line of the front of such building to the line of the street, and correctly placing the party wall on the line of division between that and the adjoining lot; and his certificate of the fact shall be admitted as evidence, and binding on the parties interested.

SEC. 6. *And be it further enacted,* That the surveyor shall be authorized to receive from the persons for whom he shall perform the services required by this act, the fees following, that is to say: For examining the plat and calculations of any subdivision of a square or lot, twelve and a half cents for each of the lots or portions into which it may be subdivided: *Provided,* That no more shall be paid for the lots in one square than one dollar and fifty cents; for examining any building and giving the certificate required by the fifth section of this act, and recording the same, one dollar and fifty cents; for recording any division or subdivision of any square or lots, for transcripts from records, and for searches in his office, the same fees that have heretofore been paid to the clerk of the county: *Provided,* That they do not in any case exceed the fee hereby allowed for examination.

SEC. 7. *And be it further enacted,* That all records of the division of squares and lots heretofore made between the public and original proprietors, or which are authorized by this act, shall be kept in the office of the surveyor of the city; and all transcripts therefrom, certified by him, shall be evidence equally valid with certified transcripts from the keeper of the office for recording deeds for the conveyance of land in the county of Washington.

SEC. 8. *And be it further enacted,* That whenever the President of the United States shall deem it necessary to subdivide any square or lot belonging to the United States, within the City of Washington, which may not have been reserved for public purposes, into convenient build-

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ing lots, pieces, or portions, for sale and occupancy, and alleys; for their accommodation, he may cause a plat to be made by the surveyor of the city in the manner prescribed in the first section of this act, which plat shall be recorded by the said surveyor, and the provisions of this act shall extend to the lots, pieces, and parcels of ground contained in such plat as fully as to subdivisions made by individual proprietors.

SEC. 9. *And be it further enacted*, That the surveyor of the City of Washington, before entering upon the discharge of the duties required of him by this act, shall take an oath or affirmation before the mayor of the City of Washington, that he will faithfully and impartially perform the duties hereinbefore required of him.

Approved, January 12, 1809.

An Act supplemental to an act, entitled "An act for extending the terms of credit on revenue bonds in certain cases, and for other purposes."

Be it enacted, &c., That the payment of all bonds given, subsequent to the date of the act to which this act is a supplement, for duties on coffee, sugar, pepper, indigo, cocoa, and wine, paying a duty of twenty-three cents per gallon, and which remain unpaid, or for the same articles which may arrive hereafter in any of the ports of the United States, and whilst the act entitled "An act laying an embargo on all ships and vessels in the ports and harbors of the United States," shall continue in force, may be suspended, subject however in all respects to the conditions and provisions made and provided in the act of the tenth of March, one thousand eight hundred and eight, to which this act is a supplement: *Provided*, That nothing herein contained shall be construed to extend to importations made in vessels dispatched under permissions granted by the President of the United States in pursuance of powers in him vested by the seventh section of the act, entitled "An act in addition to the act entitled 'An act supplementary to the act, entitled 'An act laying an embargo on all ships and vessels in the ports and harbors of the United States.'"

SEC. 2. *And be it further enacted*, That if the amount of any bond given for the payment of duties on the importation of coffee, sugar, pepper, indigo, cocoa, or wine, paying a duty of twenty-three cents per gallon, made subsequent to the passage of the act to which this is a supplement, and which bond would by virtue of this act have been entitled to an extension of credit, shall have been previously paid, the money so paid shall, by the proper collector, be refunded to the person or persons who shall have paid the same, or to his, her, or their agent or agents, on his or their giving a bond with sureties, in the same manner and on the same terms, conditions, and restrictions, and on a compliance of the person or persons receiving the indulgence hereby granted, with all the provisions of the act to which this is a supplement.

Approved, January 12, 1809.

An Act to alter the time for the next meeting of Congress.

Be it enacted, &c., That, after the adjournment of the present session, the next meeting of Congress shall be on the fourth Monday of May next.

Approved, January 30, 1809.

An Act authorizing the employment of an additional Naval force,

Be it enacted, &c., That, in addition to the frigates now employed in actual service, there be fitted out, officered and manned, as soon as may be, the four following frigates, to wit: the United States, Essex, John Adams, and President; and moreover the President of the United States is hereby authorized and empowered to equip, man, and employ, in actual service, so many of the public armed vessels, now laid up in ordinary, and gunboats, as in his judgment the public service may require; and to cause the frigates, and other armed vessels, when prepared for actual service, respectively, to be stationed at such ports and places on the seacoast as he may deem most expedient, or to cruise on any part of the coast of the United States or the territories thereof.

SEC. 2. *And be it further enacted*, That, for the purpose of carrying the foregoing provision into immediate effect, the President of the United States be, and he is hereby, authorized and empowered, in addition to the number of petty officers, able seamen, ordinary seamen, and boys, at present authorized by law, to appoint, and cause to be engaged and employed as soon as may be, three hundred midshipmen, three thousand six hundred able seamen, ordinary seamen, and boys, who shall be engaged to serve for a period not exceeding two years; but the President may discharge the same sooner, if in his judgment their service may be dispensed with. And to satisfy the necessary expenditures to be incurred therein, a sum not exceeding four hundred thousand dollars, be, and the same is hereby, appropriated, and shall be paid out of any moneys in the Treasury not otherwise appropriated.

Approved, January 31, 1809. -

An Act for dividing the Indiana Territory into two separate Governments.

Be it enacted, &c., That, from and after the first day of March next, all that part of the Indiana Territory which lies west of the Wabash river, and a direct line drawn from the said Wabash river and Post Vincennes, due north to the territorial line between the United States and Canada, shall, for the purpose of temporary government, constitute a separate Territory, and be called Illinois.

SEC. 2. *And be it further enacted*, That there shall be established within the said Territory, government in all respects similar to that provided by the ordinance of Congress, passed at the thirteenth day of July, one thousand seven hundred and eighty-seven, for the government of the Territory of the United States Northwest of

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the river Ohio; and by an act passed on the seventh day of August, one thousand seven hundred and eighty-nine, entitled "An act to provide for the government of the Territory Northwest of the river Ohio;" and the inhabitants thereof shall be entitled to, and enjoy all and singular the rights, privileges, and advantages, granted and secured to the people of the Territory of the United States Northwest of the river Ohio, by the said ordinance.

SEC. 3. *And be it further enacted*, That the officers for the said Territory, who, by virtue of this act, shall be appointed by the President of the United States, by and with the advice and consent of the Senate, shall respectively exercise the same powers, perform the same duties, and receive for their services the same compensations as by the ordinance aforesaid, and the laws of the United States, have been provided and established for similar officers in the Indiana Territory. And the duties and emoluments of Superintendent of Indian Affairs shall be united with those of Governor: *Provided*, That the President of the United States shall have full power, in the recess of Congress, to appoint and commission all officers herein authorized, and their commissions shall continue in force until the end of the next session of Congress.

SEC. 4. *And be it further enacted*, That so much of the ordinance for the government of the Territory of the United States Northwest of the Ohio river, as relates to the organization of a General Assembly therein, and prescribes the powers thereof, shall be in force, and operate in the Illinois Territory, whenever satisfactory evidence shall be given to the Governor thereof that such is the wish of a majority of the freeholders, notwithstanding there may not be therein five thousand free male inhabitants of the age of twenty-one years and upwards: *Provided*, That until there shall be five thousand free male inhabitants of twenty-one years and upwards in said Territory, the whole number of representatives to the General Assembly shall not be less than seven, nor more than nine, to be apportioned by the Governor to the several counties in the said Territory, agreeably to the number of free males of the age of twenty-one years and upwards, which they may respectively contain.

SEC. 5. *And be it further enacted*, That nothing in this act contained shall be construed so as in any manner to affect the government now in force in the Indiana Territory, further than to prohibit the exercise thereof within the Illinois Territory, from and after the aforesaid first day of March next.

SEC. 6. *And be it further enacted*, That all suits, process, and proceedings, which, on the first day of March next, shall be pending in the court of any county which shall be included within the said Territory of Illinois, and also all suits, process, and proceedings, which, on the said first day of March next, shall be pending in the general court of the Indiana Territory, in consequence of any writ of removal, or order for trial at bar, and which had been removed from any of the coun-

ties included within the limits of the Territory of Illinois aforesaid, shall, in all things concerning the same, be proceeded on, and judgments and decrees rendered thereon, in the same manner as if the said Indiana Territory had remained undivided.

SEC. 7. *And be it further enacted*, That nothing in this act contained shall be so construed as to prevent the collection of taxes which may, on the first day of March next, be due to the Indiana Territory on lands lying in the said Territory of Illinois.

SEC. 8. *And be it further enacted*, That until it shall be otherwise ordered by the Legislature of the said Illinois Territory, Kaskaskia, on the Mississippi river, shall be the seat of government for the said Illinois Territory.

Approved, February 3, 1809.

An Act supplementary to the act, entitled "An act to amend the act, entitled 'An act establishing Circuit Courts, and abridging the jurisdiction of the District Courts of the Districts of Kentucky, Tennessee, and Ohio.'"

Be it enacted, &c., That in all actions or suits that were pending in the circuit courts of the United States for the district of Tennessee, established by an act entitled "An act establishing circuit courts, and abridging the jurisdiction of the district courts of the districts of Kentucky, Tennessee, and Ohio," in which any judgment or decree was rendered, or any sentence passed previous to the passage of the act, entitled "An act to amend the act, entitled 'An act establishing circuit courts, and abridging the jurisdiction of the district courts of the districts of Kentucky, Tennessee, and Ohio,'" the clerk of the circuit court of the United States for the district of East Tennessee be, and he is hereby, authorized and directed to issue executions, and all other process necessary for carrying the same into complete effect, in the same manner as if the said last mentioned act had not passed; which executions and other process shall be directed to the marshal of either of the districts of East or West Tennessee, in which the party against whom the same shall issue may reside, or his property may be found, who shall execute and return the same in like manner he would have done if the act to which this is a supplement had not passed, and shall receive the same fees as are by law allowed for similar services in other cases.

SEC. 2. *And be it further enacted*, That the next session of the district court of the United States, for the district of Kentucky, shall be holden on the second Monday in May next, and that the session of the said court heretofore holden on the first Monday in June, annually, shall thereafter be holden annually on the second Monday in May.

SEC. 3. *And be it further enacted*, That all writs and process, which shall have been issued, or may hereafter issue, and all recognisances returnable, and all suits and other proceedings of what nature or kind soever, which have been

continued to the said district court on the first Monday in June next, from the last December term, shall be returned and held continued to the said second Monday in May next.

Approved, February 4, 1809.

An Act making appropriations to complete the fortifications commenced for the security of the seaport towns and harbors of the United States, and to defray the expense of deepening and extending to the river Mississippi, the canal of Carondelet.

Be it enacted, &c., That, for the purpose of completing the fortifications commenced for the security of the seaport towns and harbors of the United States, and Territories thereof, exclusive of the contemplated line of blocks and chains across the harbor of New York, there be, and hereby is, appropriated the sum of four hundred and fifty thousand dollars, to be paid out of any moneys in the Treasury not otherwise appropriated.

Sec. 2. And be it further enacted, That the President of the United States be, and he is hereby, authorized to cause the canal of Carondelet, leading from Lake Pontchartrain, by way of the bayou St. John, to the city of New Orleans, to be extended to the river Mississippi, and made sufficiently deep throughout to admit an easy and safe passage to gunboats, if, upon survey thereof, he shall be convinced that the same is practicable, and will conduce to the more effectual defence of said city; and that, for the purpose of defraying the expense thereof, there be and hereby is appropriated the sum of twenty-five thousand dollars, to be paid out of any moneys in the Treasury not otherwise appropriated.

Approved, February 10, 1809.

An Act to revive and continue, for a further time, the authority of the Commissioners of Kaskaskia.

Be it enacted, &c., That the powers heretofore vested in the register and receiver of public moneys for the district of Kaskaskia be, and the same are hereby revived; and the said register and receiver shall be allowed until the first day of January next to complete the investigation of claims to land in said district. They shall have full power to revise any of their former decisions, and also the same power and authority in relation to claims to land in the village of Peoria; notices of which have heretofore been filed, as they have in relation to other claims in the said district. And the said register and receiver, and the clerk of the board, shall each be allowed an additional compensation of five hundred dollars, in full for his services in relation to such claims.

Approved, February 15, 1809.

An Act to incorporate a company for opening the canal in the City of Washington.

Be it enacted, &c., That Robert Brent, Samuel N. Smallwood, Daniel Carroll of Duddington, John Law, William Brent, Frederick May, Elias B. Caldwell, James D. Barry, Griffith Coombe, and George Blagden, or any five of them, be, and

they are hereby, appointed commissioners to open, or cause to be opened, a book for receiving and entering subscriptions for raising a capital stock not exceeding one hundred thousand dollars, in shares of one hundred dollars each, for the purpose of opening the canal to communicate from the Potomac river to the Eastern Branch thereof, through a part of the City of Washington, and that one month's notice be given in one of the newspapers printed in Washington, Georgetown, and Alexandria, of the time and place of opening the said subscription book, and that the same be kept open until the sum of forty thousand dollars be subscribed: *Provided,* That no subscription shall be received unless the sum of ten dollars be paid into the hands of the persons authorized to receive the same, on each share subscribed for.

Sec. 2. And be it further enacted, That, as soon as the aforesaid sum of forty thousand dollars be subscribed, the said commissioners, or any five of them, shall call a meeting of the stockholders at the City of Washington, by advertisement in one of the newspapers printed in Washington, Georgetown, and Alexandria, appointing a fit and convenient time and place of meeting; and the said stockholders shall proceed in person, or by proxy, to the election, by ballot, of a president and six directors for conducting the undertaking, and managing the business of the company, for and during the term of one year from the time of their appointment.

Sec. 3. And be it further enacted, That the said stockholders and their successors, from the time of the said first meeting, shall be, and they are hereby declared to be, incorporated by the name of the "Washington Canal Company," and by that name may sue and be sued, implead and be impleaded, answer and be answered, and may make all necessary by-laws and regulations for the proper management of the business of the company: *Provided,* That the same be not contrary to the laws of the United States, or the laws in force in the District of Columbia.

Sec. 4. And be it further enacted, That the said president and directors shall continue in office one year from the time of their election, and the directors may fill any vacancy which may happen in their own body during the term for which they were elected; and in case of the death, resignation, or disqualification, of the president, they may elect a president to serve for the residue of the term. And the said stockholders, in one year after the day on which the election of president and directors shall be first made, and on the same day in every year thereafter, (except the same shall happen on Sunday, in that case on the day succeeding,) shall elect, by ballot, from among the stockholders, one person as president, and six persons as directors; and the president and directors, for the time being, shall give public notice in one of the newspapers printed in Washington, Georgetown, and Alexandria, for a new election at least ten days previous to the expiration of the time for which they were elected; and each stockholder shall be allowed one vote for every share by him or her held at the time in said company;

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and any stockholder, by a written authority, under his or her hand, and executed in the presence of two witnesses, may depute any other stockholder to vote and act as proxy for him or her at any general meeting.

Sec. 5. *And be it further enacted*, That the said president and directors, so elected, and their successors, shall be, and they are hereby, authorized and empowered to agree with any person or persons, on behalf of said company, to cut the canal, as laid down on the plan of the City of Washington, erect such locks, and perform such other works, as they shall judge necessary for opening the canal aforesaid, and the forks thereof; and out of the moneys arising from subscriptions, wharfage, and tolls, to pay for the same; and to repair and improve the said canal, locks, and other works necessary thereto, and to defray all incidental charges, and also to appoint a treasurer, clerk, and such other officers, toll-gatherers, managers, and servants, as they shall judge requisite, and to settle their respective wages.

Sec. 6. *And be it further enacted*, That the treasurer of the said company shall, before he acts as such, give bond to the company in such penalty, and with such security, as the said president and directors shall direct, conditioned for the faithful performance of the duties of his office.

Sec. 7. *And be it further enacted*, That the said president and directors, so elected, and their successors, shall have full power and authority to demand and receive of the stockholders, in equal proportions, the remaining nine-tenths of the shares, from time to time, as they shall judge necessary; and if any of the stockholders shall neglect or refuse to pay their proportions, within one month after the same shall have been ordered, the share or shares of such defaulter shall be forfeited: *Provided*, That notice shall be given, by advertisement, in one of the newspapers printed in Washington, Georgetown, and Alexandria, of the time when the same shall be ordered to be paid.

Sec. 8. *And be it further enacted*, That the said company shall not begin to collect wharfage or tolls, until the canal is made navigable for boats and scows drawing three feet water to pass through the same, from the Potomac river to the Eastern Branch thereof: and if at any time the said canal shall become obstructed, so that boats and scows drawing three feet water cannot pass through the same, from the Potomac river, to the Eastern Branch thereof, it shall not be lawful for the said company to collect any wharfage or tolls, until such obstruction shall have been removed.

Sec. 9. *And be it further enacted*, That every president and director, before he acts as such, shall take an oath or affirmation that he will well and faithfully discharge the duties of his office; and any four of the directors, with the president, shall constitute a quorum for transacting any business of the company.

Sec. 10. *And be it further enacted*, That the shares in the said company shall be deemed personal and not real property, and transferable in such manner as the company shall direct, and that the shares held by any individual shall be

liable to be attached or taken by fieri facias, to satisfy the debts due from any such individual, in like manner as other personal property may be.

Sec. 11. *And be it further enacted*, That there shall be a general meeting of the stockholders on the first Monday in June, and the first Monday in December, in every year, in the City of Washington, to which meeting the president and directors shall make a report, and render distinct and just accounts of all their proceedings; and on finding them justly and fairly stated, the stockholders then present or a majority of them, shall give a certificate thereof; and at such half yearly general meetings, after leaving in the hands of the treasurer such sum as shall be judged necessary for repairs, improvements, or contingent charges, an equal dividend of all the net profits arising from the wharfage and tolls hereby granted shall be ordered, and made to and among all the stockholders of the said company, in proportion to their several shares: *Provided*, That if the net profits shall, in any year, exceed fifteen per centum on the sum actually expended by the said company, in opening the said canal, and completing the same, the fifteen per centum only of the net profits shall be divided among the stockholders, and the excess shall be paid to the Mayor and City Council of the City of Washington, for the use of the said city.

Sec. 12. *And be it further enacted*, That, for and in consideration of the expenses the said stockholders shall incur in cutting the canal, erecting locks, and in maintaining and keeping the same in repair, and in the enlargement and improvement of the same, the said company is hereby authorized to collect on all articles and materials landed on each side of the canal, from on board any boat or scow, or placed on either side of the said canal, for the purpose of being taken therefrom by any boat or scow, according to such rates as the president and directors may, from time to time, by their by-laws, order and direct: *Provided*, That the said rates shall, at no time hereafter, and in no particular, exceed the rates which are, or may be, established by the owners of wharves in the City of Washington. And it shall and may be lawful for the said company to demand and receive, at the most convenient place, for all articles carried through the said canal, tolls not exceeding the following rates, that is to say: for each unloaded boat or scow, twenty-five cents; for each barrel of flour, two cents; for each barrel of beef or pork, two cents; for each barrel of whiskey or brandy, three cents; for each hoghead or pipe, six cents; and upon all other articles, packages, and commodities, one-sixth part of the amount of tolls allowed by law to be received by the Potomac Company, at the Great Falls of the river Potomac. And the said company shall also have the exclusive right to establish a packet-boat or boats upon the said canal for carrying passengers, and no other packet-boat or boats, but such as are established or permitted by them, shall be allowed to carry passengers through the same for hire.

Sec. 13. *Provided always, and be it further en-*

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acted, That all public property shall pass through the said canal free of toll, and also, that in case the said canal and one of the forks thereof shall not be completed within the term of seven years from the passage of this act, in such manner as to admit boats and scows drawing three feet water to pass through the same, that the said canal shall revert to the United States, and all right and authority hereby granted to the said company shall cease and determine.

SEC. 14. *And be it further enacted*, That the said company shall, from time to time, whenever the Mayor and City Council shall order and direct, suffer bridges to be erected across the canal, and shall suffer the same when erected to be repaired: *Provided*, That every bridge so erected, shall be at least six feet above high water mark.

SEC. 15. *And be it further enacted*, That the President and Directors of said company, after the said canal shall be opened and made passable for boats and scows drawing three feet of water, shall annually, in the month of January, lay before the Congress of the United States, a just and true account of their receipts and expenditures, with a statement of the clear profits thereof.

Approved, February 16, 1809.

An Act making appropriations for the support of Government during the year one thousand eight hundred and nine.

Be it enacted, &c., That for the expenditure of the civil list in the present year, including the contingent expenses of the several Departments and offices; for the compensation of the several loan officers and their clerks, and for books and stationery for the same; for the payment of annuities and grants; for the support of the Mint Establishment; for the expenses of intercourse with foreign nations; for the support of light-houses, beacons, buoys, and public piers; for defraying the expenses of surveying the public lands; and for satisfying certain miscellaneous claims; the following sums be, and the same hereby are, respectively appropriated, that it to say:

For compensation granted by law to the members of the Senate and House of Representatives, their officers and attendants, estimated for a session of four months and a half continuance, two hundred and one thousand, four hundred and twenty-five dollars.

For the expense of fire-wood, stationery, printing, and all other contingent expenses of the two Houses of Congress, twenty-eight thousand dollars.

For all contingent expenses of the library of Congress, and for the librarian's allowance for the year one thousand eight hundred and nine, eight hundred dollars.

For compensation to the President and Vice-President of the United States, thirty thousand dollars.

For compensation to the Secretary of State, clerks, and persons employed in that department, including the sum of one thousand dollars for compensations to his clerks, in addition to the sum

allowed by the act of the twenty-first day of April, one thousand eight hundred and six, thirteen thousand five hundred and sixty dollars.

For the incidental and contingent expenses of the said department, four thousand two hundred dollars.

For printing and distributing the laws of the second session of the tenth Congress, and printing the laws in newspapers, eight thousand two hundred and fifty dollars.

For special messengers charged with despatches, two thousand dollars.

For compensation to the Secretary of the Treasury, clerks, and persons employed in his office, including the sum of one thousand dollars, for clerk hire, in addition to the sum allowed by the act of the twenty-first April, one thousand eight hundred and six, sixteen thousand seven hundred dollars.

For the expense of translating foreign languages, allowance to the person employed in transmitting passports and sea-letters, and for stationery and printing in the office of the Secretary of the Treasury, one thousand dollars.

For compensation to the Comptroller of the Treasury, clerks, and persons employed in his office, including the sum of one thousand six hundred and thirty-nine dollars, for compensation to his clerks, in addition to the sum allowed by the act of the twenty-first April, one thousand eight hundred and six, fourteen thousand six hundred and sixteen dollars.

For expense of stationery, printing and incidental and contingent expenses of the Comptroller's office, eight hundred dollars.

For compensation to the Auditor of the Treasury, clerks, and persons employed in his office, twelve thousand two hundred and twenty-one dollars.

For expense of stationery, printing, and incidental and contingent expenses of the Auditor's office, five hundred dollars.

For compensation to the Treasurer, clerks, and persons employed in his office, six thousand two hundred and twenty-seven dollars and forty-five cents.

For expense of stationery, printing, and incidental and contingent expenses in the Treasurer's office, three hundred dollars.

For compensation to the Register of the Treasury, clerks and persons employed in his office, sixteen thousand and fifty-two dollars and two cents.

For expense of stationery, printing, and all other incidental and contingent expenses in the Register's office, including books for the public stocks, and for the arrangement of the marine records, two thousand eight hundred dollars.

For fuel, and other contingent and incidental expenses of the Treasury Department, four thousand dollars.

For defraying the expense of printing and stating the public accounts for the year one thousand eight hundred and nine, one thousand two hundred dollars.

For the purchase of books, maps and charts, for

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the use of the Treasury Department, four hundred dollars.

For compensation to a Superintendent employed to secure the buildings and records of the Treasury Department, during the year one thousand eight hundred and nine, including the expense of two watchmen, the repairs of two fire engines, buckets, lanterns, and other incidental and contingent expenses, one thousand one hundred dollars.

For compensation to the Secretary of the Commissioners of the Sinking Fund, two hundred and fifty dollars.

For compensation to the Secretary of War, clerks, and persons employed in his office, eleven thousand two hundred and fifty dollars.

For expense of fuel, stationery, printing, and other contingent expenses of the office of the Secretary of War, one thousand dollars.

For compensation to the Accountant of the War Department, clerks, and persons employed in his office, ten thousand nine hundred and ten dollars.

For contingent expenses in the office of the Accountant of the War Department, one thousand dollars.

For compensation to the clerks employed in the Paymaster's office, two thousand eight hundred dollars.

For contingent expenses in the said office, two hundred dollars.

For compensation to the Purveyor of Public Supplies, clerks, and persons employed in his office, and for expense of stationery, store rent and fuel for the said office, including the sum of five hundred dollars for compensation to clerks, in addition to the sum allowed by the act of the twenty first of April, one thousand eight hundred and six, five thousand one hundred dollars.

For compensation to the Secretary of the Navy, clerks, and persons employed in his office, nine thousand eight hundred and ten dollars.

For expense of fuel, stationery, printing, and other contingent expenses in the said office, two thousand dollars.

For compensation to the Accountant of the Navy, clerks, and persons employed in his office, ten thousand four hundred and ten dollars.

For contingent expenses in the office of the Accountant of the Navy, seven hundred and fifty dollars.

For compensation to the Postmaster General, Assistant Postmaster General, clerks, and persons employed in the Postmaster General's office, including the sum of one thousand five hundred and forty-five dollars, for compensation to clerks, in addition to the sum allowed by the act of the twenty-first of April, one thousand eight hundred and six, sixteen thousand dollars.

For expense of fuel, candles, house rent for the messenger, stationery, chests, &c., pertaining to the Postmaster General's office, two thousand five hundred dollars.

For compensation to the several loan officers, thirteen thousand two hundred and fifty dollars.

For compensation to the clerks of the several Commissioners of Loans, and for allowances to

certain loan officers, in lieu of clerk hire, and to defray the authorized expense of the several loan offices, fifteen thousand dollars.

For compensation to the Surveyor General and his clerks, three thousand two hundred dollars.

For compensation to the Surveyor of the lands south of the State of Tennessee, clerks employed in his office, and for stationery, and other contingencies, three thousand two hundred dollars.

For compensation to the officers of the Mint:

The Director, two thousand dollars;

The Treasurer, twelve hundred dollars;

The Assayer, fifteen hundred dollars;

The Chief Coiner, fifteen hundred dollars;

The Melter and Refiner, fifteen hundred dollars;

The Engraver, twelve hundred dollars;

One clerk, at seven hundred dollars;

And two clerks, at five hundred dollars each, one thousand dollars.

For wages to the persons employed in the different branches of melting, coining, carpenters' millwrights' and smiths' work, including the sum of one thousand dollars per annum, allowed to an assistant coiner and die-forger, who also oversees the execution of the iron-work, and of six hundred dollars per annum; allowed to an assistant engraver, eight thousand five hundred dollars.

For repairs of furnaces, cast-rollers and screws, timber, bar-iron, lead, steel, potash, and for all other contingencies of the Mint, three thousand two hundred dollars.

For compensation to the Governor, Judges, and Secretary of the Territory of Orleans, thirteen thousand dollars.

For incidental and contingent expenses of the executive officers of the said Territory, two thousand eight hundred and fifty dollars.

For compensation to the Governor, Judges, and Secretary, of the Mississippi Territory, seven thousand eight hundred dollars.

For expense of stationery, office rent, and other contingent expenses of said Territory, three hundred and fifty dollars.

For compensation to the Governor, Judges, and Secretary, of the Indiana Territory, six thousand six hundred dollars.

For expense of stationery, office rent, and other contingent expenses, of said Territory, three hundred and fifty dollars.

For compensation to the Governor, Judges, and Secretary, of the Michigan Territory, six thousand six hundred dollars.

For expense of stationery, office rent, and other contingent expenses, of the said Territory, three hundred and fifty dollars.

For compensation to the Governor, Judges, and Secretary of the Louisiana Territory, six thousand six hundred dollars.

For expense of stationery, office rent, and other contingent expenses, of the said Territory, three hundred and fifty dollars.

For compensation to the Governor, Judges, and Secretary, of the Illinois Territory, six thousand six hundred dollars.

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For expense of stationery, office rent, and other contingent expenses of said Territory, three hundred and fifty dollars.

For the discharge of such demands against the United States, on account of the civil department, not otherwise provided for, as shall have been admitted in a due course of settlement at the Treasury, two thousand dollars.

For additional compensation to the clerks in the several Departments of State, Treasury, War, and Navy, and of the General Post Office, not exceeding, for each Department respectively, fifteen per centum, in addition to the sums allowed by the act, entitled "An act to regulate and fix the compensation of clerks, and to authorize the laying out certain public roads, and for other purposes," thirteen thousand two hundred and sixty-nine dollars and thirty-three cents.

For compensation, granted by law, to the Chief Justice, the Associate Judges, and District Judges, of the United States, including the chief justice and two associate judges for the District of Columbia, to the Attorney General and to the district judge of the Territory of Orleans, fifty-nine thousand four hundred dollars.

For the like compensation granted to the several District Attorneys of the United States, three thousand four hundred dollars.

For compensations granted to the Marshals for the Districts of Maine, New Hampshire, Vermont, New Jersey, North Carolina, Kentucky, Ohio, East and West Tennessee, and Orleans, including the compensation allowed to the Marshals of New Jersey and North Carolina, for the three last quarters of the year one thousand eight hundred and eight, by the act of the twenty-fifth of February, one thousand eight hundred and eight, two thousand six hundred and fifty dollars.

For defraying the expenses of the Supreme, Circuit, and District Courts, of the United States, including the District of Columbia, and of jurors and witnesses, in aid of the funds arising from fines, forfeitures, and penalties, and for defraying the expenses of prosecutions for offences against the United States, and for the safe-keeping of prisoners, forty thousand dollars.

For the payment of sundry pensions granted by the late Government, nine hundred and sixty dollars.

For the payment of the annual allowance to the invalid pensioners of the United States, from the fifth of March, one thousand eight hundred and nine, to the fourth day of March, one thousand eight hundred and ten, ninety-eight thousand dollars.

For the maintenance and support of light-houses, beacons, buoys, and public piers, stakes of channels, bars, and shoals, and certain contingent expenses, seventy-nine thousand and thirty-nine dollars and forty cents.

For erecting two light-houses on Long Island Sound, one on Watchhill point, and the other on Sand's or Watch point, the following sums, that it is to say: the sum of two thousand six hundred and thirty-seven dollars and fifty cents, balance

of a former appropriation for these objects carried to the "surplus fund," and the further sum of five thousand seven hundred dollars, in addition to the appropriations heretofore made for the same objects.

For placing buoys and beacons on or near the shoals and rocks in the channel leading into the harbor of Salem, in the State of Massachusetts, in addition to the sums heretofore appropriated for that purpose, sixty-seven dollars and twenty-nine cents.

For rebuilding two light-houses on Plum Island, in the State of Massachusetts, ten thousand dollars.

For defraying the expenses of surveying the public land, within the several Territories of the United States, eighteen thousand two hundred and forty dollars.

For expenses of the boards formed in the Territories of Orleans and Louisiana, for investigating and adjusting titles and claims to land, in addition to the sum heretofore appropriated for that object, ten thousand dollars.

For the expense of taking the second Census of the United States, being the balance of a former appropriation for that object, and carried to the surplus fund, thirteen thousand eight hundred and ninety dollars and ninety-six cents.

For the expense of returning the votes of President and Vice President of the United States, for the term commencing on the fourth day of March, one thousand eight hundred and nine, one thousand five hundred and ninety-three dollars.

For expenses of intercourse with foreign nations, thirty-three thousand and fifty dollars.

For the contingent expenses of intercourse with foreign nations, seventy-five thousand dollars.

For the expenses of intercourse with the Barbary Powers, fifty thousand dollars.

For the contingent expenses of intercourse with the Barbary Powers, fifty thousand dollars.

For the relief and protection of distressed American seamen, five thousand dollars.

For the expenses of prosecuting claims in relation to captures, six thousand dollars.

For defraying the expenses of regulating, laying out, and making a road from Cumberland, in the State of Maryland, to the State of Ohio, agreeably to an act of Congress, passed the twenty-ninth day of March, one thousand eight hundred and six, the balance of a former appropriation made by the aforesaid act, for that object, having been carried to the surplus fund, sixteen thousand and seventy-five dollars and fifteen cents.

For defraying the expense of opening a road from the frontier of Georgia, on the route from Athens to New Orleans, till the same intersects the thirty-first degree of north latitude, agreeably to an act of Congress, passed on the twenty-first day of April, one thousand eight hundred and six, the balance of a former appropriation for that object having been carried to the surplus fund, two thousand four hundred dollars, and a further sum of five thousand dollars, in addition to the sums heretofore appropriated for that object.

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For defraying the expense of opening a road or roads through the territory lately ceded by the Indians to the United States, from the Mississippi to the Ohio, and to the former Indian boundary line, which was established by the Treaty of Greenville, agreeably to the last above recited act; the balance of a former appropriation made for that object having been carried to the surplus fund, one thousand eight hundred dollars and forty-eight cents.

For defraying the expense of opening a road from Nashville, in the State of Tennessee, to Natchez, in the Mississippi Territory, agreeably to the aforesaid act of the twenty-first day of April, one thousand eight hundred and six, the balance of a former appropriation for that object having been carried to the surplus fund, three thousand dollars.

For the discharge of such miscellaneous claims against the United States, not otherwise provided for, as shall have been admitted, in due course of settlement, at the Treasury, four thousand dollars.

Sec. 2. And be it further enacted, That the several appropriations hereinbefore made, shall be paid and discharged out of the fund of six hundred thousand dollars, reserved by an act making provision for the debt of the United States, and out of any moneys in the Treasury, not otherwise appropriated.

Approved, February 17, 1809.

An Act extending the right of suffrage in the Indiana Territory, and for other purposes.

Be it enacted, &c., That the citizens of the Indiana Territory entitled to vote for Representatives to the General Assembly thereof, shall, at the time of electing their Representatives to the said General Assembly, also elect one Delegate from the said Territory to the Congress of the United States, who shall possess the same powers heretofore granted to the Delegates from the several Territories of the United States, anything in the ordinance for the government of the said Territory to the contrary notwithstanding.

Sec. 2. And be it further enacted, That the sheriffs of the several counties, which now are, or may hereafter be established in the said Territory, respectively, shall, within forty days next after an election for a Delegate to Congress transmit to the Secretary of the Territory a certified copy of the returns from the several townships in their counties respectively. And it shall be the duty of the Governor, for the time being, to give to the person having the greatest number of votes, a certificate of his election.

Sec. 3. And be it further enacted, That, so soon as the Governor of the said Territory shall divide the same into five districts, the citizens thereof entitled to vote for Representatives to the said General Assembly, shall, in each of the said districts, elect one member of the Legislative Council, who shall possess the same powers heretofore granted to the Legislative Council in the said Territory, and shall hold their offices four years,

and no longer; anything in the ordinance for the government of the said Territory to the contrary notwithstanding.

Sec. 4. And be it further enacted, That the General Assembly of the said Territory shall have power to apportion the Representatives of the several counties therein, or which may hereafter be established therein, according to the number of free white male inhabitants above the age of twenty-one years, in such counties; *Provided,* that there be not more than twelve, nor less than nine, of the whole number of Representatives, any act or acts to the contrary notwithstanding, until there shall be six thousand free male white inhabitants, above the age of twenty-one years, in said Territory; after which time, the number of Representatives shall be regulated agreeably to the ordinance for the government thereof.

Approved, February 27, 1809.

An Act freeing from postage all letters and packets to Thomas Jefferson.

Be it enacted, &c., That all letters and packets to Thomas Jefferson, now President of the United States, after the expiration of his term of office and during his life, shall be carried by the mail, free of postage.

Approved, February 28, 1809.

An Act for the disposal of certain tracts of land in the Mississippi Territory, claimed under Spanish grants, reported by the Land Commissioners as antedated, and to confirm the claims of Abraham Ellis and Daniel Harregal.

Be it enacted, &c., That the several tracts of land in the Mississippi Territory, the titles to which have been derived under Spanish claims, and which have been disallowed by the Boards of Commissioners east and west of Pearl river, on suspicion of the grants, warrants, or orders of survey, on which the claims are grounded, being antedated, or otherwise fraudulent, and which are embraced in the report of the said Boards of Commissioners, laid before Congress, agreeably to the third section of an act, entitled, "An act supplementary to the act, entitled an act regulating the grants of land, and providing for the disposal of the lands of the United States south of the State of Tennessee," shall be, and the same are hereby directed to be sold, in the same manner, at the same price, and on the same terms and conditions as have been, or may be by law provided for the sale of the other public lands in the said Territory; and any person or persons claiming under a Spanish grant, warrant, or order of survey, as aforesaid, shall be entitled to institute, in the highest court of law or equity in the said Territory, his or their suit or action for the recovery of the tract or tracts so claimed as aforesaid: *Provided,* such claimant or claimants shall institute his or their suit or action within the term of one year from and after the tract or tracts so claimed shall have been sold by the United States; or, in case the same is now inhabited and cultivated in virtue of a pre-emption right, within one year from

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and after the passing of this act; and if any person or persons, claiming lands as aforesaid, shall fail or neglect to commence or institute his or their suit or action, in the manner, and within the time prescribed by this section, or shall be non-suit, or discontinue the same, his or their right to commence such suit or action, in any court whatsoever, shall be forever barred and foreclosed.

SEC. 2. *And be it further enacted.* That if the person or persons claiming under such grant, warrant, or order of survey, shall make it appear to the satisfaction of the court before whom such suit or action shall be pending, that the tract of land therein specified was actually surveyed prior to the twenty-seventh day of October, one thousand seven hundred and ninety-five, then, and in that case, the same shall be deemed and held to be good and valid to all intents and purposes, anything in this act to the contrary notwithstanding. But in case the claimant or claimants shall fail to prove the tract or tracts of land so claimed, to have been actually surveyed prior to the twenty-seventh day of October, one thousand seven hundred and ninety-five, or, in case the same shall appear to be otherwise fraudulent or illegal, the grant, warrant, or order of survey, granted by the Spanish Government, as aforesaid, by virtue of which such tract or tracts of land may be claimed, shall be, and the same is hereby declared, null and void, to all intents and purposes, and shall not be read in evidence against any claim or certificate of pre-emption, derived from the United States.

SEC. 3. *And be it further enacted.* That it shall be lawful, in the trial of such suit or action, for either party to introduce parole evidence, for the purpose of supporting or invalidating the grant, warrant, or order of survey, as aforesaid; and the judgment, sentence, or decree of the said highest court of law or equity, in the cases aforesaid, shall be final and conclusive between the parties, and may be plead in bar to any subsequent suit or action brought in the same, or any other court, for the recovery of the same land, or any part thereof.

SEC. 4. *And be it further enacted.* That Abraham Ellis be, and he is hereby, confirmed in a tract of land, granted by the British government of West Florida to Stephen Jordan, containing the quantity of two hundred acres, lying on the waters of Boyd's creek, according to the metes and bounds of said tract of land set forth in the plat thereof made by the Surveyor General of said province of West Florida; and that the amount of money which the said Ellis may have been compelled to pay to the receiver of public moneys west of Pearl river, in the Mississippi Territory, for said tract of land, be refunded to him by the receiver aforesaid.

SEC. 5. *And be it further enacted.* That Daniel Harregal be, and he is hereby, confirmed in his title in fee simple to the tract of land whereon he resides, containing the quantity of five hundred and fifty acres, agreeably to a plat thereof filed with the Register of the land office, west of Pearl river, in the Mississippi Territory.

Approved, February 28, 1809.

An act for the relief of certain Alabama and Wyandot Indians.

Be it enacted, &c., That the President of the United States be, and he is hereby, authorized to cause to be surveyed and designated, by proper metes and bounds, a tract of land, not exceeding two thousand five hundred acres, out of any lands of the United States, lying in the Territory of Orleans, and west of the river Mississippi; and, by lease, vest the said tract of land in a certain tribe of Alabama Indians, and their descendants, for the term of fifty years. *Provided, nevertheless.* That it shall not be lawful for the said tribe of Indians to transfer or assign their interest in the said land, and every such transfer or assignment shall be null and void: *And provided, also,* That, if the said tribe of Indians shall remove from the said tract of land, their interest in and to the same shall henceforth cease and determine.

SEC. 2. *And be it further enacted.* That there shall be designated, under the direction of the Secretary of the Treasury, two tracts of land in the Michigan Territory, one including the village called Brownstown, and the other, the village called Maguaga, in the possession of the Wyandot tribe of Indians, containing in the whole not more than five thousand acres; which two tracts of land shall be reserved for the use of the said Wyandots, and their descendants, and be secured to them in the same manner, and on the same terms and conditions, as is provided in relation to the Alabama Indians by the first section of this act.

Approved, February 28, 1809.

An Act to interdict commercial intercourse between the United States and Great Britain and France, and their dependencies, and for other purposes.

Be it enacted, &c., That, from and after the passage of this act, the entrance of the harbors and waters of the United States, and of the Territories thereof, be, and the same is hereby, interdicted to all public ships and vessels belonging to Great Britain or France, excepting vessels only which may be forced in by distress, or which are charged with despatches or business from the Government to which they belong, and also packets having no cargo or merchandise on board. And if any public ship or vessel as aforesaid, not being included in the exception above mentioned, shall enter any harbors or waters within the jurisdiction of the United States, or of the Territories thereof, it shall be lawful for the President of the United States, or such other person as he shall have empowered for that purpose, to employ such part of the land and naval forces, or of the militia of the United States, or the Territories thereof, as he shall deem necessary, to compel such ship or vessel to depart.

SEC. 2. *And be it further enacted.* That it shall not be lawful for any citizen or citizens of the United States, or the Territories thereof, nor for any person or persons residing or being in the same, to have any intercourse with, or to afford any aid or supplies to any public ship or vessel as

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aforesaid, which shall, contrary to the provisions of this act, have entered any harbor or waters within the jurisdiction of the United States, or the Territories thereof; and if any person shall, contrary to the provisions of this act, have any intercourse with such ship or vessel, or shall afford any aid to such ship or vessel, either in repairing the said vessel, or in furnishing her, her officers and crew, with supplies of any kind, or in any manner whatever, or if any pilot or other person shall assist in navigating or piloting such ship or vessel, unless it be for the purpose of carrying her beyond the limits and jurisdiction of the United States, every person so offending shall forfeit and pay a sum not less than one hundred dollars, nor exceeding ten thousand dollars; and shall also be imprisoned for a term not less than one month, nor more than one year.

SEC. 3. *And be it further enacted*, That, from and after the twentieth day of May next, the entrance of the harbors and waters of the United States and the Territories thereof, be, and the same is hereby, interdicted to all ships or vessels sailing under the flag of Great Britain or France, or owned in whole or in part by any citizen or subject of either; vessels hired, chartered, or employed, by the Government of either country, for the sole purpose of carrying letters or despatches, and also vessels forced in by distress, or by the dangers of the sea, only excepted. And if any ship or vessel sailing under the flag of Great Britain or France, or owned in whole or in part by any citizen or subject of either, and not excepted as aforesaid, shall, after the said twentieth day of May next, arrive, either with or without a cargo, within the limits of the United States, or of the Territories thereof, such ship or vessel, together with the cargo, if any, which may be found on board, shall be forfeited, and may be seized and condemned in any court of the United States, or the Territories thereof, having competent jurisdiction; and all and every act and acts heretofore passed, which shall be within the purview of this act, shall be, and the same are hereby, repealed.

SEC. 4. *And be it further enacted*, That, from and after the twentieth day of May next, it shall not be lawful to import into the United States, or the Territories thereof, any goods, wares, or merchandise whatever, from any port or place, situated in Great Britain or Ireland, or in any of the colonies or dependencies of Great Britain, nor from any port or place situated in France, or in any of her colonies or dependencies, nor from any port or place in the actual possession of either Great Britain or France. Nor shall it be lawful to import into the United States, or the Territories thereof, from any foreign port or place whatever, any goods, wares, or merchandise whatever, being of the growth, produce, or manufacture, of France, or of any of her colonies or dependencies, or being of the growth, produce, or manufacture, of Great Britain or Ireland, or of any of the colonies or dependencies of Great Britain, or being of the growth, produce, or manufacture, of any place or country in the actual possession of either France or Great Britain: *Provided*, That nothing

herein contained shall be construed to affect the cargoes of ships or vessels wholly owned by a citizen or citizens of the United States, which had cleared for any port beyond the Cape of Good Hope, prior to the twenty-second day of December, one thousand eight hundred and seven, or which had departed for such port by permission of the President, under the acts supplementary to the act laying an embargo on all ships and vessels in the ports and harbors of the United States.

SEC. 5. *And be it further enacted*, That whenever any article or articles, the importation of which is prohibited by this act, shall, after the twentieth of May, be imported into the United States, or the Territories thereof, contrary to the true intent and meaning of this act, or shall, after the said twentieth of May, be put on board of any ship or vessel, boat, raft, or carriage, with intention of importing the same into the United States, or the Territories thereof, all such articles, as well as all other articles on board the same ship or vessel, boat, raft, or carriage, belonging to the owner of such prohibited articles, shall be forfeited; and the owner thereof shall, moreover, forfeit and pay treble the value of such articles.

SEC. 6. *And be it further enacted*, That if any article or articles, the importation of which is prohibited by this act, shall, after the twentieth of May, be put on board of any ship, or vessel, boat, raft, or carriage, with intention to import the same into the United States, or the Territories thereof, contrary to the true intent and meaning of this act, and with the knowledge of the owner or master of such ship, or vessel, boat, raft, or carriage, such ship, or vessel, boat, raft, or carriage, shall be forfeited, and the owner and master thereof shall, moreover, each, forfeit and pay treble the value of such articles.

SEC. 7. *And be it further enacted*, That if any article or articles, the importation of which is prohibited by this act, and which shall, nevertheless, be on board of any ship, or vessel, boat, raft, or carriage, arriving after the said twentieth of May next, in the United States, or the Territories thereof, shall be omitted in the manifest, report, or entry, of the master, or the person having the charge or command of such ship, or vessel, boat, raft, or carriage, or shall be omitted in the entry of the goods owned by the owner or consigned to the consignee of such articles, or shall be imported or landed, or attempted to be imported or landed without a permit, the same penalties, fines, and forfeitures, shall be incurred, and may be recovered, as in the case of similar omission, or omissions, landing, importation, or attempt to land or import, in relation to articles liable to duties on their importation into the United States.

SEC. 8. *And be it further enacted*, That every collector, naval officer, surveyor, or other officer of the customs, shall have the like power and authority to seize goods, wares, and merchandise, imported contrary to the intent and meaning of this act, to keep the same in custody until it shall have been ascertained whether the same has been forfeited or not, and to enter any ship or vessel, dwelling-house, store, building, or other

place, for the purpose of searching for and seizing any such goods, wares, and merchandise, which he or they now have by law in relation to goods, wares, and merchandise, subject to duty; and, if any person or persons shall conceal or buy any goods, wares, or merchandise, knowing them to be liable to seizure by this act, such person or persons shall, on conviction thereof, forfeit and pay a sum double the amount or value of the goods, wares, and merchandise, so concealed or purchased.

SEC. 9. *And be it further enacted*, That the following additions shall be made to the oath or affirmation taken by the masters, or persons, having the charge or command of any ship, or vessel, arriving at any port of the United States, or the Territories thereof, after the twentieth of May, viz: "I further swear (or affirm) that there are not, to the best of my knowledge and belief, on board, [insert the denomination and name of the vessel,] any goods, wares, or merchandise, the importation of which into the United States, or the Territories thereof, is prohibited by law: And I do further swear (or affirm) that if I shall hereafter discover or know of any such goods, wares, or merchandise, on board the said vessel, or which shall have been imported in the same, I will immediately, and without delay, make due report thereof to the collector of the port of this district."

SEC. 10. *And be it further enacted*, That the following addition be made, after the twentieth of May, to the oath or affirmation taken by importers, consignees, or agents, at the time of entering goods imported into the United States, or the Territories thereof, viz:

"I also swear (or affirm) that there are not, to the best of my knowledge and belief, among the said goods, wares, and merchandise, imported or consigned as aforesaid, any goods, wares, or merchandise, the importation of which into the United States, or the Territories thereof, is prohibited by law; and I do further swear (or affirm) that if I shall hereafter discover or know of any such goods, wares, or merchandise, among the said goods, wares, and merchandise, imported or consigned as aforesaid, I will immediately and without delay report the same to the collector of this district."

SEC. 11. *And be it further enacted*, That the President of the United States be, and he hereby is, authorized, in case either France or Great Britain shall so revoke or modify her edicts, as that they shall cease to violate the neutral commerce of the United States, to declare the same by proclamation; after which the trade of the United States, suspended by this act, and by the act laying an embargo on all ships and vessels in the ports and harbors of the United States, and the several acts supplementary thereto, may be renewed with the nation so doing: *Provided*, That all penalties and forfeitures which shall have been previously incurred, by virtue of this or of any other act, the operation of which shall so cease and determine, shall be recovered and distributed, in like manner as if the same had

continued in full force and virtue: and vessels bound thereafter to any foreign port or place, with which commercial intercourse shall, by virtue of this section, be again permitted, shall give bond to the United States with approved security in double the value of the vessel and cargo, that they shall not proceed to any foreign port, nor trade with any country other than those with which commercial intercourse shall have been or may be permitted by this act.

SEC. 12. *And be it further enacted*, That so much of the act laying an embargo on all ships and vessels in the ports and harbors of the United States, and of the several acts supplementary thereto, as forbids the departure of vessels owned by citizens of the United States, and the exportation of domestic and foreign merchandise to any foreign port or place, be, and the same is hereby, repealed, after the fifteenth day of March, one thousand eight hundred and nine, except so far as they relate to Great Britain or France, or their colonies or dependencies, or places in the actual possession of either: *Provided*, That all penalties and forfeitures which shall have been previously incurred by virtue of so much of the said acts as is repealed by this act, or which have been, or may hereafter be, incurred by virtue of the said acts, on account of any infraction of so much of the said acts as is not repealed by this act, shall be recovered and distributed in like manner as if the said acts had continued in full force and virtue.

SEC. 13. *And be it further enacted*, That during the continuance of so much of the act laying an embargo on ships and vessels in the ports and harbors of the United States, and of the several acts supplementary thereto, as is not repealed by this act, no ship or vessel bound to a foreign port, with which commercial intercourse shall, by virtue of this act, be again permitted, shall be allowed to depart for such port, unless the owner or owners, consignee or factor of such ship or vessel shall, with the master, have given bond with one or more sureties to the United States, in a sum double the value of the vessel and cargo, if the vessel is wholly owned by a citizen or citizens of the United States; and in a sum four times the value, if the vessel is owned in part or in whole by any foreigner or foreigners, that the vessel shall not leave the port without a clearance, nor shall, when leaving the port, proceed to any port or place in Great Britain or France, or in the colonies or dependencies of either, or in the actual possession of either, nor be directly or indirectly engaged during the voyage in any trade with such port, nor shall put any article on board of any other vessel; nor unless every other requisite and provision of the second section of the act entitled "An act to enforce and make more effectual an act, entitled 'An act laying an embargo on all ships and vessels in the ports and harbors of the United States, and the several acts supplementary thereto,'" shall have been complied with. And the party or parties to the abovementioned bond shall, within a reasonable time after the date of the same, to be expressed in said bond, produce to the

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collector of the district from which the vessel shall have been cleared, a certificate of the landing of the same, in the same manner as is provided by law for the landing of goods exported with the privilege of drawback; on failure whereof, the bond shall be put in suit; and in every such suit judgment shall be given against the defendant or defendants, unless proof shall be procured of such relanding, or of loss at sea.

SEC. 14. *And be it further enacted*, That so much of the act laying an embargo on all ships and vessels in the ports and harbors of the United States, and of the several acts supplementary thereto, as compels vessels owned by citizens of the United States, bound to another port of the said States, or vessels licensed for the coasting trade, or boats, either not masted or not decked, to give bond, and to load, under the inspection of a revenue officer, or renders them liable to detention, merely on account of the nature of their cargo, (such provisions excepted as relate to collection districts adjacent to the territories, colonies or provinces of a foreign nation, or to vessels belonging or bound to such districts) be, and the same is hereby, repealed, from and after the fifteenth day of March, one thousand eight hundred and nine: *Provided, however*, That all penalties and forfeitures which shall have been previously incurred by any of the said acts, or which may hereafter be incurred by virtue of the said acts, on account of any infraction of so much of the said acts as is not repealed by this act, shall be recovered and distributed in like manner as if the same had continued in full force and virtue.

SEC. 15. *And be it further enacted*, That during the continuance of so much of the act laying an embargo on all ships and vessels in the ports and harbors of the United States, and of the several acts supplementary thereto, as is not repealed by this act, no vessel owned by citizens of the United States, bound to another port of the said States, or licensed for the coasting trade, shall be allowed to depart from any port of the United States, or shall receive a clearance, nor shall it be lawful to put on board any such vessel any specie, or goods, wares, or merchandise, unless a permit shall have been previously obtained from the proper collector, or from a revenue officer, authorized by the collector to grant such permits; nor unless the owner, consignee, agent, or factor, shall, with the master, give bond, with one or more sureties, to the United States, in a sum double the value of the vessel and cargo, that the vessel shall not proceed to any foreign port or place, and that the cargo shall be relanded in some port of the United States: *Provided*, That it shall be lawful and sufficient in the case of any such vessel, whose employment has been uniformly confined to rivers, bays, and sounds, within the jurisdiction of the United States, to give bond, in an amount equal to one hundred and fifty dollars, for each ton of said vessel, with condition that such vessel shall not, during the time limited in the condition of the bond, proceed to any foreign port or place, or put any article on board of any other vessel, or be employed in any foreign trade.

SEC. 16. *And be it further enacted*, That if any ship or vessel shall, during the continuance of so much of the act laying an embargo on all ships and vessels in the ports and harbors of the United States, and of the several acts supplementary thereto, as is not repealed by this act, depart from any port of the United States without a clearance or permit, or having given bond in the manner provided by law, such ship or vessel, together with her cargo, shall be wholly forfeited; and the owner or owners, agent, freighter, or factors, master, or commander of such ship or vessel, shall, moreover, severally forfeit, and pay a sum equal to the value of the ship or vessel, and of the cargo put on board the same.

SEC. 17. *And be it further enacted*, That the act to prohibit the importation of certain goods, wares, and merchandise, passed the eighteenth of April, one thousand eight hundred and six, and the act supplementary thereto, be, and the same are hereby repealed, from and after the said twentieth day of May next: *Provided*, That all penalties and forfeitures which shall have been previously incurred by virtue of the said acts, shall be recovered and distributed in like manner, as if the said acts had continued in full force and virtue.

SEC. 18. *And be it further enacted*, That all penalties and forfeitures arising under, or incurred by virtue of this act, may be sued for, prosecuted and recovered, with costs of suit, by action of debt, in the name of the United States of America, or by indictment or information, in any court having competent jurisdiction to try the same; and shall be distributed and accounted for in the manner prescribed by the act, entitled "An act to regulate the collection of duties on imports and tonnage," passed the second day of March, one thousand seven hundred and ninety-nine; and such penalties and forfeitures may be examined, mitigated, or remitted, in like manner, and under the like conditions, regulations, and restrictions, as are prescribed, authorized, and directed by the act, entitled "An act to provide for mitigating or remitting the forfeitures, penalties, and disabilities, accruing in certain cases therein mentioned," passed the third day of March, one thousand eight hundred and ninety-seven, and made perpetual by an act passed the eleventh day of February, one thousand eight hundred.

SEC. 19. *And be it further enacted*, That this act shall continue and be in force until the end of the next session of Congress, and no longer; and that the act laying an embargo on all ships and vessels in the ports and harbors of the United States, and the several acts supplementary thereto, shall be, and the same are hereby, repealed, from and after the end of the next session of Congress.

Approved, March 1, 1809.

An Act making provision for the further accommodation of the household of the President of the United States.

Be it enacted, &c., That, after the third day of March next, the President of the United States

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be, and he is hereby, authorized and empowered to cause to be sold such articles furnished by the United States, for the President's household, as may be decayed, out of repair, or unfit for use; and that the proceeds of such sale, and so much of a sum not exceeding fourteen thousand dollars in addition thereto, out of any money in the Treasury not otherwise appropriated, as the President of the United States may judge necessary, be, and hereby are, appropriated for the accommodation of the household of the President, to be laid out and expended for such articles of furniture as he shall direct.

Approved, March 2, 1809.

An Act to extend the time for making payment for the public lands of the United States.

Be it enacted, &c., That every person who has heretofore purchased any of the public lands of the United States, at any of the land offices established for the disposal of the said lands, whether such purchase was made at public or private sale, (sales by virtue of a pre-emption right only excepted,) and whose lands have not already been actually sold or reverted to the United States, for non-payment of part of the purchase money, and the time for making the last payment on account of such purchase, according to former laws, may have expired, or shall expire, on or before the first day of January next, shall be allowed a further term of two years for the payment of the residue of the principal due on account of such purchase; which further term of two years shall be calculated to commence from the expiration of one year from and after the day on which the last payment on account of such purchase should, according to former laws, have become due, and shall be allowed only on the following conditions; that is to say:—First, That all the arrears of interest, on the land purchased, to the end of one year from and after the day on which the last payment on account of such purchase should, according to former laws, have become due, shall have been paid at or before the end of such year. Second, That the residue of the sum, due on account of the principal of such purchase, shall be paid, with interest thereon, in two equal annual payments, viz: one half of the said residue, with the interest which may then be due thereon, within one year; and the other half of the said residue, with the interest which may then be due thereon, within two years after the expiration of one year from and after the day on which the last payment on account of such purchase should, according to former laws, have become due. And in case of failure in paying either the arrears of interest on each of the two instalments of principal, with the accruing interest, at the time and times above mentioned, the tract of land shall be forthwith advertised and offered for sale, in the manner and on the terms and conditions now prescribed for the sale of lands purchased from the United States, and not paid for within the limited time; and shall revert, in like manner,

to the United States, if the sum due, with interest, be not at such sale bidden and paid.

Approved, March 2, 1809.

An Act further to amend the Judicial System of the United States.

Be it enacted, &c., That, in case of the disability of the district judge of either of the districts of the United States to hold a district court, and to perform the duties of his office, and satisfactory evidence thereof being shown to the justice of the supreme court, allotted to that circuit in which such district court ought by law to be holden; and on application of the district attorney or marshal of such district in writing to the said justice of the supreme court, said justice of the supreme court shall thereupon issue his order, in the nature of a certiorari, directed to the clerk of such district court, requiring him forthwith to certify into the next circuit court, to be holden in said district, all actions, suits, causes, pleas, or processes, civil or criminal, of what nature or kind soever, that may be depending in said district court and undetermined, with all the proceedings thereon, and all files and papers relating thereto; which said order shall be immediately published in one or more newspapers, printed in said district, and at least thirty days before the session of such circuit court, and shall be deemed a sufficient notification to all concerned. And the said circuit court shall thereupon have the same cognizance of all such actions, suits, causes, pleas, or processes, civil or criminal, of what nature or kind soever, and in the like manner as the district court of said district by law might have, or the circuit court, had the same been originally commenced therein; and shall proceed to hear and determine the same accordingly; and the said justice of the supreme court, during the continuance of such disability, shall moreover be invested with and exercise all, and singular, the powers and authority vested by law in the judge of the district court in said district. And all bonds and recognisances taken for or returnable to such district court shall be construed and taken to be to the circuit court, to be holden thereafter, in pursuance of this act, and shall have the same force and effect in such circuit court, as they could have had in the district court to which they were taken: *Provided*, That nothing in this act contained shall be so construed as to require of the judge of the supreme court within whose circuit such district may lie, to hold any special court, or court of admiralty, at any other time than the legal time for holding the circuit court of the United States in and for such districts.

Sec. 2. And be it further enacted, That the clerk of such district court shall, during the continuance of the disability of the district judge continue to certify as aforesaid, all suits or actions of what nature or kind soever, which may thereafter be brought to such district court, and the same transmit to the circuit court next thereafter to be holden in the same district; and the said circuit court shall have cognizance of the

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same in like manner as is hereinbefore provided in this act, and shall proceed to hear and determine the same: *Provided nevertheless*, That when the disability of the district judge shall cease or be removed, all suits or actions then pending and undetermined in the circuit court, in which by law the district courts have an exclusive original cognizance, shall be remanded, and the clerk of the said circuit court shall transmit the same, pursuant to the order of said court, with all matters and things relating thereto, to the district court next thereafter to be holden in said district, and the same proceedings shall be had therein, in said district court, as would have been had the same originated or been continued in the said district court.

SEC. 3. *And be it further enacted*, That in case of the district judge in any district being unable to discharge his duties, as aforesaid, the district clerk of such district, shall be authorized and empowered, by leave or order of the circuit judge of the circuit in which such district is included, to take, during such disability of the district judge, all examinations and depositions of witnesses, and make all necessary rules and orders, preparatory to the final hearing of all causes of admiralty and maritime jurisdiction.

Approved March 2, 1809.

An Act further to amend the several acts for the establishment and regulation of the Treasury, War, and Navy Departments.

Be it enacted, &c., That all warrants drawn by the Secretary of the Treasury, or of War, or of the Navy, upon the Treasurer of the United States, shall specify the particular appropriation or appropriations to which the same should be charged: The moneys paid by virtue of such warrants shall, in conformity therewith, be charged on such appropriation or appropriations, in the books kept in the office of the Comptroller of the Treasury, in the case of warrants drawn by the Secretary of the Treasury, and in the books of the Accountants of the War or Navy Department, respectively, in the case of warrants drawn by the Secretary of War, or by the Secretary of the Navy; and the officers, agents, or other persons, who may be receivers of public moneys, shall render distinct accounts of the application of such moneys, according to the appropriation or appropriations under which the same shall have been drawn, and the Secretary of War and of the Navy shall, on the first day of January, in each and every year, severally report to Congress a distinct account of the expenditure and application of all such sums of money as may, prior to the thirtieth day of September preceding, have been by them respectively drawn from the Treasury in virtue of the appropriation law of the preceding year, and the sums appropriated by law for each branch of expenditure in the several departments shall be solely applied to the objects for which they are respectively appropriated, and to no other: *Provided, nevertheless*, That, during the recess of Congress, the President of the United States may, and he is hereby authorized, on the application of

the Secretary of the proper department, and not otherwise, to direct, if in his opinion necessary for the public service, that a portion of the moneys appropriated for a particular branch of expenditure in that department, be applied to another branch of expenditure in the same department, in which case a special account of the moneys thus transferred, and of their application, shall be laid before Congress during the first week of their next ensuing session.

SEC. 2. *And be it further enacted*, That it shall be the duty of the Comptroller of the Treasury, in every case where in his opinion further delays would be injurious to the United States, and he is hereby authorized, to direct the Auditor of the Treasury, and the Accountants of the War and Navy Departments, at any time, forthwith to audit and settle any particular account which the said officers may be respectively authorized to audit and settle, and to report such settlement for his revision and final decision. And the said Comptroller shall also lay an annual statement before Congress, during the first week of their session, of the accounts in the Treasury, War, or Navy Departments, which may have remained more than three years unsettled, or on which balances appear to have been due more than three years, prior to the thirtieth of September then last past, together with a statement of the causes which have prevented the settlement of the accounts or the recovery of the balances due to the United States.

SEC. 3. *And be it further enacted*, That, exclusively of the Purveyor of Public Supplies, Paymasters of the Army, Purser of the Navy, Military Agents, and other officers already authorized by law, no other permanent agents shall be appointed, either for the purpose of making contracts or for the purchase of supplies, or for disbursement in any other manner, of moneys for the Military Establishment, or of the Navy of the United States, but such as shall be appointed by the President of the United States, with the advice and consent of the Senate: *Provided*, That the President may, and he is hereby authorized, in the recess of the Senate, to appoint all or any of such agents, which appointments shall be submitted to the Senate at their next session, for their advice and consent, and the President of the United States is hereby authorized, until otherwise provided by law, to fix the number and compensations of such agents: *Provided*, That the compensation allowed to either shall not exceed one per centum on the public moneys disbursed by him, nor in any instance the compensation allowed by law to the Purveyor of Public Supplies.

SEC. 4. *And be it further enacted*, That every such Agent as may be appointed by virtue of the next preceding section, and every Purser of the Navy, shall give bond, with one or more sufficient sureties, in such sums as the President of the United States may direct, for the faithful discharge of the trust reposed in him; and the Paymasters of the Army, Military Agents, the Purveyor of Public Supplies, the Pursers of the Navy, and the Agents appointed by virtue of the preced-

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ing section, shall, whenever practicable, keep the public moneys in their hands, in some incorporated bank, to be designated for the purpose by the President of the United States, and shall make monthly returns, in such form as may be prescribed by the Treasury Department, of the moneys received and expended during the preceding month, and of the unexpended balance in their hands.

SEC. 5. *And be it further enacted*, That all purchases and contracts for supplies or services which are or may, according to law, be made by or under the direction of either the Secretary of the Treasury, the Secretary of War, or the Secretary of the Navy, shall be made either by open purchase, or by previously advertising for proposals respecting the same: And an annual statement of all such contracts and purchases, and also of the expenditure of the moneys appropriated for the contingent expenses of the Military Establishment, for the contingent expenses of the Navy of the United States, and the discharge of miscellaneous claims not otherwise provided for, and paid at the Treasury, shall be laid before Congress at the beginning of each year, by the Secretary of the proper department.

Approved, March 3, 1809.

An Act making a further appropriation towards completing the two wings of the Capitol, at the City of Washington, and for other purposes.

Be it enacted, &c., That the following sums of money be, and the same are hereby, appropriated, to be applied under the direction of the President of the United States, that is to say:

For improvements and repairs of the House of Representatives, six thousand dollars:

For completing the work in the interior of the north wing, comprising the Senate Chamber, Court Room, &c., twenty thousand dollars.

For completing the staircase, and providing temporary and adequate accommodations for the Library, in the room now used for that purpose, and in the one in which the Senate now sit, five thousand dollars:

For improvements and repairs of the President's house and square, including a carriage house, twelve thousand dollars.

SEC. 2. *And be it further enacted*, That the several sums of money hereby appropriated shall be paid out of any money in the Treasury, not otherwise appropriated.

Approved, March 3, 1809.

An Act supplementary to the act, entitled "An act to amend the charter of Georgetown."

Be it enacted, &c., That the following shall, and are hereby declared to be the limits of Georgetown, in the District of Columbia, any law or regulation to the contrary notwithstanding, that is to say: beginning in the middle of College street, as laid down and designated in Fenwick's map of the said town, at or near to the bank of the river Potomac; thence, by a straight line drawn northerly through the middle of said street, to the

middle of First street; thence by a line drawn through the middle of First street to a point directly opposite to the termination of the eastern line of the lots now enclosed as the property of the College; thence northerly by the eastern line of said enclosure as far as the same extends; thence in the same northerly direction to the middle of Fourth street; thence eastwardly by a line drawn along the middle of Fourth street to a point at the distance of one hundred and twenty feet westward from the west side of Fayette street; thence northerly by a line drawn parallel to Fayette street, at the said distance of one hundred and twenty feet westward from the west side thereof, until it intersects a boundary line of Beatty and Hawkins's addition to Georgetown; thence westwardly by said boundary line as far as it extends; thence by the courses and distances of the several other boundary lines of Beatty and Hawkins's addition aforesaid, that is to say: westwardly, northwardly, eastwardly, and southwardly, to a point opposite to the middle of Road street, and opposite or nearly opposite to the middle of Eighth street; thence eastwardly by a line drawn through the middle of Road street, as it now runs, and as far as it extends; thence eastwardly by a line drawn parallel to Back street, and continued in the same direction to the middle of Rock creek; thence by the middle of the same creek, and the middle of Potomac river, to a point directly opposite to the middle of College street, aforesaid: thence to the place of beginning.

SEC. 2. *And be it further enacted*, That the Corporation of Georgetown be, and they are hereby, authorized and directed to cause a complete and accurate survey to be made of the said town, agreeably to the courses and limits prescribed in the preceding section of this act, and to establish and fix, from time to time, permanent boundaries at such places as they may deem necessary and proper for perpetuating the boundaries of the said town, and after said survey shall have been so made, and approved by the Corporation, the same shall be admitted to record in the clerk's office for the county of Washington, in the District of Columbia.

SEC. 3. *And be it further enacted*, That all the rights, powers and privileges heretofore granted to the said Corporation by the General Assembly of Maryland, and by the act to which this is a supplement, and which are at this time claimed and exercised by them, shall be and remain in full force and effect, and may and shall be exercised and enjoyed by them within the bounds and limits set forth and described in the first section of this act.

SEC. 4. *And be it further enacted*, That the said corporation shall have power to lay open, extend, and regulate streets, lanes, and alleys, within the limits of the town, as before described, under the following regulations, that is to say: the mayor of the town shall summon two freeholders, inhabitants of the town, not directly interested in the premises, who, being first sworn to assess and value what damages would be sustained by any person or persons by reason of the

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opening or extending any street, lane, or alley, (taking all benefits and inconveniences into consideration,) shall proceed to assess what damages would be sustained by any person or persons whomsoever, by reason of such opening or extension of the street, and shall also declare to what amount in money each individual benefited thereby shall contribute and pay towards compensating the person or persons injured by reason of such opening and extension: and the names of the person or persons so benefited, and the sums which they shall respectively be obliged to pay, shall be returned under their hands and seals to the clerk of the corporation, to be filed and kept in his office; and the person or persons benefited by opening or extending any street, and assessed as aforesaid, shall respectively pay the sums of money so charged and assessed to them, with interest thereon at the rate of six per cent. per annum, from the time limited for the payment thereof, until paid; and the sums of money assessed and charged in manner aforesaid to each individual benefited in manner aforesaid, shall be a lien upon and bind all the property so benefited, to the full amount thereof: *Provided always*, That no street, lane, or alley, shall be laid out, opened, or extended, until the damages assessed to individuals in consequence thereof shall have been paid, or secured to be paid: *And provided, also*, That nothing in this act contained shall be so construed or understood as to authorize the Corporation of Georgetown to locate, lay out, or open any street, lane, alley, or other way, through any of the squares or lots situated in that part of Thomas Beall's second addition to Georgetown, which lies north of Back street, without the consent and permission of the owner or proprietor of such square or lot, first had and obtained in writing, which consent and permission shall be acknowledged in the presence of, and such acknowledgment certified by the mayor of the town aforesaid, or some justice of the peace for the county of Washington.

Sec. 5. *And be it further enacted*, That the Recorder of the Corporation shall be, and he is hereby declared to be, a member of the Board of Aldermen, to all intents and purposes whatsoever.

Approved, March 3, 1809.

An Act to authorize the making of a turnpike road from Mason's Causeway to Alexandria.

Be it enacted, &c., That John Mason, David Wiley, Henry Foxall, John Cox, and John W. Bronaugh, be, and they are hereby appointed and constituted a Board of Commissioners, a majority of whom to constitute a quorum, with full power to receive and enter in such book or books as they may deem proper, by themselves or by their agents, subscriptions for raising a capital stock of twenty thousand dollars, in shares of one hundred dollars each, for the purpose of opening, graveling, and improving, a road from the west end of Mason's causeway to Alexandria, in the District of Columbia; the times, places, and manner of receiving and entering subscriptions, and the man-

ner of authenticating powers of attorney, or other instruments of writing authorizing subscriptions to be made by any person or persons, in the name of any other person or persons, to be ascertained by said Board of Commissioners, and duly advertised in such gazettes or public prints as they may deem expedient: *Provided*, That the books for receiving and entering subscriptions shall be opened on or before the first day of May next, and that no subscription shall be received unless the sum of ten dollars be first paid into the hands of such agent or other person as said Commissioners may authorize to receive it.

Sec. 2. *And be it further enacted*, That when any number of persons shall have subscribed one hundred and fifty shares, or more, of the said stock, the said Commissioners, or a majority of them, may, and, when the whole number of shares aforesaid shall be subscribed, shall give notice, in some newspaper printed in the District of Columbia, of a time and place to be by them appointed for the subscribers to proceed to organize the said corporation, at which time and place the said subscribers, by a majority of votes, to be delivered by ballots in person, or by proxy duly authorized, shall elect one president and four directors, to conduct the business of said company for one year, and until other such officers shall be chosen in their place, and may make such rules, orders, and regulations, not inconsistent with the Constitution and laws of the United States, as shall be necessary for the well-being of the affairs of said company: *Provided, always*, That no stockholder shall, in person or by proxy, have more than ten votes at any election, or in determining any question arising at such meeting, whatever number of shares he or she may hold; and each stockholder, in person or by proxy, shall be entitled to one vote for every share by him or her held under said number; and all persons who may then be, or thereafter may become, the actual holders or proprietors of shares in the said capital stock, either as subscribers for the same, or as the legal representatives, successors, or assignees, of such subscribers, shall become one body politic and corporate, in deed and in law, by the name and style of the President, Directors, and Company, of the Georgetown and Alexandria Turnpike Road, and by the said name shall have perpetual succession, and all the privileges incident to a corporation, and shall be capable of taking and holding their said capital stock, and the increase and profits thereof, and of enlarging the same by new subscriptions, if such enlargement shall be found necessary, to fulfil the intent of this act, and of purchasing, taking, and holding, to them, and their successors, and assigns, in fee-simple, or for any lesser estate, all such lands, tenements, hereditaments, and estate, real and personal, as shall be necessary or useful to them in the prosecution of their works, and of suing and being sued, of having a common seal, the same breaking and altering at pleasure, and of doing all and every other matter and thing concerning the subject aforesaid, which a corporation or body politic may lawfully do.

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SEC. 3. *And be it further enacted,* That the said company shall meet on the first Monday in February, in every year, at such place as shall be fixed by their by-laws, for the purpose of choosing such officers as aforesaid for the ensuing year, in manner aforesaid, and at such other times as they shall be summoned by the president and directors aforesaid; at which annual or special meetings they shall have full power and authority to do and perform any act by law allowed, and pertaining to the affairs of said company.

SEC. 4. *And be it further enacted,* That the president and directors shall procure printed certificates for all the shares of said stock, and shall deliver one such certificate, signed by the president, to each person for every share by him or her subscribed and held, which certificate shall be transferable at his or her pleasure, in person, or by attorney, in the presence of the president or treasurer, subject however to all payments due, or to grow due thereupon; and the assignee holding such certificate, having caused the assignment to be entered in a book of the company, to be kept for that purpose, shall be a member of said company, and for every certificate by him held, shall be entitled to one share in the capital stock and estate of said company; and if any stockholder, after thirty days' notice in a public paper printed in each of the towns of Alexandria and Georgetown, of the time and place appointed for the payment of any portion or dividend of the sum subscribed in said stock, shall neglect to pay the same for the space of thirty days after the time so appointed, the share or shares on which such delinquency has taken place shall be forfeited to the said company, and may be sold by them to any person, or persons, willing to purchase, for such price as can be obtained, and in case such share or shares should not, on a sale so to be made, produce a net sum equal to the portion or dividends then remaining to be paid thereon, such deficiency may be recovered of the person or persons, so failing to pay, by warrant from a justice of the peace, if the amount shall not exceed twenty dollars, and if the sum so due shall exceed twenty dollars, the same may be recovered by motion, in the name of the said company, on ten days' notice, in any court of record in the county or district where the debtor may be found; and in all such warrants and motions the certificate of the clerk or recording officer of the said company shall be conclusive evidence of the defendant's being a member of the company, and *prima facie* evidence of the amount due on the share or shares held by such defendant.

SEC. 5. *And be it further enacted,* That the said president and directors shall meet at such times and places as shall be agreed upon for transacting their business; at which meetings any three members shall form a quorum, who, in the absence of the president, may choose a chairman, and shall keep minutes of all their transactions, fairly entered in a book; and a quorum being met, they shall have full power and authority to appoint a treasurer, and agree with and appoint all such surveyors, intendants, artists, or other

agents, as they shall judge necessary to carry on the intended works, and to fix their salaries, wages, or compensation; to direct and order the times, manner, and proportions, when and in which the stockholders shall pay moneys due on their respective shares; to draw orders on the treasurer for all moneys due from the said company, and generally to do and transact all such other matters, acts, and things, as by the by-laws, rules, and regulations, of said company, shall be required or permitted.

SEC. 6. *And be it further enacted,* That the said president and directors shall cause to be surveyed, laid down, ascertained and fixed, the said turnpike road, from the west end of Mason's causeway, and passing near to the head of the tidewater of Four Mile Run, at a place called Adam's Mill, and thence to the limits of Alexandria, in such route or track for the same, as in the best of their judgment and skill will combine shortness of distance with the most convenient ground, and the smallest expenditure of money; and it shall be lawful to and for the said president and directors, their surveyors and agents, to enter upon all and every the lands and enclosures in, through, and over which the said turnpike road may be thought proper to pass, and to examine the ground most proper for the purpose, and the quarries and beds of stone, and gravel, and other materials in the vicinity, that will be useful in making the said road: *Provided,* That the said road shall not be so laid out as to intersect the road laid out and established by the Washington and Alexandria turnpike company, without the consent of the said company.

SEC. 7. *And be it further enacted,* That it shall and may be lawful to and for the president and directors, by and with their superintendents, artists and laborers, with their tools and instruments, with carts, wagons, and other carriages, and beasts of draught or burden, to enter upon the lands in, over, or near to which the route or tract of the said intended road shall pass, first giving notice of their intention to the owners thereof, or their representatives, and doing as little damage thereto as possible, and repairing any breaches they may make in the enclosures thereof, and making amends for any damages that may be done, by a reasonable agreement, if they can agree; but if they cannot agree, then by appraisement, to be made upon oath or affirmation, by three indifferent freeholders, or any two of them agreeing, to be mutually chosen, or if they cannot agree in a choice, or if the owners upon due notice shall neglect or refuse to join in the choice, then to be appointed by one of the judges of the circuit court of the District of Columbia; and, having tendered the appraised value so as aforesaid to be made, it shall be lawful to cut, dig, take, and carry away any logs, stone, gravel, sand, or earth, most conveniently situate for making or repairing said road; and it shall and may be lawful for the said president and directors, or a majority of them, to agree with the owners of any ground to be occupied by the road, and the necessary toll-houses, and gates, for the right thereof; and in

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case of disagreement, or in case the owner thereof shall be a feme covert, under age, non compos, or out of the district, on application to one of the judges of the said circuit court, the said judge shall issue a warrant, directed to the marshal of the district, to summon a jury of twenty-four inhabitants of the District of Columbia, of property and reputation, not related to the parties, nor in any manner interested, to meet on the land to be valued, at a day to be expressed in the warrant, not less than ten, nor more than twenty, thereafter; and the marshal, upon receiving the said warrant, shall forthwith summon the said jury, and when met, provided there be not less than twelve, shall administer an oath or affirmation to every jurymen that shall appear, that he shall faithfully, justly, and impartially, value the lands and all damages the owner thereof shall sustain, by opening the road through such land, according to the best of his skill and judgment, and that the inquisition thereupon taken, shall be signed by the marshal and by the jurymen present, and returned by the marshal to the clerk of the county, to be by him recorded; and upon every such valuation, the jury is hereby directed to describe and ascertain the bounds of the land by them valued; and their valuation shall be conclusive upon all persons, and shall be paid by the president and directors to the owner of the land or his or her legal representative, and on payment thereof, said land shall be taken and occupied for a public road and for the necessary toll-houses and gates, forever. The said president and directors shall cause the said road to be laid out, not exceeding eighty feet in width, twenty-four feet whereof in breadth, at least, shall be made an artificial road of stone, gravel, or other hard substance, of sufficient depth or thickness to secure a solid and firm road, with a surface as even as the materials will admit, and so nearly level as that it shall in no place rise or fall more than an angle of four degrees with a horizontal line; and the said road shall forever hereafter be maintained and kept in good and perfect repair; and wheresoever any bridge over any part of the said road shall be deemed necessary, the same shall be built of sound and suitable materials.

SEC. 8. *And be it further enacted*, That so soon as the president and directors shall have perfected the said road from the west end of Mason's causeway to Alexandria, and in the route aforesaid, they shall give public notice thereof in some newspaper printed in the District of Columbia, and it shall be lawful for them thereafter to erect and fix such and so many gates or turnpikes, not exceeding three, upon and across the said road, as shall be necessary and sufficient to collect the tolls hereinafter granted to the said company, and it shall be lawful for them to appoint such, and so many toll-gatherers as they shall deem necessary to collect and receive, of and from all and every person and persons using the said road, the tolls and rates hereinafter mentioned, and to stop any person or persons, riding, leading, or driving any horses, mules, cattle, hogs, sheep, sulkey, chair, chaise,

phaeton, chariot, coach, cart, wagon, sleigh, sled, or any carriage of burden or pleasure, from passing through the said gates, until the said tolls shall be paid, that is to say: for the whole distance in length of said road, and so in proportion for any lesser distance, viz: for every score of sheep, eight cents; for every score of hogs, eight cents; for every score of cattle, sixteen cents; for every horse or mule with or without a rider, four cents; for every sulkey, chair, chaise, or carriage of pleasure, with two wheels and one horse, eight cents; for every coach, chariot, stage-wagon, coachee, phaeton, or chaise, with four wheels and two horses, sixteen cents; for any carriage last mentioned with four horses, twenty cents; for every other carriage of pleasure, under whatever name it may go, the like sums, according to the number of wheels and horses in proportion aforesaid; for every sled or sleigh used as a carriage of pleasure, six cents for each horse drawing the same; for every sled or sleigh used as a carriage of burden, four cents for each horse drawing the same; for every cart or wagon whose wheels do not exceed four inches in breadth, five cents for each horse drawing the same; for every cart or wagon whose wheels shall exceed in breadth four inches, and not exceed seven inches, three cents for every horse drawing the same; for every cart or wagon, the breadth of whose wheels shall be more than seven inches, and not more than ten inches, two cents for every horse drawing the same; for every cart or wagon, the breadth of whose wheels shall be more than ten inches, and not exceed twelve inches, one and a half cents for every horse drawing the same; and that all such carriages as aforesaid, to be drawn by oxen in the whole or partly by oxen, or to be drawn by mules in whole or part, two oxen shall be estimated as equal to one horse in charging all the aforesaid tolls, and every mule as equal to one horse: *Provided*, That no turnpike gate shall be erected within one mile of the line of the town of Alexandria.

SEC. 9. *And be it further enacted*, That it shall be lawful for the said president and directors, by their by-laws, to make any rule or regulation respecting the burdens on carriages to be drawn over the said road, which shall be deemed reasonable and proper, and from time to time to alter the same; and the said president and directors shall cause mile stones to be placed on the side of said road, noting the distance from the north bounds of Alexandria, and at every gate or turnpike shall cause the distance from the north bounds of Alexandria, and the distance from the west end of Mason's causeway, to be marked in legible characters on some conspicuous part of said gate; and shall cause, also, to be affixed at such places a printed list of the tolls, which may be demanded of those using the said road; and for every day the same shall be neglected, they shall forfeit and pay one dollar, to be recovered by warrant, by any person who shall sue for the same: all wagoners and drivers of all kinds, whether of burden or pleasure, using the said road, shall, except when passing by another car-

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riage of slower draught going in the same direction, keep their horses and carriage on the right hand side of the said road, leaving the other side of the road clear and free for other carriages to pass and repass; and if any driver shall offend against this provision, he shall forfeit and pay two dollars to any person obstructed in his passage, who shall sue for the same, to be recovered, with costs, before any justice of the peace, in the same manner as small debts are recoverable; and moreover, shall be liable to the party injured, by suit at common law, for any special damage done.

SEC. 10. *And be it further enacted*, That the president and directors of the said company shall keep, or cause to be kept, fair and just accounts of all moneys to be received by them from the said commissioners, and from the stockholders, or subscribers to the said undertaking, on account of their several subscriptions or shares, and of all moneys by them to be expended in the prosecution of their said work, and shall once, at least, in every year, submit such accounts to a general meeting of the stockholders until the said road shall be completed, and until all the costs, charges, and expenses, of effecting the same shall be fully liquidated, paid, and discharged; and if, upon such liquidation, or whenever the whole capital stock of the said company shall be nearly expended, it shall be found that the said capital stock will not be sufficient to complete the said road, according to the true intent and meaning of this act, it shall and may be lawful for the said stockholders to be convened according to the provisions of this act, or their own by-laws and rules, to increase the number of shares to such extent as shall be necessary to accomplish the work, and to demand and receive the moneys subscribed for such shares, in like manner and under the like penalties, as are hereinbefore provided for the original subscriptions, or as shall be provided by their by-laws.

SEC. 11. *And be it further enacted*, That the said president and directors shall also keep, or cause to be kept, just and true accounts of all the moneys to be received by their several collectors of tolls at the turnpike gates on the said road, and shall make and declare a half yearly dividend of the clear profits and income thereof, all contingent costs and charges being first deducted, among all the holders of said stock, and shall publish the half-yearly dividend aforesaid in some newspaper printed in the District of Columbia, and at the time and place when and where the same will be paid, and shall cause the same to be paid accordingly.

SEC. 12. *And be it further enacted*, That it shall be the duty of the said corporation to keep the said road in good repair; and if, in neglect of their said duty, the said corporation shall at any time suffer the said road to be out of repair, so as to be unsafe or inconvenient for passengers, the said corporation shall be liable to be presented for such neglect before any court of competent jurisdiction, and upon conviction thereof, to pay to the United States a penalty not exceeding one hundred dollars, at the discretion of the court, and shall also be responsible for all damages which

may be sustained by any person or persons in consequence of such want of repair, to be recovered in an action of trespass on the case in any court competent to try the same: *Provided always, and be it further enacted*, That whenever the net proceeds of tolls collected on said road shall amount to a sum sufficient to reimburse the capital, which shall be expended in the purchase of said land and making said road, and twelve per cent. interest per annum thereon, to be ascertained by the circuit court of the United States, in and for the District of Columbia, in the county of Alexandria, the same shall become a free road, and toll shall be no longer collected thereon; and said company shall annually make returns to said circuit court of the amount of tolls collected, and of their necessary expenses, so as to enable said circuit court to determine when said toll shall cease.

SEC. 13. *And be it further enacted*, That if any person or persons, riding in, or driving any carriage of any kind, or leading, riding or driving any horses, sheep, hogs, or any kind of cattle whatever, on said road, shall pass through any private gate, bars or fence, or over any private way or passage, or pass through any toll-gate under any pretended privilege or exemption, to which he or she, or they, may not be entitled, or do any act or thing with intent to lessen or evade the tolls for passing through the gates established under this act, such person or persons, for every such offence, shall forfeit to the said president and directors, not less than three, nor more than ten dollars, to be recovered before any justice of the peace, with costs, in the same manner that small debts are recoverable: *Provided*, That it shall not be lawful for the company to ask, demand, or receive from or for persons living on or adjacent to the said road, who may have occasion to pass by said road upon the ordinary business relating to their farms, so far as the limits of the same may extend on the road, who shall not have any other convenient road or way by which they may pass from one part to another part thereof, any toll for passing on or by the said turnpike.

Approved, March 3, 1809.

An Act authorizing an augmentation of the Marine Corps.

Be it enacted, &c., That the President of the United States shall be, and he is hereby, authorized to cause the Marine Corps, in the service of the United States, to be augmented, by the appointment and enlistment of not exceeding one major, two captains, two first lieutenants, one hundred and eighty-five corporals, and five hundred and ninety-four privates, who shall be respectively allowed the same pay, bounty, clothing, and rations, and shall be employed under the same rules and regulations to which the said Marine Corps are, or shall be, entitled and subject.

SEC. 2. *And be it further enacted*, That, from and after the passage of this act, all enlistments

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in the said corps shall be for the term of five years, unless sooner discharged, any law to the contrary notwithstanding.

Approved, March 3, 1809.

An Act supplemental to the act, entitled "An act for establishing trading-houses with the Indian tribes."

Be it enacted, &c., That a sum, not exceeding forty thousand dollars, in addition to the sum heretofore appropriated for the purpose of carrying on trade and intercourse with the Indian nations, in the manner prescribed by the act, entitled "An act for establishing trading-houses with the Indian tribes," be, and the same is hereby, appropriated, to be paid out of any moneys in the Treasury of the United States, not otherwise appropriated.

Sec. 2. And be it further enacted, That the sum of eight hundred dollars be, and the same is hereby, appropriated out of any moneys in the Treasury of the United States not otherwise appropriated, for an additional clerk in the office of the Superintendent of Indian trade.

Sec. 3. And be it further enacted, That the proviso to the twelfth section of the act, entitled "An act for establishing trading-houses with the Indian tribes," be, and the same is hereby, repealed.

Sec. 4. And be it further enacted, That the act to which this is a supplement, and also this act, shall, from and after the twenty-first day of April next, commence and be continued in force for and during the term of three years, and no longer.

Approved, March 3, 1809.

An Act making appropriations for the support of the Military Establishment, and of the Navy of the United States, for the year one thousand eight hundred and nine.

Be it enacted, &c., That, for defraying the expense of the Military Establishment of the United States for the year one thousand eight hundred and nine, for the Indian department, and for the expense of fortifications, arsenals, magazines, and armories, the following sums be, and the same hereby are, respectively appropriated, that is to say:

For the pay of the Army of the United States, eight hundred and sixty-eight thousand two hundred and forty dollars.

For forage, sixty-four thousand six hundred and twenty-four dollars.

For subsistence, six hundred and forty-one thousand two hundred and twenty-eight dollars and thirty-five cents.

For clothing, two hundred and ninety-three thousand two hundred and sixty-four dollars.

For bounties and premiums, fifteen thousand dollars.

For the medical and hospital departments, forty-five thousand dollars.

For camp equipage, fuel, tools, and transportation, two hundred and seventy thousand dollars.

For ordnance, seventy-five thousand dollars.

For purchasing horses, saddles, and bridles, for the light dragoons, and for the light artillery;

fifty-one thousand seven hundred and twenty dollars.

For forage for the horses for the regiment of light artillery, ten thousand eight hundred dollars.

For fortifications, arsenals, magazines, and armories, two hundred and nineteen thousand and thirty-four dollars and seventy-five cents.

For purchasing maps, plans, books, and instruments, two thousand five hundred dollars.

For contingencies, fifty thousand dollars.

For the salary of clerks employed in the military agents' offices, and in the office of inspector of the army, three thousand five hundred dollars.

For the Indian department, one hundred and twenty-five thousand six hundred dollars.

For the purpose of paying James Powell, late Collector of Savannah, the amount of moneys advanced by him to Solomon Ellis, contractor for supplying rations to the troops of the United States, in the State of Georgia, including a commission of two per centum to the collector, twenty-seven thousand six hundred and twenty-one dollars and eight cents.

For the purpose of paying Ferdinand Phinzy, late contractor for supplying the troops in Georgia, a balance due to him as admitted by the Comptroller of the Treasury, on the twenty-fourth of July, one thousand seven hundred and ninety-nine, one thousand three hundred and ninety-three dollars and thirty-nine cents.

Sec. 2. And be it further enacted, That, for defraying the expenses of the Navy of the United States, during the year one thousand eight hundred and nine, the following sums, including therein the sum of four hundred thousand dollars already appropriated by an act, entitled "An act authorizing the employment of an additional naval force," the following sums be, and the same are hereby, respectively appropriated, that is to say:

For the pay and subsistence of the officers, and pay of the seamen, one million three hundred and twenty-three thousand and seventy-seven dollars.

For provisions, five hundred and sixty-seven thousand seven hundred and sixty-five dollars.

For medicines, instruments, and hospital stores, thirty-five thousand dollars.

For repairs of vessels, four hundred and forty-five thousand dollars.

For freight, store rent, commissions to agents, and other contingent expenses, one hundred and fifty thousand dollars.

For pay and subsistence of the Marine Corps, including provisions for those on shore, and forage for the staff, one hundred and thirty-five thousand six hundred and forty-seven dollars and seventy cents.

For clothing for the same, thirty-two thousand nine hundred and thirty-three dollars and eighty cents.

For military stores for the same, one thousand three hundred and fifty-four dollars.

For medicines, medical services, hospital stores, and all other expenses on account of the sick belonging to the Marine Corps, two thousand dollars.

For quartermaster's and barrack master's stores,

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officer's travelling expenses, armorer's and carpenters' bills, fuel, premiums for enlisting, musical instruments, bounty to music, and other contingent expenses of the Marine Corps, fourteen thousand one hundred and twenty-five dollars.

For the expense of navy yards, comprising dock and other improvements, pay of superintendents, storekeepers, clerks, and laborers, sixty thousand dollars.

For ordnance and small arms, one hundred and fifty thousand dollars.

SEC. 3. *And be it further enacted*, That the several sums specifically appropriated by this act, shall be paid out of any moneys in the Treasury, not otherwise appropriated.

Approved, March 3, 1809.

An Act concerning Invalid Pensioners.

Be it enacted, &c., That the Secretary of War be, and he is hereby, directed to place the following named persons, whose claims have been transmitted to Congress, pursuant to a law passed the tenth of April, one thousand eight hundred and six, on the pension list of invalid pensioners of the United States, according to the rates, and to commence at the times herein mentioned, that is to say:

Oxford Tash, at the rate of two dollars and fifty cents per month, to commence on the first day of June, one thousand eight hundred and seven.

Hezekiah Sawtell, at the rate of two dollars and fifty cents per month, to commence on the twenty-eighth day of September, one thousand eight hundred and eight.

Amos Spafford, at the rate of three dollars thirty-three and one-third cents per month, to commence on the twenty-third day of October, one thousand eight hundred and eight.

Josiah Temple, at the rate of two dollars per month, to commence on the fifteenth day of April, one thousand eight hundred and eight.

Isaac Abbott, at the rate of eight dollars per month, to commence on the nineteenth day of November, one thousand eight hundred and eight.

Thaddeus Waugh, at the rate of five dollars per month, to commence on the thirty-first day of May, one thousand eight hundred and eight.

Joel Hinman, at the rate of five dollars per month, to commence on the eighth day of June, one thousand eight hundred and eight.

David Pendleton, at the rate of five dollars per month, to commence on the twentieth day of May, one thousand eight hundred and eight.

Eliphalet Sherwood, at the rate of two dollars and fifty cents per month, to commence on the twentieth day of May, one thousand eight hundred and eight.

Daniel Treadwell, at the rate of four dollars per month, to commence on the twentieth day of May, one thousand eight hundred and eight.

Obadiah Perkins, at the rate of eight dollars per month, to commence the eighteenth day of November, one thousand eight hundred and eight.

John Daboll, at the rate of sixty-two and one-half cents per month, to commence on the eighth

day of November, one thousand eight hundred and eight.

Gideon Edwards, at the rate of five dollars per month, to commence on the seventeenth day of December, one thousand eight hundred and eight.

Elijah Sheldon, at the rate of two dollars and fifty cents per month, to commence on the nineteenth day of December, one thousand eight hundred and eight.

Nathaniel Church, at the rate of two dollars and fifty cents per month, to commence on the thirtieth day of December, one thousand eight hundred and eight.

Richard Mellen, at the rate of five dollars per month, to commence on the ninth day of November, one thousand eight hundred and eight.

Elisha Prior, at the rate of three dollars and seventy-five cents per month, to commence on the thirteenth day of December, one thousand eight hundred and eight.

John Cramer, at the rate of two dollars and fifty cents per month, to commence on the twenty-fifth day of April, one thousand eight hundred and eight.

James Phillips, at the rate of two dollars and fifty cents per month, to commence on the nineteenth day of April, one thousand eight hundred and eight.

John Walsh, at the rate of two dollars and fifty cents per month, to commence on the eighth day of September, one thousand eight hundred and eight.

Samuel Lindsley, at the rate of three dollars and seventy-five cents per month, to commence on the thirty-first day of October, one thousand eight hundred and eight.

John Fergus, at the rate of two dollars per month, to commence on the twentieth day of October, one thousand eight hundred and eight.

Joseph Elliot, at the rate of three dollars and thirty-three and one-third cents per month, to commence on the twenty-first day of April, one thousand eight hundred and eight.

James Correar, at the rate of two dollars and fifty cents per month, to commence on the twenty-fifth day of November, one thousand eight hundred and eight.

John Smith, at the rate of two dollars and fifty cents per month, to commence on the twenty-seventh day of January, one thousand eight hundred and eight.

Joseph White, at the rate of three dollars and seventy-five cents per month, to commence on the twenty-second day of February, one thousand eight hundred and eight.

Edward Tuck, at the rate of three dollars per month, to commence on the second day of January, one thousand eight hundred and eight.

Evan Ragland, at the rate of three dollars per month, to commence on the seventh day of January, one thousand eight hundred and eight.

John Crute, at the rate of thirteen dollars per month, to commence on the twenty-eighth day of September, one thousand eight hundred and eight.

William Evans, at the rate of eight dollars per month, to commence on the twenty-first day of November, one thousand eight hundred and eight.

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John Carmichael, at the rate of five dollars per month, to commence on the first day of December, one thousand eight hundred and eight.

Benjamin Vickery, at the rate of three dollars per month, to commence on the fourteenth day of June, one thousand eight hundred and eight.

Joshua Hawkins, at the rate of three dollars per month, to commence on the twenty-fifth day of March, one thousand eight hundred and eight.

Joseph McJunkin, at the rate of twelve dollars per month, to commence on the eighteenth day of October, one thousand eight hundred and eight.

Samuel Otterson, at the rate of eight dollars per month, to commence on the sixth day of October, one thousand eight hundred and eight.

William Carr, at the rate of two dollars and fifty cents per month, to commence on the twenty-eighth day of March, one thousand eight hundred and eight.

Jonathan Tinsley, at the rate of five dollars per month, to commence on the twenty-third day of September, one thousand eight hundred and eight.

James Galliespie, at the rate of four dollars per month, to commence on the eighteenth day of June, one thousand eight hundred and eight.

Christian Smith, at the rate of five dollars per month, to commence on the fifth day of November, one thousand eight hundred and eight.

Bartholomew Berry, at the rate of five dollars per month, to commence on the seventh day of November, one thousand eight hundred and eight.

John Robert Shaw, at the rate of five dollars per month, to commence on the twelfth day of October, one thousand eight hundred and eight.

Samuel Burton, at the rate of two dollars and fifty cents per month, to commence on the twenty-ninth day of December, one thousand eight hundred and eight.

Nathaniel Hewitt, at the rate of three dollars and seventy-five cents per month, to commence on the fifth of January, one thousand eight hundred and nine.

Jacob Redenour, at the rate of five dollars per month, to commence on the tenth day of April, one thousand eight hundred and six.

William Keough, at the rate of five dollars per month, to commence on the twenty-third day of January, one thousand eight hundred and nine.

Isaiah Corben, at the rate of two dollars and fifty cents per month, to commence on the thirty-first day of October, one thousand eight hundred and eight.

Joseph Richardson, at the rate of two dollars and fifty cents per month, to commence on the twentieth day of January, one thousand eight hundred and nine.

William Johnson, at the rate of two dollars and fifty cents per month, to commence on the eighteenth day of January, one thousand eight hundred and nine.

Henry Overly, at the rate of five dollars per month, to commence on the first day of December, one thousand eight hundred and eight.

Abraham Gamble, at the rate of five dollars per month, to commence on the eighteenth day of January, one thousand eight hundred and nine.

William McClanahan, at the rate of two dollars and fifty cents per month, to commence on the twenty-seventh day of October, one thousand eight hundred and eight.

William McLaland, at the rate of five dollars per month, to commence on the fourth day of February, one thousand eight hundred and nine.

Sec. 2. *And be it further enacted*, That the pensions of the following persons, already placed on the pension list of the United States, whose claims for an increase of pension have been transmitted to Congress, pursuant to the act aforesaid, be increased to the sums herein respectively annexed to their names; the said increase to commence at the times herein mentioned, that is to say:

William Curtis, five dollars per month, to commence on the twenty-first day of September, one thousand eight hundred and eight.

Samuel Potter, three dollars thirty-three and one-third cents per month, to commence on the sixth day of September, one thousand eight hundred and eight.

Thomas Haines, five dollars per month, to commence on the seventeenth day of January, one thousand eight hundred and seven.

Daniel Bussell, five dollars per month, to commence on the third day of October, one thousand eight hundred and eight.

William Wood, three dollars thirty-three and one-third cents per month, to commence on the fourteenth day of September, one thousand eight hundred and eight.

Thomas Pratt, three dollars thirty-three and one-third cents per month, to commence on the twenty-fourth day of October, one thousand eight hundred and eight.

Ebenezer Tinkham, two dollars and fifty cents per month, to commence on the eighth day of November, one thousand eight hundred and eight.

Joseph Brown, five dollars per month, to commence on the third day of June, one thousand eight hundred and eight.

Benjamin Merrill, three dollars thirty-three and one-third cents per month, to commence on the twenty-eighth day of September, one thousand eight hundred and eight.

William Leach, five dollars per month, to commence on the second day of May, one thousand eight hundred and eight.

Constant Webb, three dollars per month, to commence on the thirtieth day of May, one thousand eight hundred and eight.

Jonathan Bowers, five dollars per month, to commence on the twenty-third day of July, one thousand eight hundred and eight.

Abner Andrews, five dollars per month, to commence on the first day of September, one thousand eight hundred and eight.

Josiah Merryman, five dollars per month, to commence on the seventeenth day of September, one thousand eight hundred and eight.

Samuel Burdwin, five dollars per month, to commence on the twenty-third day of September, one thousand eight hundred and eight.

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Oliver Bostwick, ten dollars per month, to commence on the third day of October, one thousand eight hundred and eight.

Edward Bassett, two dollars and fifty cents per month, to commence on the twenty-eighth day of April, one thousand eight hundred and eight.

Jeremiah Markham, three dollars and seventy-five cents per month, to commence on the third day of June, one thousand eight hundred and eight.

Samuel Andrus, three dollars and seventy-five cents per month, to commence on the twenty-third day of September, one thousand eight hundred and eight.

Elisha Clark, two dollars and fifty cents per month, to commence on the twenty-eighth day of September, one thousand eight hundred and eight.

Aaron Tuttle, three dollars thirty-three and one-third cents per month, to commence on the twenty-fifth day of October, one thousand eight hundred and eight.

Benjamin Sturges, four dollars per month, to commence on the twenty-fifth day of October, one thousand eight hundred and eight.

Burr Gilbert, five dollars per month, to commence on the twenty-eighth day of July, one thousand eight hundred and eight.

Jehiel Judd, four dollars per month, to commence on the sixteenth day of April, one thousand eight hundred and eight.

Ashbel Hosmer, five dollars per month, to commence on the sixth day of October, one thousand eight hundred and eight.

Andrew McGuire, five dollars per month, to commence on the first day of August, one thousand eight hundred and eight.

John Lowry, three dollars thirty-three and one-third cents per month, to commence on the nineteenth day of April, one thousand eight hundred and eight.

James Blever, five dollars per month, to commence on the eighth day of April, one thousand eight hundred and eight.

Samuel B. White, five dollars per month, to commence on the eighth day of April, one thousand eight hundred and eight.

Judah Levy, five dollars per month, to commence on the twelfth day of April, one thousand eight hundred and eight.

Enoch Turner, five dollars per month, to commence on the fourteenth day of November, one thousand eight hundred and eight.

Edward Stanton, five dollars per month, to commence on the nineteenth day of November, one thousand eight hundred and eight.

Elisha Lee, twenty dollars per month, to commence on the thirtieth day of November, one thousand eight hundred and eight.

William Starr, three dollars and seventy-five cents per month, to commence on the eighteenth day of November, one thousand eight hundred and eight.

John Morgan, three dollars thirty-three and one-third cents per month, to commence on the eighteenth day of November, one thousand eight hundred and eight.

Andrew Gallup, three dollars thirty-three and

one-third cents per month, to commence on the eighteenth day of November, one thousand eight hundred and eight.

Joseph Woodmancy, five dollars per month, to commence on the eighteenth day of November, one thousand eight hundred and eight.

Simon Perkins, five dollars per month, to commence on the eighteenth day of November, one thousand eight hundred and eight.

Walter Burdick, two dollars and fifty cents per month, to commence on the eighteenth day of November, one thousand eight hundred and eight.

Park Avery, five dollars per month, to commence on the eighteenth day of November, one thousand eight hundred and eight.

Amos Avery, two dollars and fifty cents per month, to commence on the eighteenth day of November, one thousand eight hundred and eight.

Ebenezer Avery, two dollars and fifty cents per month, to commence on the eighteenth day of November, one thousand eight hundred and eight.

Benjamin Denslow, five dollars per month, to commence on the seventh day of December, one thousand eight hundred and eight.

Amos Skeele, three dollars thirty-three and one-third cents per month, to commence on the twenty-eighth day of November, one thousand eight hundred and eight.

William Burrows, five dollars per month, to commence on the twelfth day of December, one thousand eight hundred and eight.

Elisha Frizzle, five dollars per month, to commence on the first day of January, one thousand eight hundred and nine.

John McKinstrey, twenty dollars per month, to commence on the first day of January, one thousand eight hundred and nine.

Samuel Gibbs, thirteen dollars thirty-three and one-third cents per month, to commence on the eighth day of October, one thousand eight hundred and eight.

John Barbarick, five dollars per month, to commence on the fifteenth day of December, one thousand eight hundred and eight.

James Morgan, two dollars and fifty cents per month, to commence on the fifth day of January, one thousand eight hundred and nine.

Joseph Moxley, two dollars and fifty cents per month, to commence on the fifth day of January, one thousand eight hundred and nine.

Daniel Bill, five dollars per month, to commence on the fifth day of January, one thousand eight hundred and nine.

Christopher Latham, three dollars and seventy-five cents per month, to commence on the fifth day of January, one thousand eight hundred and nine.

SEC. 3. *And be it further enacted*, That the pensioners becoming such in virtue of this act shall be paid in the same manner as invalid pensioners are paid who have heretofore been placed on the pension list of the United States, under such restrictions and regulations, in all respects, as are prescribed by the laws of the United States in such cases provided.

Approved, March 3, 1809.

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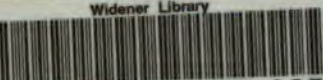
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